

CONNECT NEW MEXICO COUNCIL MEETING
Hybrid, Roundhouse, 411 S. Capitol St.
Santa Fe, NM 87501, Room #305
October 19, 2023, 1:30 – 3:30 PM

1. WELCOME AND CALL TO ORDER

Video recording time: 00:00:02

The meeting of the Connect New Mexico Council was called to order by Renee Narvaiz, at 1:34 pm, on Thursday, October 19, 2023, in Santa Fe, New Mexico. Ms. Narvaiz introduced herself and reviewed general rules and procedures regarding the meeting.

MEMBERS PRESENT-

Kimball Sekaquaptewa, Chair	Leonard Manzanares
Luis Reyes, Co-Chair	Eli Guinnee
Secretary Peter Mantos	Tico Charlee
Ovidiu Viorica	Launa Waller
Jim Ruybal	Steve Grey
Godfrey Enjady	Joseph Navarette
Katherine Crociata	

MEMBERS ABSENT-

Nora Sackett
Bogi Malecki

OTHERS PRESENT

Renee Narvaiz, PIO, DoIT
Drew Lovelace, OBAE
Natalie Runyan, GIS
Shawna Rosales, Jerry Smith, Joe Martinez, Sandeep Taxali, James Christian, Emma Douglas, Maisie Ramsay, John Conley, Tabitha Davis, Brian Isom, Kitty Clemens, Teresa Ferguson, Eugene Evans, Paul Donovan, Heather Floyd, Charles Kill, Michael Ripperger, Lissa Hughes, Bill Boas, Kathy Korte, Alison Riley, Jerrold

2. APPROVAL OF MEETING AGENDA AND MINUTES

Video recording time: 00:01:40

MOTION A motion was made by Mr. Reyes and seconded by Mr. Grey to approve the agenda as presented.

VOTE No opposition, motion passed.

MOTION: A motion was made by Mr. Reyes to approve the minutes of the 09/21/2023 meeting, with edits provided by Mr. Viorica, and seconded by Mr. Enjady.

VOTE No opposition, motion passed.

3. CHAIR UPDATES/COMMENTS

Video recording time: 00:02:46

Chair Sekaquaptewa - Welcomed everyone to the meeting. Ms. Sekaquaptewa noted the success of the Digital Equity event, good collaboration occurring and partnerships forming.

4. DIGITAL EQUITY – Eli Guinnee

Video recording time: 00:04:10

a). Digital Equity Summit

Mr. Guinnee reported on the Summit held earlier in October at UNM/Taos with 67 registrations with 60 in actual attendance. This was a great event with an update from Ms. Case Nevarez, representing OBAE, regarding progress on the Plan and more information pertaining to the focus on various population groups. This was a hybrid event with in-person as well as Zoom participants which worked very well and enabled participation from all over the state with very diverse representation. Mr. Guinnee described the use of small breakout groups and the good information gathered from these. He put the recording of these events into the chat portion of the Zoom meeting for those interested. Mr. Guinnee also noted that Ms. Case Nevarez had captured the information from the small group discussions and the Zoom discussion which she has passed along to the consultants for inclusion into the Plan.

b) Digital Equity Plan Draft – Kimball Sekaquaptewa for Jennifer Case Nevarez

The initial draft is due November 28th, which will be posted for public comment in December, then revised in January before the final version is submitted to NTIA at the beginning of February 2024. CTC has been engaged to write this. The first draft will be available soon and will be distributed to the Council for review. Encouraged Council members to be on the lookout for this and that they take the time to go through it. It may be necessary to have a special meeting to get feedback on this. Any question or comments? There were none.

5. Working Group Updates

Video Recording time: 00:09:12

a) Digital Equity & Inclusion Working Group – Eli Guinnee

Viorica – Happy to hear about the Colonias presentation. Major consideration will be how to include deeply rural, deeply tribal communities, which may not even be aware of the endeavor to provide broadband. This will be a difficult process and will require specific resources in order to be successful in these areas. He noted that he had attended the Navajo Nation Broadband summit earlier this week with representatives from the 110 chapters, which span Arizona, Utah and New Mexico, and how this presents a challenge in itself. On the New Mexico side there are approximately 53 chapters. These groups will need a lot of help understanding the process, as well as the Colonias and all of the other small, rural communities, and efforts will need to be made to engage these communities. He noted that the Digital Equity Plan will need to include the methodology for accomplishing this.

Sekaquaptewa – Asked if Broadband was a portion of the event or the whole of it.

Viorica – It was the whole event. There was recognition that there is much work needed to be done and that the window of opportunity exists and has to be seized and taken advantage of. There will be a follow-up meeting for the Eastern Agency, which is 30+ chapters on the New Mexico side. They want to form a coalition and expressed their desire to have assistance from the Office of Broadband as well as from this Council.

Sekaquaptewa – Asked Mr. Charlee if he would like to comment on how to best help the Navajo Nation at this time. There was no response.

b) Regional Planning & Community Engagement Working Group – Jerry Smith & Joe Martinez

Mr. Smith introduced Mr. Martinez, one of the work group members from Health Action New Mexico, who will give a presentation regarding the Colonias and the work needed in these areas. Mr. Smith thanked Ms. Runyan for her assistance and input with this presentation.

Mr. Martinez narrated the presentation with Mr. Smith screen-sharing information throughout.

Mr. Martinez congratulated this Council and the Office of Broadband, noting that their efforts are generating high enthusiasm in numerous communities across the state with the anticipation of providing affordable broadband services statewide.

Mr. Martinez explained that Health Action New Mexico is a non-profit, community based organization working to provide access to health and dental care to families. He noted that since broadband covers so many possibilities they had decided to concentrate their efforts in helping some of the colonias of southern New Mexico understand what the opportunities are and see how their family members will be able to connect and take advantage of the opportunities broadband can provide.

Mr. Martinez provided a definition of what a colonia is and reviewed maps of these communities, giving specific information in terms of the number of unserved locations, etc., and examples of individual colonias and what their needs are.

Mr. Smith gave a review of the map/slide screen-share, noting that there are “a lot of dots”, which represent approximately 9,000 unserved locations as well as 11,159 underserved in colonias.

Mr. Martinez reviewed the examples of La Mesa, Chaparral and Vado, as well as areas around Hatch and Anthony, noting that there are 14 colonias in southern New Mexico. Mr. Martinez described that with the help of the Office of Broadband they have held community meetings and boot camps and what has been covered in these, including the need for building quality structures and providing digital equity helping these communities understand how broadband work. He noted several things necessary for the broadband program to succeed in the colonias; 1) fiber optic to homes, the preferred option, 2) collaboration with the community colleges and internet providers, 3) Workforce Solutions. He commented that the State Workforce Solutions division has several offices located in southern New Mexico and that they will need to work closely with internet service providers and the community colleges to create the jobs and training programs to support the infrastructure systems that will be needed. Mr. Martinez also stated that assurances from all the ISPs to build affordability into their rates well into the future is critical. Mr. Martinez also listed other entities within the colonias which should be included in the prospective infrastructure plan, including, community health clinics, volunteer fire departments, senior centers, etc. Mr. Martinez stressed that those involved in building this infrastructure should commit to a reasonable timeline for offering services to these communities and that updates should be provided to these communities. Mr. Martinez commented that the work this Council is doing along with that of the Broadband Office team acknowledges the talents in communities across the state and the potential for success for the many families living in the colonias, and that this collaboration will result in quality, dependable, affordable internet services for the colonias.

Smith – Stated he put information into the chat to help address some of the needs to get files to those requesting this information.

Enjady – Hears the message Mr. Martinez has presented. Tribal nations have been dealing with these same issues for a number of years. Understands the difficulties. Offered assistance in this. Noted that he is building middle-mile fiber right through Chaparral, from Mescalero all the way through Alamogordo, down the highway to Chaparral and through to the Dona Ana County side by the Rio Grande, then into El Paso. Would like to talk with Mr. Martinez to collaborate on connecting Chaparral.

Martinez – Yes, definitely would like to collaborate. Thanked Mr. Enjady for the offer and

information.

Sekaquaptewa – Also thanked Mr. Enjady for his input and offer. This robust middle-mile could make the back-haul cost quite affordable. This is exactly the type of partnership needed. Noted the example of Oso Internet Solutions in Ramah, etc.

Enjady – Asked Mr. Martinez to get information to him directly or through Mr. Smith and they will get started on this.

Martinez – Agreed to do so.

Viorica – Reviewed requirements that within the next 12 months the State has to compile a list of fully vetted, fully developed, fully engineered, high level design projects which have been fully costed out and reconciled. This is the precondition for the State actually receiving the BEAD funding. Noted that the conversation between Mr. Martinez and Mr. Enjady is exactly what is needed at this time and in the coming weeks/months to determine how to collaborate on the development of these projects. Thanked these gentlemen for their efforts and would like to see more collaboration projects like this.

Lovelace – Asked a question of Ms. Runyan about the high cost area and she will try to get a map for him, but at a glance, this high-cost area is larger than any of the colonias, but these two overlap with some broadband serviceable locations (BSL) and under the BEAD program those programs would be eligible for zero cost match. As part of the IPv2 conversation in his update, there are conversations occurring about how to design the grant to address the problem of these high-cost areas. There is potential for a win-win situation where the colonias overlap with the high-cost areas and programatically feed, where there will be successful bids for these high-cost areas.

Sekaquaptewa – High-cost areas by definition are articulated because these are the areas which need to be served in the whole BEAD effort. This is an amazing start, analyzing situations, identifying where the priorities and zones are, then procurement and start matching projects, potential partners, etc.

Viorica – Noted that the high-cost areas on the map are the areas with turquoise dots, circles or with black boundary. They are spread across the state. Would have liked to see larger high-cost areas, but these were determined by NTIA and will need to be adhered to.

Runyan – Only seven of the colonias fall within the designated high-cost areas, which may not always match priorities in actuality.

Lovelace – Knows Ms. Runyan is working on overlays at this time. Had a question for her about whether the colonias fall within this.

Runyan – The number is 794, but she has not characterized which are unserved; working on this.

Sekaquaptewa – Keep in mind this is working with an imperfect data set, but this is what we are stuck with it at this time.

Viorica – Noted that IPv1, which Director Lovelace will mention later, defines how the challenges will happen and how these dots will be trued up. Highly important to read Volume 1 and submit comments. Will also be very important to work with Ms. Runyan and others to

make the data set as good as possible, but there will not be much time to accomplish this, possibly only February/March 2024. Believes nonprofits and other organizations will be allowed to submit challenges. Need to be ready to work on these challenges to make the data set as accurate as possible. (Jumped to item 8 at this point.)

6. Rulemaking Timeline Update – Drew Lovelace, reporting for Vanessa Willock

Video Recording time: 01:07:26

(Returned to this item from item 8a)

1) Working with Dennis Branch from State Rules Office on drafts of the rule changes and rulemaking notice, to ensure proper format and process, etc.

2) Rule changes will need to be published in the Register as well as one paper with general circulation. Next deadline to get proposed rule changes in the register and notice to publish is October 26th, in order to publish by November 2nd. Next available date to publish would be November 21st with submission deadline on November 9th, so going back to the comment about trying to push for this, does not believe there is a December Council meeting currently scheduled. Asked Ms. Narvaiz if this was correct.

Narvaiz – There might be.

Lovelace – December timelines get very complicated around the holidays. Will leave this to the Council to decide. Will still be moving forward to try to meet these deadlines.

Narvaiz – The December meeting would be on the 21st.

Sekaquaptewa – Could meet on the first Thursday, etc.

Narvaiz – Would need to call a special meeting.

3) Third item from Ms. Willock, once published the public notice needs to be up for 30 days, which would run concurrently with the required 30-day public comment period. Notice will also be published on the DoIT website. Ms. Narvaiz and Ms. Rosales will assist with this.

4). Will need public hearing with a public hearing officer after 30 days. The Council will need to decide on a hearing date and time as this will have to be indicated in the circular and public notice when issued. Will have to indicate the location for the hearing in the public notice. It is suggested to have a hybrid approach for the hearing, both in-person and online. Starting to see some process challenges to purely online hearings given that the Governor's health order has expired, so there is a need to have an in-person option.

5) Council needs to decide when it wants to publish the notice, then there will be the 30-day notice and public comment period followed by the hearing. If this is to be done by November 9th, the logistics will need to be worked out for that; location, date, time, hearing link, website, proceed with public comment, options for the hearing, select hearing officer and schedule, will need to work on that during the 30 day comment period. Basically, October 25th is the date Ms. Willock has given to have everything in place. He has committed to giving Ms. Willock the administrative support for all of this.

Sekaquaptewa – Looking at the calendar. Can update the working group at their next meeting.

Lovelace – Sounds good. The service contracts are probably the most complicated piece of this and will go ahead and start reaching out on that front to make sure that procurement can

be started.

Narvaiz – Question in chat from Mr. Guinnee: Is it possible to get a blank copy of the full GWEP grant as a PDF?

Lovelace – Does not know answer at this time. Will ask Lee Gagnon, the administrator on the grant portal for Submittable. He thinks this may be possible but has not tried this through Submittable.

Sekaquaptewa – Since it is a short application could probably be re-typed in Word fairly easily. For purposes of inclusion and people who are _____ challenged probably do need a paper version.

Lovelace – A great point and will need to consider this with Submittable. There is substantial cost to import data into Submittable, which is the grant management software format.

Narvaiz – Another question from Teresa Ferguson: Would like to confirm, are the BEAD IPv1 and IPv2 the two rule-making documents being referred to which have to be published in the Register and _____, or are there other rules?

Lovelace – This is not really kinshipped to the Grant Writing, Engineering and Planning Grant that is currently up. The statutory requirements and rules do not line up. The statutory requirements on that \$5 million was that the grants would be for local governments, tribes, electric co-ops and telephone co-operatives for strategic planning and grant writing support for broadband services in unserved areas. Electrical cooperatives and telephone cooperatives were left off of the rules for this type of grant and were therefore inadvertently left ineligible to apply when they are statutorily allowed to do so. This is an effort to correct that oversight.

Sekaquaptewa – We also have the State/Tribal Collaboration Act clarification. For those who might be new to the group the Council has a rulemaking process which is an umbrella. This is intentionally not over-specific in order to accommodate different grant applications and processes, so this will also include BEAD as well as the \$70 million future state fund that will come in and the \$5 million Mr. Lovelace is referring to. This is very broad rule-making.

7. **2024 Proposed Legislation** – Drew Lovelace

Video recording time: 01:15:25

Lovelace - Three main priorities. Have been able to submit the forms to the Governor's Office in the last week to make sure they go on the call.

Mantos – Those are the legislative papers from each agency, correct?

Lovelace – There are three pieces of legislation they would like to bring forward in the next session.

Mantos – Yes, that is what I was asking.

Lovelace – There are three bills they would like to bring forward. As this is a 30-day short session, these bills are not germane to financial operations, so they have to be on the Governor's Call list to make them eligible to be heard. The forms were submitted last Friday for these three pieces of legislation. These may ultimately be combined in to two, but wanted to be sure that one be considered separately as there may be some controversy to making it through the legislative session. Want to make sure that priorities for the Office are clear.

Viorica – Explained that this is the Legislative Proposal justification sheet.

Mantos – Excellent. Let him know what he can do.

Lovelace - Thanked Secretary Mantos and expressed his appreciation for this. The Governor's Office has acknowledged receipt of these. Looking at these three pieces of legislation there are a couple of things; the Office is working with DFA and DoIT, the Office has grown tremendously both in assets and need and while the missions both involve technology they do not always overlap with one another, so the Office has asked that they can operate independently. For the last year or so they have submitted budget requests to be their own business unit so they are not really looking to try to change legislation to separate the administration attachment but similar to other agencies that have done this and gave examples such as state personnel with GSE and Emners with Environment, and will using this same process. Some things will have to be identified and addressed, such as ownership of assets and things like share, or how to depreciate asset values. The first piece of legislation is basically shifting the ownership of the middle-mile assets that would be potentially purchased, for state education equipment to be in the Office of Broadband, etc. The second piece will be bringing the School Facilities Authority permanently over and bringing the program of the state education network permanently over as well as the funding over permanently to the Office of Broadband. Gave details of how this is being worked out.

Sekaquaptewa – When does Mr. Lovelace think the Council will see these documents?

Lovelace – Currently being drafted by Mark Edwards and a file is open on this. Senator Padilla will be the sponsor on that, but until the drafts are done these are not being shared.

This last piece will be the most controversial. The reason for bringing this last piece forward is tangible examples from across the State of New Mexico. Federal awards have been given to ISPs or priors, where they have a project they applied for two years ago with very clear costs involved and how to do make-ready costs on poles and pole attachments and a year and a half or two years after awards are made the cost of poles are three or four times the cost they were two years ago and we have not been able to see that there is a direct correspondence to budgeting issues or cost effects. Reviewed pole attachment cost increases over the past two to three years, which has caused projects to either be de-scoped or cancelled completely. This is a problem if we are going to continue to deploy broadband to all of New Mexico. This is something the Office needs to consider when issuing grants since having to de-scope a project within a grant program is problematic at best, does not benefit the state and makes it harder to actually reach unserved, underserved and anchor institutions if things are constantly being rolled back. This is the problem this legislation is intended to address.

Mantos – What legislation would be proposed to address this?

Lovelace – There was a former bill from 2020 or 2021, which allowed electric rights of way and easements to be overlaid with broadband. This is something NTIA has pointed to in other states as a best practice. The opinion here is that this is probably non-controversial; there are a few electric co-ops which have expressed disinterest in this, but overall that part is relatively non-controversial. The controversial part is our proposal that PRC actually look at rate structuring together for make-ready costs and pole attachment costs. There has been good feedback from the industry that there are some standards already set by the FCC and most players already follow this. We think that this is a good way to handle actually being able to project into the future the costs that would be used with the grant program. We don't know that

everyone follows that, so this is where we see some of the outliers which cause some problems. He has reached out to the PRC and they have not spent much time responding. Ms. Willock has also reached out to PRC and they have not responded. He was finally able to get in touch with Gene in that office and he is attempting to contact the correct players to come talk about this. Ultimately the Office of Broadband does not want to be a regulatory body. We believe that there are other entities in existence, such as the PRC, which already do this, but when they set rates the hope is that they will use the Office of Broadband as their subject matter expert in the field and there will be a clear, set standard of what those things are. The benefit will be knowing that a year from now a project will not be de-scoped, defunded or cancelled. Talking about 10-year projects, so this is very serious and we believe this is the way to address the issue.

Mantos – Is there some financial mechanism which could be used to mitigate this issue?

Lovelace – Believes the FCC model addresses this relatively well. Agrees there have to be adjustments for financials, however, when it is not clear that the cost of a pole is directly associated with the cost increases that is a problem. Reasons for cost increases should be pretty reasonable to address and to show. Unsubstantiated cost increases will create barriers to project completions.

Viorica – This is complicated. Need to make sure that the utility pole owners are held harmless. Many aspects have to be taken into account. There are certain models for pole attaching as well as recurring costs in different models for the make-ready. A worrisome report has been received that 60-90% of the utility poles that might be subject to attachment for broadband infrastructure expansion will have to be replaced. The majority of these need to be replaced because they are too short, the clearance is not adequate. One-touch make ready is an industry recognized approach. More transparency, more support assistance, technical and otherwise, to all these entities to put in place a system that will work and support the projects that are expected is a must if these projects are to be successful. Appreciates the participation from the electric cooperatives, investor owned utilities, the larger utilities in the conversation, in the PROPS working group discussion and they have valid concerns. Appreciates Vice-Chair Reyes being part of this conversation, bringing up things that need to be considered when developing potential solutions and the goal is to work toward putting something in place which will work for everyone.

Sekaquaptewa – At next meeting could focus on a report out for PROPS, possibly with some documentation to look at.

Reyes – Wanted to reiterate some of the points presented by Mr. Viorica. Noted that it may not be so much the pole attachment issue as the overall make-ready cost and gave the example of replacing a pole in mountainous areas, regardless of the price of the pole, can be expensive. Need to make sure these distinctions are recognized and correct when making decisions. Co-ops are most concerned about the make-ready costs. Most co-ops voluntarily use the FCC formula; not all, but most of them. Since co-ops are member owned, the subsidy responsibility is borne by the members and their pocketbooks. Co-ops are concerned about third-party use of poles or placing poles across their jurisdictions to serve other areas with no access or benefit to co-op members. Recognizes this is complicated. Co-ops want to enable their members with access to high-speed internet but there is also a high financial risk being asked of the Co-Ops with no “fall-back” to ensure the Co-Ops are kept whole in the process. Co-Ops fully support moving forward but want to be sure the Co-Ops and their members are not harmed and are not paying a higher make-ready cost. Noted that Co-Ops have small staffs and adding another layer of regulatory oversight will mean an additional resource burden

along with potential financial burden. Co-Ops just want to make sure they can recover these costs. Wanted to put these things in context, speaking from his experience having done pole attachments as well as operating and building a system, and working with third parties. This does need to be addressed and has to be thoughtful and fair to all parties.

Sekaquaptewa – Thanked Mr. Reyes for his comments and insight from real-world experience.

Lovelace – Thanked Mr. Reyes for his comments and reiterating many of the things they have already discussed, which are all valid.

Viorica – Shared a question that has arisen; “If it is so costly to attach to poles why don’t we put things underground?” Which is a valid question, except that in New Mexico there is a lot of rock. Even when rock is not the issue, going underground could cost 3-4 times more and takes more time to obtain all the clearances necessary. There are definitely pluses and minuses with all approaches and these must be kept in mind. Cost and feasibility are always issues. Must work with experts in these fields and trust that they will make the best choices. Will definitely be challenging to connect and serve all of these unserved locations.

Sekaquaptewa – Thanked all for their comments. Asked if there were any further questions or comments.

Narvaiz – Question in the chat about the middle-mile network “To be clear, the OBAE would own the state middle-mile network and the state education network.”

Lovelace – Currently purchasing equipment for the state education network. The way the legislation is written is that the Department of IT owns that. From an accounting practice we are appreciating those and where the funding is coming from, just need clarity on this, that the appropriations are to the Office and we get our own separate business unit and need to be sure the legislation matches this. Regarding the state education network, the current legislative responsibility is with the Public School Facilities Authority; looking at holistically bringing that statutory responsibility to the Office as this network would be best served by doing so. (Skipped down to Public Comment at this point as item #8 had already been covered.)

8. **Updates from OBAE**– Drew Lovelace

Video recording time: 0:41:58

(Jumped to this item after discussion under Item 5)

Lovelace – Between himself and the former Director they are now down to two more tribal consultations. Very close to completing the tribal consultations and he believes no other state is coming close to this milestone. Considering the number of tribal entities in the state he applauded Stephanie Poston for setting these up and providing these opportunities.

(Skipped to item “b” then came back to “a” later)

a) Technical Assistance Grant Launch

Lovelace - Thanked Lee and Vanessa for their work on the legal requirements on the GWEP program which have been posted. The current entities based off of rule-making do not align with the legislative language so there is a need to go back to the rule-making grant update with Vanessa. The short version is that currently tribal entities, counties, municipalities and local governments are eligible under both the statute and rule. Needs to be an adjustment to the rule for alignment so electric co-ops and telephone co-ops are eligible for the grant writing program. This has been posted. A press release was sent out and social media posting has been done.

Sekaquaptewa – This is exciting. This is up to \$100 thousand for grant writing support, so there is no reason not to apply. This is a short application and is not limited to one funding source, not just for state funds, BEAD, etc. Spread the word and take a look at this. Next question; Who do we hire? Can we do a grant writing fair? There are companies that work a lot in New Mexico; how to match them to entities looking for help.

Lovelace – Noted timeline, deadline is January 23rd, coming quickly. Other programs are further out and there is some overlap; gave specifics of these.

Sekaquaptewa – Noted different program requirements and the order of operations. Further questions or comments?

Viorica – Emphasized that the methodology included in IPv2 will make or break the connectivity to every single New Mexican and the success of these projects. Need to include in IPv2 the flexibility to fill in the gaps or remove small portions of the scope when it is determined that it will be impossible to get across a piece of land or connect that person who really does not want anything to do with the government, the infrastructure, the internet or whatever. This does exist in rural New Mexico and this needs to be respected. NTIA does not know this about New Mexico, so there needs to be methodology in the Plan to address this. Another area of concern is how to deal with overlaps, a reconciliation which will be very difficult and could even result in projects becoming non-viable. He also expressed concern about competition and/or in-fighting with regard to projects.

Lovelace – Shared example they were told of, in conversations with peers from Oklahoma, in which approximately \$140 million in funding was lost due to in-fighting and legal actions. This is a good cautionary example for promoting collaboration and cooperation. Federal funding has been allocated but not yet awarded, and funding will not be released until all proposals are finalized. It does not benefit anyone to squabble and fight. There is something for everyone now, but fighting amongst ourselves will be to the detriment of all of all of New Mexico.

Viorica – Well said.

Narvaiz – Comment in the chat from Teresa Ferguson: Is the \$100,000 grant tapped for forward-looking tech planning or can applicants who have already paid for broadband technical planning apply for a grant reimbursement.

Lovelace – In New Mexico it has to be from when the purchase order is issued. There is a slight exception to that when there is a NOFO, but because this is application based there is no NOFO on this, therefore no prior expenditures would be eligible. Award would have to be granted, have a purchase order issued and contract signed.

Sekaquaptewa – Is there a deadline or are there rolling applications for this.

Lovelace – This will go until it is done, so rolling applications, rolling awards.

Viorica – Gave a reminder of the 21 day posting period of these awards, and these will also be rolling. Just need to be sure to follow the rules but also keep things going and stay within the timeline. Applications need to be submitted as quickly as possible so the Office of Broadband can review the award and then the funding can be dispersed within the 21 day period. For the Tribal Connectivity Program the deadline is January 23rd, so with holidays coming up he again urged applications be submitted as quickly as possible. Specifically asked Mr. Enjady and the

Tribal Working Group to spread the word to their contacts about this.

Narvaiz – Another question from Ms. Ferguson in the chat: Will only grants that are eligible for the tech funding grant be eligible to apply for the next round of broadband infrastructure grant application cycles?

Lovelace – No, those two things are separate. Asked if he understood the question correctly. Is this asking if you have to apply for the GWEP program to be eligible for the \$70 million infrastructure? (This was confirmed.) Mr. Lovelace continued, saying that is not a requirement, these are two separate programs.

Sekaquaptewa – Any further questions? There were none. (Went back to item 6, the Rulemaking Update at this point)

b) IPv1 Public Comment Window, IPv2 To-Dos

Lovelace – Getting ready to launch IPv1 public comments and had actually done so as of the last meeting, in early September. After approximately one week of posting received feedback from NTIA based on things happening in other states and their suggestion was that data sets were ok not have in the Appendices because the data sets are still being defined, for instance Fabric 3 data from the FCC has not be released yet, which will be most of the Appendices. Also commented they wanted to see the narratives on Appendix 1 and Appendix 6, and Ms. Runyan was able to put together both the data set and the narrative on the low-speed fixed wireless challenge and with a link back to the website where all of the federal and state reports are being tracked. Noted that the reason for using the website link is that this data is constantly changing and NTIA was satisfied with this. The Plan was re-released with a restart of the clock, so the public comment posting will be November 10th. Currently on a good timeline to get feedback and incorporate it. Still have to make the determination whether to submit IPv1 with IPv2 in December or submit separately for review. There are benefits to both; for instance waiting may mean taking longer for approvals, which would push back the challenge process. Still determining what tool will be used for the challenge process. Did a check in this morning with Natalie Runyan, our project manager, who says that there are still no comments on IPv1, so no real updates there. Anticipates there will be comments in the last couple of days. Cannot stress enough that if there are concerns out there with respect to challenge modifications, such as known landowners who will never allow a right-of-way, please put those public comments out there. Also submit ideas that could be incorporated in the final version.

Sekaquaptewa – What is the mechanism for public comment?

Lovelace – Via the web portal which is on the front page of the web page www.connect.nm.gov, where the IPv1 can be accessed. This is a Microsoft form which goes into a spreadsheet which is managed for us. Ms. Runyan screen-shared the portal. Mr. Lovelace described how to use the portal.

Sekaquaptewa – Thanked Mr. Lovelace for this information.

Lovelace – Asked Ms. Narvaiz to screen-share the portal again and walked through how to use the form

Sekaquaptewa – Questions or comments? There were none.

Lovelace – IPv2 due December 28. Currently working on how to design the grant program for

this. Have done a lot of outreach on the early side of this as this may be more important. Asked Mr. Viorica to screen-share the high-cost map again. Have had two meetings with ISPs on how to design the grant programs for this. Most providers have given feedback that RDOF was not a good example, where reverse option was used. Another option would be that the office could design every project with a market basket for these, which would be very intensive for the office, and would not really recognize what the private sector does well. Considering the idea of working from the program requirements, starting with the unserved locations and with the current modeling appears as though may be able to reach all of the unserved and possibly into some of the underserved. Funding is really not enough to go past the middle of the priority list. Looking at high-cost areas, which are areas defined by NTIA as zero dollar match, which for the most part are some of the most rural areas, using these as a proxy to ensure that the most rural communities would be the first priority or get additional points, and be the primary focus. If you can get to these areas, more than likely this network or pathway will provide access to other areas. NTIA has also given guidance on meeting the programmatic requirement that every unserved location gets served. This is the structure being used at this point. Have had multiple meetings looking at high-cost areas, not mandatory, but incentivized areas, etc. Have had conversations with ISPs on required point structures; 75% of the point categories have been determined. Gave details of the point structure process. Have asked for feedback. They have some general ideas of things to do internally within the Office. Policy decisions have to remain with the Office, cannot collude with the industry directly on this, but want to make sure it works for every ISP that wants to bid and that the programmatic requirements will be met. This is where things stand in the design process. Would like to see a final draft from CTC no later than November 10th, about the same time IPv1 closes down. Will need to present at the Council meeting on November 16th, and also present to the Governor's Office before proceeding to public comment, which would allow for adjustments before December 28th. (Jumped back to item "a" Technical Assistance Grant Launch at this point.)

9. Public Comment:

Video recording time: 01:37:12

None heard.

10. Adjournment:

Video recording time: 01:37:32

Motion for adjournment: Mr. Reyes.

2nd: Ms. Crociata

No opposition, meeting adjourned at 3:12 p.m.