



STATE OF NEW MEXICO
OFFICE OF BROADBAND ACCESS & EXPANSION

**Connect New Mexico Council
Meeting Minutes
May 18, 2022 | 2:00PM – 3:30PM
State Capitol, Room 311**

Meeting called to order at 2:08 PM

Council Members Present:

In person - Ovidiu Viorica, Katherine Crociata, Steve Grey, Godfrey Enjady, Eli Guinnee, Kimball Sekaquaptewa, Bogi Malecki

Remote - Jim R. Ruybal, Jeremy Lovato, Launa B. Waller, Joseph Navarette, Bogi Malecki

Approval of the Agenda

Motion to approve by Ovidiu Viorica

Second by Eli Guinnee

Approval of the Minutes

Motion to approve by Godfrey Enjady

Second by Eli Guinnee

Chair Remarks & Council Member Updates

Chair Kimball Sekaquaptewa welcomed the council and all attendees, the audience was informed of the NTIA Federal guidance which was released on Friday for the BEAD program (\$42.5 million) and is one of our direct charges under HB10. In order to better prepare the Office of Broadband for this funding, the office of Broadband will begin the rulemaking processes so that we can deploy a comprehensive holistic plan for those middle and last mile connections. To meet the goal, while putting together the grant program, the mechanics will be handled through the rulemaking process and will be discussed in the next item.

CNMC Roles & Responsibilities: Rulemaking

Todd Baran, DoIT General Counsel discussed the timeframe for the rulemaking process; he noted the state rules act which governs all rulemaking processes by agencies or public bodies that do not have their own procedural rules for rule making, in this case, apply to the Connect New Mexico Council. (Timeline available in [Rulemaking](#)). The proposed timeline is extremely aggressive, within the timeline is a thirty (30) days public comment period, the Office of Broadband expects to receive a great deal of public comment. Additionally, there is a thirty (30) days period for hearing officer to issue a decision. This will be done quickly and aggressively; the hearing officer will need to gather and respond to all public comments. For this purpose, public comments could be coming from the ISP's, members of the public or state and local governments. The comment period is an opportunity for stakeholders to address key concerns or make any suggestions for improvement of the rules that have been proposed. There will be one step that precedes step one, and that will be to include stakeholder engagement in the rule drafting process so there is less commentary following the proposal and during the public comment period. Counsel will provide a broad framework for this set of rules and follow by inviting stakeholder participation in public roundtable meetings where the framework will be discussed while utilizing the opportunity

for to look at the goals of the program and how these goals will be implemented. This will also be a chance to think of consequences that may have been skipped in the rulemaking process because it is very complex. A timeline such as this generally requires six months after draft is published. The recommendation is to begin putting the framework together immediately and then follow with the wording around that framework while working with stakeholders.

Chair Kimball Sekaquaptewa Question/Comment:

Q: In terms of stakeholder input and community engagement, how are the rules substantively going to facilitate all the roles and processes to tap into the funding sources and distribute funds in compliance with those processes?

A: Todd Baran mentioned the statute has a limited set of requirements for the rules, the rest of it is extremely flexible and up to the council's discretion. If you meet the 3 items the statute requires we can work with more flexibility, however, out of an abundance of caution we may want to proceed with a set of rules that are flexible, puts guardrails around the councils development of various programs. Rules that create processes for distributing the funds instead of codifying the pilot program processes which are restrictive. Really contemplate a flexible set of rules.

Godfrey Enjady Question/Comment:

Q: Are a separate set of rules needed for state funds?

A: Todd Baran indicated the goal is to keep them separate, in part because federal dollars are more flexible.

Ovidiu Viorica Question/Comment:

Q: Regarding the time frame for rulemaking, because it is lengthy, will this put the program "into a corner"?

A: Todd Baran noted the rules should be flexible, and the council and Office of Broadband should be mindful of simplicity with flexibility.

C: Ovidiu also noted with the federal guidance, the Office of Broadband and Council will need to stick to the timeline and exercise due diligence along with fair community listening sessions. Education and public private citizens should assist in shaping the rules and actionable items in the planning process. The Office of Broadband and Council have obligations in House Bill 10 to meet with each tribe for collaboration purposes. There are several regional meetings scheduled, four that have taken place were in Reserve, Hatch, Albuquerque and Deming. These meetings are required by the Notice of Funding Opportunity guidance.

Godfrey Enjady Question/Comment:

C: Asked that the BEAD funding be researched further to determine its purpose, Council and the Office of Broadband should be proactive in the future and focus on areas that need the most attention and while utilizing mapping and county resources.

Ovidiu Viorica Question/Comment:

Q: What additional personnel and funding can be put in place for community engagement to begin as quickly as possible.

A: Matt Schmit noted there are several resources and there should be no shortage of funding available for utilization with the initiatives for building staff and support.

C: Chair Sekaquaptewa requested a draft regional community engagement schedule be made available at next meeting. Also, with the \$5 million in federal funding, is there a budget that can be made available for this purpose and when might it be available?

C: Matt Schmit noted that the working groups have been designed and matched to fit the funding available, so it would time well spend to get into details at working group level. Matt noted he would also like to see this brought back to the next Council Meeting.

Jim Ruybal Question/Comment:

Q: Regarding the wildfires in NM, will the Office of Broadband partner with FEMA to rebuild infrastructure or

work with the public safety.

A: Gar Clarke thought there may be opportunity to install fiber or strengthen infrastructure while rebuilding due to the devastation and may also present an opportunity to respond to gaps that may be present.

Ovidiu Viorica Question/Comment:

Q: Who is best positioned coordinate all these responses, all the various state and federal agencies?

A: Kimball noted that Vice Chair Luis Reyes has been at the incident command post during the fire and it may be worthwhile to speak with him to determine the agencies involved.

Kimball Question/Comment:

C: Workforce training for Fiber Tech Certification at SFCC is open for enrollment with eleven (11) spots available. Councils should also engage with ISPs and find intern opportunities.

Q: Can the State order large quantities of fiber so there is a surplus and avoid a delay in deliver and project delays.

A: None

Eli Fresquez Question/Comment:

C: Noted he works for CYFD Office of Children's Rights and ADA Coordinator. Offered assistance for access and inclusion for Broadband. Mr. Fresquez asked that we consider compliance when it comes to providing digital platforms in the disability community. He also noted that tomorrow (May 19th) is GAAD – Global Accessibility Awareness Day.

A: Chair Sekaquaptewa recommended adding Mr. Fresquez to the Stakeholder list

Kimball Sekaquaptewa Question/Comment:

C: With HB10 providing a baseline statewide plan, can it be modified and/or updated with data mapping and analysis. SB93 also calls to create the statewide plan.

Q: Chair Sekaquaptewa asked Advisor Matt Schmit what he feels the role of the council is?

A: Matt Schmit stated being able to integrate the office of broadband and the working groups straight to the council will help in moving forward. It will allow for flexibility while leaning on the working groups and bringing status updates back to the council. The Office of Broadband needs to be thoughtful in how they approach digital equity and inclusion, separately paired. Propose next steps with working groups and determine what is expected of the state. Mr. Schmit also noted the office of broadband will have consultant support and staff.

C: It would be a good idea for the creation of a checklist that follows HB 10; what shall the Office of Broadband and Council be doing to follow enabling legislation.

A: George Clark mentioned his team has informally prepared a document and the Office of Broadband has created a matrix. The Matrix is being updated and Gar's timeline updated with the statute.

Council requested draft budget for community engagement. Also, who will take the lead on tribal engagement?

Council proposed Mr. Jerry Smith, Volunteer Chair of the Working Group on Regional Planning and Community Engagement.

Conflict of Interest:

Todd Baran discussed mitigating risk and preparing a resolution that specifies where recusal is required circumstances for disclosure of conflict, council members share ideas and Todd will compile before next council meeting. Ask that council members share where those lines should be drawn, once complete we can edit and share and edit at next council meeting.

Office of Broadband Update:

Matt Schmit noted the Office of Broadband will be working on staffing, hiring personnel, professional services contracts and technical assistance with application support. Four positions will be advertised within the month of June. The Office of Broadband has 2 contracts in place but adding two Digital Equity and Inclusion consultants. There will also be application and technical assistance, so the application process is not a barrier.

Launa Waller Comment/Question:

Q: How quickly can these positions be approved and filled?

A: Possibly within one month.

Middle Mile RFI:

Responses received for the Middle Mile RFI included 22 entities. The Office of Broadband collected public input to support several objectives; benefits for middle mile where nobody will be let behind and utilizing local networks for the last mile connection. NTIA Notices of Funding Opportunity breakdown; will administer \$48billion of new funding; \$42 + billion dollars in BEAD funding, \$2.75 in Digital Equity, \$2 Billion for tribal and \$1for middle mile.

Launa Waller Question/Comment:

Q: Has the (\$133million ARPA Funding) Broadband plan due September 24th been submitted.

A: It has been submitted, the approach to use capital fund dollars and ensure alignment. Tracking progress of working group.

Kimball Sekaquaptewa Question/Comment:

C: What is the timeframe for submitting the BEAD letter of interest –NM is recognized as one of 35 states that will utilize BEAD funding, but the state will want to ensure we meet deadlines well in advance, so we are certain of our path.

Public Comment – none

Motion to adjourn at 3:43PM

Made by Eli Guinee

Second by Katherine Crociata