

CONNECT NEW MEXICO COUNCIL MEETING

Virtual

Thursday, February 20, 2025, 1:30 – 3:30 PM

1. Welcome and Call to Order

The meeting of the Connect New Mexico Council was called to order by Shawna Rosales, at 1:32 pm, on Thursday, February 20, 2025, in Santa Fe, New Mexico. Ms. Rosales introduced herself and reviewed general rules and procedures regarding the meeting, particularly the functions of the Zoom application.

Members Present-

Luis Reyes, Chair

Jason Clack

Eli Guinnee

Leonard Manzanares

Launa Waller

Steve Grey

Jim Ruybal

Godfrey Enjady

Joseph Navarette

Members Absent-

Nora Sackett

Mona Martinez

Katherine Crociata

Isaac Bush

Others Present

Shawna Rosales, OBAE & Connect New Mexico Council Administrative Assistant

Renee Narvaiz, DoIT, Public Information Manager

Drew Lovelace, OBAE Acting Broadband Director

Cass Brulotte, OBAE General Counsel

Richard Govea, CNMC Proj. Mgr. Bureau Chief

Eric Rodgers, CNMC District 4 Proj. Mgr., & GWEP

Katherine Irvin, CNMC District 3 Proj. Mgr.

Sandeep Taxali, DoIT Program Advisor

Victory Quintana, OBAE Tribal Coordinator and Liaison

Francisco Lopez, DoIT Staff

Mitch Hibbard, Kristin Lee, Dominique Macalinao, Jeff Woodman

2. Approval of Meeting Agenda & Minutes

MOTION Ms. Rosales called for a motion to approve the agenda as presented. Mr. Guinnee so moved, seconded by Ms. Waller. There being no opposition the Agenda was approved.

MOTION: Ms. Rosales called for a motion to approve the minutes of the 11/21/2024 meeting. Mr. Enjady so moved, seconded by Mr. Guinnee. There being no opposition, these minutes were approved.

3. Chair Updates/Comments – Luis Reyes

Chair Reyes welcomed everyone to the meeting. He noted that he did not have much in the way of an update at present, since much attention is focused on the current legislative session and bills that may have an impact on respective businesses, especially with regard to broadband issues. He added that there is also great interest in national government activities with respect to executive orders, and how these may impact the expansion of rural broadband in New Mexico. He stated that with today's meeting he would like to focus on the updates from Mr. Enjady, Director Lovelace and Mr. Rodgers on the status of local, state and tribal working group activities, as well as BEAD and other national issues.

4. **Working Group Update: Tribal Working Group – Godfrey Enjady**

Mr. Enjady reported that at the national level their grant was paused for a short period of time and then reinstated. He stated that TBCP-1 recipients in the State of New Mexico are still online, still receiving funding and moving forward, attempting to get permitting. He reported that Mescalero Apache Telecom is in the last phase of permitting, and this should be in the SHPO office today, with hopefully good news in 30 days enabling them to finish their middle-mile project. They are also currently working on their data center building and this is moving along well. The **skater?** project for the Mescalero-Apache is complete. He added that he believed all New Mexico tribes are either in permitting or have finished, and those who have finished permitting may have already started their fiber to the home projects and are moving forward. He noted the unfortunate loss of the general manager for Isleta Pueblo, who was a major mover in this regard and will be missed. With respect to NTIA he stated that they had paused a lot of the tribal working group meetings and he is unsure how this will proceed in the future. However, with respect to the State of New Mexico and the tribal working group, this activity is moving forward, and he commended Ms. Victory Quintana and her group with their work keeping up with the grants on the state side of things. He added that the only funding moving at this time is on the state side and everything on the federal side is currently paused, with a great deal of uncertainty regarding those funds. He recognized all of the tribes who are moving forward with their plans and encouraged them to keep things going.

Chair Reyes called for questions or comments for Mr. Enjady from the Council. Mr. Reyes thanked Mr. Enjady for his continued work and noted how important advancing tribal broadband is to the State, as well as tribal members. He asked how many tribes and pueblos are participating in the broadband project at some level. Mr. Enjady replied that all of the state tribal entities are participating to some degree. He described how many tribes and tribal leadership did not quite understand all of the aspects related to broadband and that they had applied for a lot of the planning grants in order to gain knowledge in this regard. However, much of the tribal leadership changes from year to year and the lack of continuity has hindered progress, but hopefully there has been development of something like a “broadband office” within the tribes/pueblos to help facilitate this. He noted that his work with the National Tribal Association helps address these needs.

Ms. Victory Quintana agreed with Mr. Enjady’s comment that all 23 tribes have received federal and/or state funds for broadband projects at some level. She thanked Mr. Enjady for his leadership for the tribes in the broadband arena. Ms. Quintana added that there had been an in-person grant writing workshop specifically for tribal entities, which five tribes attended, with three of those having submitted to NTIA for the digital equity native entities grant. This workshop was provided through a small contract with UNM and assistance from DFA. She reported that there had been very positive feedback from the tribes regarding this hands-on workshop, and gave details of the activities offered there. The tribes have also requested more of this type assistance in the future, so this will be undertaken with respect to the state Pinon Grant, coming up in March and will be a hybrid event, with an in-person meeting as well as Zoom access. She added that she and Ms. Poston are in the process of planning another tribal convening scheduled for May 9th, but the venue and sponsors are still to be determined.

Mr. Enjady asked the Council members to consider supporting Drew Lovelace to the Governor for promotion to the full position of Broadband Director, not just “Acting Director”. He noted that Mr. Lovelace has been fulfilling this role for an extended period of time and it is time to take action and move this forward. Mr. Lovelace thanked Mr. Enjady for his support. Chair Reyes voiced his support and appreciation for Mr. Lovelace and all the rest of the OBAE staff for their work regarding the advancement of broadband.

Chair Reyes asked Mr. Clack, as a Council member/attorney, if there was a formal process to make this an agenda item or if there was any other way to make a formal request of the Governor to make Mr. Lovelace the permanent director versus “acting”. Mr. Clack responded that Mr. Enjady could propose a motion in this regard and then Chair Reyes could send a letter to the Governor on behalf of the Council.

MOTION: Chair Reyes then entertained a motion that the Council send a letter to the Governor requesting that Drew Lovelace become the Permanent Director of the Office of Broadband. Mr. Enjady so moved, seconded by Mr. Ruybal. Chair Reyes called for discussion and there was none. Chair Reyes asked Ms. Rosales to conduct a roll call vote, which she did. The vote was unanimous in support of the motion. Chair Reyes asked that Mr. Clack help him draft this letter.

Chair Reyes asked Mr. Enjady if there was anything more to report. Mr. Enjady noted that he had a meeting in Washington, D.C. with the new chairman of the FCC, Brendan Carr, which was very productive and Mr. Carr mentioned he would like to come back to New Mexico for a visit and what that might involve.

Chair Reyes asked if there were any further questions for Mr. Enjady, or comments regarding this update. There were none.

5. Updates from OBAE – Drew Lovelace

Director Lovelace expressed his appreciation to the Council for their vote of confidence and support for his full appointment as Director of Broadband.

He thanked Ms. Quintana for her report about the contract with UNM/DFA regarding the grant writing workshop. He added that there was also support from Economic Development and IAD for this. He noted that a lot of feedback from the tribes has indicated the lack of capacity for grant writing, so this type of meeting was very tactical, walking through the application and getting advice in person for the grant writing process. He again thanked Ms. Quintana for her efforts toward this as well as Ms. Poston and several others (could not understand all the names). He pointed out that this is when government excels, when multiple agencies come together to foster change and impact communities positively.

With respect to the Digital Equity Grant, New Mexico is the eighth state to receive their grant funds and has actually signed their CB450, so these funds are available in the grant portal for draws. The ability to draw on these funds has never been lost and he described the program requirements for drawing these funds. He added that it is unknown whether there will be any stoppage of reimbursements until the entire award cycle, including issuing of contracts, has been completed. He added that there have been no freezes on digital equity funds, the Pinon Grants, thus far.

He reported that the same situation applies with respect to the BEAD funds, with New Mexico having been the 13th state to open their grant portal, however, there were still some existing challenges related to mapping locations, with NTIA giving a process to add locations back for the Navajo Nation, which was incorrect. This required curing of additional locations and they have supplied both data sets for this. This impacts primarily the Navajo Nation with a few other grants which need to be removed for locations covered by other entities and they are in the process of correcting this. He added that 95% of the State is not impacted by this situation and all prequalified applicants have been informed of this and there are no delays anticipated with respect to working on these applications. The current closure for the project is 03/03/2025

and communication with NTIA indicates the mapping issues will be resolved shortly. An extension may be provided, if appropriate, based on the time required to resolve the mapping issues with NTIA. He stated that the portal is now open for Round One and those applications will be taken and decisions will be made based on Round One applications received.

With respect to the Pinon Grants, the portal is open for the State to draw on and Mr. Lovelace described the process for this.

He added that the Disaster Relief program is open at this time, which is essentially ARPA/CPF funds, Connect New Mexico Pilot Wave 4. He noted the simplified scoring matrix associated with this and the amount available is \$1.25 million, with the anticipation of only one or two project awards going out of this. This program is not for projects already paid for/reimbursement. Projects must be future forward and not retroactive. He stated that all of the fires, floods and declared emergencies were mapped through the entire ARPA program, so these are the disasters which would qualify for application, going back as far as the Calf Canyon/Hermit's Peak Fire.

6. Legislative Updates from OBAE – Drew Lovelace and Eric Rodgers

Mr. Lovelace reported that OBAE is working on two bills, which are not new items, but pertain to things which were in SB45 last year, however, the elements have been broken out for simplification.

SB 164 contains the updates for the Advanced Consumer Infrastructure Wireless Act, which is basically an allowance for counties and municipalities to negotiate for small cell sites within their jurisdictions; common subsidiaries to the state are being added to the definitions of authority. He added that there is already an allowance for certain entities of the State to put cell sites on their rights of way, such as DFT, State Land Office and others. These new updates would cover gaps which exist in places such as historic parks or state parks, and uses permissive language, which would allow DCA to negotiate with a provider independent of OBAE, which hopefully opens the door for better connectivity and coverage in places such as state parks to help alleviate public safety issues which could arise in the case of emergencies, etc.

SB401 addresses the transfer of the PSFA authority for the State Education Network and funding to OBAE, which PSFA supports. He added that the State Education Network will be the strategy used to pursue for capital projects for running middle-mile moving forward, allowing for more RFPs and more back-haul capacity between nodes. This will also be the strategy pursued to provide resiliency options for the State in the future when there are fires and floods, making fiber available for providers to splice into during such emergencies. He stated that this is a key piece of legislation that the office will continue to pursue. He noted that last year Mr. Viorica's team was moved over to the Office of Broadband through HB2 and the funding requirements for that, however, the accompanying bill for the State Education Network and the associated tax bond authority did not come along in SB45.

He reported that regarding the Accelerated Connect New Mexico program, which was an effort to try to get connectivity faster across the state, there were a lot of barriers encountered and the decision has been made to pivot away from the \$70 million for the Accelerated Connect New Mexico program, and the Office has been authorized to pursue \$20 million of the Connect New Mexico Fund for public school projects. This would be an extension of the open and existing Student Connect Program, basically connecting students directly through the State Education Network, making sure they have free internet for three years in rural and underserved areas. To date eight awards have been given, accounting for a little over \$15

million out of the original \$25 million from the original appropriation, and these have been fairly quick projects to execute, addressing a lot of student needs across the State.

Mr. Enjady had questions regarding the possibility of BEAD funding being paused, as had been reported in Louisiana, as they were one of the first states to issue BEAD awards, and how the New Mexico Office of Broadband would handle a similar situation. Mr. Lovelace responded that he did not know how this would work, but a lot contingencies are being considered, and they are examining what has been awarded, what has been frozen, etc. Regarding his prior statement that the State portal is open and available for draw, there still has to be NTIA approval to file a proposal, which should give some indication about NTIA giving approval and moving forward. Secondly, he noted that the structure of the milestones has been done to better enable smaller entities to acquire funding to move forward and put product under contract, such as supplies, in order to be ahead of the curve with respect to supply chain issues, and described some steps that can be taken. The hope is that this will protect some of the risk Mr. Enjady is concerned about. Mr. Lovelace stated that he is in contact with Thomas Tyler, the Deputy Director of the Louisiana Broadband Office, and has learned a lot from their experience with NTIA. He gave further details regarding the obligation of the federal funds to the State and what action(s) the State may be able to take if those funds are not dispersed. He deferred to Ms. Brulotte for further comment on this. Mr. Enjady thanked Mr. Lovelace for this information.

Ms. Brulotte confirmed the information Mr. Lovelace had provided.

Mr. Enjady again expressed his concerns. Mr. Lovelace agreed that these are uncertain times and the Office will continue moving forward, maintaining consistency. He added that so far none of the recent federal Executive Orders have impacted broadband and have not stopped the funding, and things continue with “business as usual”, however, this could change in the future.

Ms. Brulotte stated that the BEAD application is in process at this time, so the template BEAD contract has not been finalized, but hopefully there can be planning for contingencies on how to proceed in worst case scenarios and address these in the contract(s).

Mr. Enjady thanked Ms. Brulotte for her response.

Chair Reyes asked Mr. Rodgers if he had more to share regarding the BEAD project.

Mr. Rodgers introduced himself, stating that he is one of the project managers for OBAE, and he is filling in for Andrew Wilder, the BEAD Program Coordinator, who is absent today due to illness. Mr. Rodgers noted that most of the information has already been expertly addressed by Mr. Lovelace, however, Mr. Wilder asked him to share that the mindset within the BEAD program is “business as usual” with NTIA, and the BEAD program staff remain in regular communication with them. He noted that even though there is broad consensus across many states and entities that they would like for NTIA to simplify the program, given how far along New Mexico is in the process, it is uncertain what if any impact that would have for the State. He added that NTIA has scheduled a series of webinars in the coming weeks which may give better insight into where things are going with the program.

Chair Reyes thanked Mr. Rodgers for this report and asked if there were any questions. There were none.

Mr. Rodgers also noted that he runs the GWEP (Grant Writing, Engineering and Planning)

program at OBAE, which is a program providing \$100K to “do the homework” toward the other larger programs, and that there is approximately \$2 million left in this program which they would like to disburse, so more applications are welcome.

Mr. Lovelace added that applicants can be tribal entities, local governments, electric co-ops and telephone co-ops. He also noted that for applicants to the BEAD program this is most likely the last opportunity to find a partner for this and gave further details about this.

Chair Reyes asked if there were any further questions or comments for Mr. Lovelace or Mr. Rodgers. There were none.

7. Public Comment – Luis Reyes

Ms. Narvaiz asked that the Council make a change to their meeting notice resolution removing the notation of the specific Zoom link, in case something should happen to this specific link, leaving the reference to the Zoom link in the notice resolution open-ended, referring only to the current Zoom link posted online.

Chair Reyes asked Mr. Clack how best to address this. Mr. Clack stated he could make a motion in reference to this and with a second then this could be approved. This would allow posting of the Zoom link when the meeting notice is posted, which would remain in compliance with the public notice requirements for each individual meeting. Mr Reyes asked Mr. Clack if he was making the motion. Mr. Lovelace suggested posting the link with the Agenda for simplification. Mr. Clack replied that it would need to be posted with the meeting notice, along with the Agenda. Ms. Narvaiz noted that there is an area on the DoIT website listing the Meeting Notice, Agenda and Zoom link, and this is also sent out through a push notification through Omnilert.

Chair Reyes asked Mr. Clack to restate his motion for the record.

MOTION Mr. Clack moved to remove the Zoom link from the Notice Resolution and that the Zoom link for each individual meeting will be posted on the public notice for each meeting. Mr. Navarette seconded the motion. Chair Reyes called for discussion; hearing none, he called for a spontaneous voice vote. Vote was unanimous. Chair Reyes stated that this change will be effective for the next meeting.

Chair Reyes called for any further public comment. There was none.

8. Adjournment

MOTION: Chair Reyes called for a motion to adjourn. Mr. Clack so moved, seconded by Mr. Grey. There being no opposition, the meeting was adjourned at 2:20 p.m.