

CONNECT NEW MEXICO COUNCIL MEETING

Virtual

Thursday, December 14, 2023, 1:30 – 3:30 PM

1. WELCOME AND CALL TO ORDER

Video recording time: 00:04:04

The meeting of the Connect New Mexico Council was called to order by Shawna Rosales, at 1:34 p.m., on Thursday, December 14, 2023, in Santa Fe, New Mexico. Ms. Rosales introduced herself and reviewed general rules and procedures regarding the meeting.

MEMBERS PRESENT-

Luis Reyes

Ovidiu Viorica

Peter Mantos

Katherine Crociata

Eli Guinnee

Steve Grey

Joseph Navarette

Jim Ruybal

Bogi Malecki

Ms. Rosales noted that Ms. Crociata would be chairing today's meeting in the absence of Chair Sekaquaptewa.

MEMBERS ABSENT-

Kimball Sekaquaptewa

Launa Waller

Nora Sackett for Alex Greenberg

Godfrey Enjady

Leonard Manzanares

Tico Charlee

OTHERS PRESENT

Shawna Rosales, OBAE

Renee Narvaiz, DoIT, Public Information Manager

Drew Lovelace, OBAE Director

Vanessa Willock, General Counsel, OBAE

Eric Rodgers (OBAE), Eric Moores (OBAE), Andrew Wilder (OBAE), Paul Donovan, Kitty Clemens, Maisie Ramsay, Sandeep Taxali, Jerry Smith, Lissa Hughes, Mitch Hibbard

2. APPROVAL OF MEETING AGENDA AND MINUTES

Video recording time: 00:08:45

MOTION Ms. Rosales called for a motion to approve today's meeting agenda. Mr. Reyes so moved, seconded by Ms. Crociata.

VOTE There being no opposition the agenda was approved.

MOTION: Ms. Rosales called for a motion to approve the minutes of the November 16th meeting, with edits provided by Mr. Viorica. Mr. Malecki so moved, seconded by Mr. Viorica.

VOTE There being no opposition, the minutes were approved.

3. CHAIR UPDATES/COMMENTS

Video recording time: 00:10:11

Acting Chair Crociata greeted everyone and stated that she did not have any updates to report from Chair Sekaquaptewa, so the meeting would move on to the next item.

4. TRIBAL WORKING GROUP – Godfrey Enjady

Video recording time: 00:10:32

In the absence of Mr. Enjady this item was skipped.

5. Updates from OBAE – Drew Lovelace, Director

Video Recording time: 00:11:05

Mr. Lovelace thanked Ms. Narvaiz for her work with the Council over the past year and a half and also thanked Ms. Rosales for her work in taking over this role so well.

Mr. Lovelace described how December has been a very busy month for the Office, including hiring three new staff members. He then introduced Mr. Wilder, Mr. Rodgers and Mr. Moores and asked them to each give a brief introduction, which they did. Mr. Lovelace noted that the Office now has 20 employees, with five of the six project manager positions now filled. The sixth position has been posted and once that is filled this will complete the six economic development districts in the same alignment with the DOT districts, which will provide a project manager for each region of the state. He also reported that work is still in progress toward a Digital Equity Coordinator as well as an ARPA Coordinator for the pilot projects.

He gave an overview of the Broadband Summit held yesterday, hosted by the New Mexico Chamber of Commerce, at Sandia, in collaboration with a number of other sponsors. There was good participation from federal agencies, including the FCC and NTIA, as well as the Cabinet Secretary from DOT and the Cabinet Secretary and senior leadership team members from Workforce Solutions. Mr. Lovelace noted that he moderated a panel discussing the supply chain and that Vice-Chair Reyes participated in another panel discussing the opportunities for rural communities with broadband. Stated there was really good discussion and expressed hope that the business community will be able to meet the demands of the needed workforce and supply chain issues and the associated economic impacts which could be forthcoming, especially in rural communities. Thanked all who participated, noting there were approximately 15 staff members who attended.

Mr. Lovelace thanked Sandeep, Lee and others who adjusted the pilot project NOFO to better reflect the Connect New Mexico Fund statute, being more broad, allowing for alternative technologies, etc. He also noted the addition of wildfire restoration/economic impacts of wildfires into some of the priority projects for this NOFO, and that FEMA is continuing to try to get the allocated funds out, but only about 2% of the available funds for economic recovery for the Calf Canyon/Hermit's Peak fire have gone out now 18 months after this fire, moving slowly. He also noted that FEMA is paying to rebuild copper lines instead of upgrading to newer technologies such as putting fiber onto poles; they are just rebuilding to previous status based on documents from 30-40 years ago. It will take some effort to ensure the communities affected by the Calf Canyon/Hermit's Peak fire, as well as others which have occurred, such as in Otero County, get the communications they need and that there will be funding available to help restore the services they had previously. The NOFO was launched during the Summit yesterday and is available on the website. Hoping to have the portal built within the next couple of weeks, by January 3rd or before. The deadline for this NOFO is March 11th, which will be a single round, want to be sure all enforceable commitments and contracts that will go along with the Connect New Mexico Fund can be executed by June 30th. The quicker timeline for this is intentional so this will dovetail with the BEAD program, hopefully being able to take unserved locations off the map with the use of these funds, which will help stretch the BEAD funding. If funds are still available after this, those funds might be rolled over into a subsequent program that would dovetail with the BEAD program, possibly targeting unserved community anchor institutions or underserved. This will all be reassessed after June 30th and once the BEAD challenge process has been completed.

Mr. Lovelace screen-shared the Connect New Mexico homepage and gave an overview. Noted that the GWEP program was launched with eight applications received as of yesterday.

He stated he would let Ms. Willock give the update on the rulemaking and why the hearing was cancelled earlier today, however, the rules update still needs to happen and will most likely be pushed into early January.

He continued with the review of the webpage noting the GWEP, the Connect New Mexico Fund and the pilot program, which is the ARPA funding, all in the drop-down menu, with the link to the NOFO under the Connect New Mexico Fund. He noted that there was an application, based on the pilot, to help entities begin to prepare, with an official one built into Submittable, just like the one for the GWEP program, so the applications will be submitted online through the portal, which will be the grant management software system.

He stated that the Initial Proposal Vol. 2 will be closing to public comment in a little less than 12 hours. There is a tight timeline for responding to these comments so he encouraged getting comments in by 11:59 tonight and the team already has meetings set up for tomorrow to begin going through these for analysis. He noted that he has heard the deadline on the national side is December 27th, but has seen a document giving the 28th for New Mexico, however, the office is pushing to get this in a little early, aiming for December 21st. They are not planning for any extensions on the timeline for the public comment. He reviewed once again how to get to the IPv2 public comment section. He highly recommended review of Requirement #8, in section 5, which links to the BEAD NOFO for NTIA, which describes how the grant is designed. For ISPs he strongly recommended looking at Requirement #16, in section 13, which describes the low cost broadband service option and includes the pricing associated with the low cost option. He described having already had good discussion with ISPs regarding these through multiple roundtable sessions, however, wants to be sure to get any and all feedback relevant to this.

With respect to the Digital Equity Plan, this has been presented to the Governor's Office and they have provided comments and updates will be done. The office would like to send the updated version to the Council prior to posting for public comment, but not planning to take a great deal of comment from the Council prior to posting for public comment. The plan is to post this Plan for public comment on approximately December 21st. The deadline for finalizing the Digital Equity Plan and getting it into the portal is February 13th.

Mr. Lovelace asked Ms. Willock if he covered everything. She responded that he did.

He thanked everyone for their hard work on all of this and wished everyone Happy Holidays and hoped everyone has an opportunity to spend time with their families, rest and relax, as this has been a very big year for the Office.

Crociata – Asked Mr. Lovelace to repeat the page #s for the ISPs as there are some attending the meeting today.

Lovelace – Requirement #8 is the structure of the grant, and starts on page 18 and Requirement #16, is in section 13, page 147.

Crociata – Thanked Mr. Lovelace for repeating this. Thanked Mr. Lovelace for how swiftly the work of the Office is moving and welcomed the new staff members.

Ms. Crociata then asked if there were additional questions.

Viorica – Thanked Mr. Lovelace for the great update and report. Excited that the process is moving along so well. He noted that there are several opportunities and workflow streams

running in parallel and gave examples of the Tribal Broadband Connectivity Program 2.0, with a deadline of January 23rd, with several tribes and pueblos in the state working hard to develop projects and their efforts should be supported. Also, in the February/March timeframe there will be the BEAD challenge process. So much work going on, moving at a very fast pace. Stay proactive and do everything possible to stay on top of all the incoming information, working together, which will make this successful. Reported that he has heard many good things about the Broadband Summit yesterday, that it was an excellent event, in particular for information sharing and networking/partnering. Commended everyone for all their work to keep things moving along.

Rosales – There is a question in the chat from Lissa Hughes. Is there a timeframe on when the GWEP application will be open for rural co-ops.

Lovelace – Deferred this question to Ms. Willock, General Counsel.

Willock – Hearing for amended grant rule was cancelled due to missing some of the notice requirements and will be rescheduled. If the hearing had proceeded it would have been invalid. The amendments to the rule include adding the co-ops and telcos to be eligible entities for the assistance grant. The next date available to get the rulemaking re-published will be January 16th, with a 30 day posting period for public comment, then the hearing. If there are no issues in the process then the new rule will most likely be finalized, approved and posted by late February or early March. She asked if there were any further questions.

Crociata – For clarification, this rule has to go into effect before the co-ops can access the GWEP program.

Willock – That is correct. These pieces were left out in coordinating the language of the legislation which was passed and were not included in the rulemaking, so this is being amended to make sure they are included.

Crociata – Thanked Ms. Willock for this explanation. Not seeing anything additional in the chat and no hands raised, can move on to item #6.

6. Legislative Information – Vanessa Willock, General Counsel

Video Recording time: 00:32:04

As mentioned by Director Lovelace there have been quite a few roundtable sessions to discuss concerns and potential legislation. Working with Mark Edwards from the Legislative Council Service who is drafting discussion bills for the Office. Will be speaking with him later today to go over some questions. Looking to move the PSFA staff group over to OBAE permanently, which includes working on the SEND network, as well as moving the funding and all the billets of that group over to OBAE, permanently under the OBAE umbrella as it fits within the mission of the Office. Also looking at establishing a permanent Connect New Mexico Fund. There are also a number of other items where changes may be needed, such as a change to the procurement code which would allow contracts to not cap out in four years, which will be helpful in the broadband work. Also having discussions regarding a larger bill which addresses the pole attachments and right-of-way issues. Asked Director Lovelace if he had anything to add.

Lovelace – Have met with the Electric Co-op Association, Vice-Chair Luis Reyes and ECG about this. Still in a state of flux as to what language is needed. Not going to give too many details as this is still being negotiated. Expressed his appreciation for ongoing relationships and dialogues with all of these entities with honest discussions about how to move the issue

forward. Thanked those in attendance today who have been participating in these discussions. Looks forward to next discussions. These constructive conversations have been very beneficial.

Willock – Agreed with Director Lovelace regarding these discussions.

Crociata – Thanked Ms. Willock and Director Lovelace for this update. Asked if there were any additional questions regarding the Legislative Agenda.

Viorica – May have a question but will start with a comment. Related to the legislation about pole attachments and possibly easements and rights-of-way believes the next step is a small working group meeting, possibly next week, to get into the details and put in writing some agreements related to actionable items which will facilitate the expeditious deployment and resolution of pole attachments, make-ready, joint use agreements, costs, etc. There has been discussion that this may negate the need for legislation. Still working on this but thinks they are making progress and believes there will be some additional progress soon. A letter from the PROP working group which would outline these initiatives would be a good next step. Believes there will be an update for the next Council meeting.

As the Connect New Mexico Fund grant application is being opened which will put to use the \$70 million, he wondered what kind of action this Council could take during the next legislative session to demonstrate support of the new request for \$250 million in additional funds, per year, to help support the needs across infrastructure as well as affordability efforts.

Lovelace – To be more specific with regard to the funding, \$230 million every year for nine years has been identified as the infrastructure need for the gap of \$2.1 billion on infrastructure. This is a very clear breakout of what is a physical asset infrastructure need, middle-mile, last-mile, 5G towers, etc. There has been extensive discussion with the electric co-ops and the exchange carrier group about make-ready costs on poles. Infrastructure is the one big breakout and that need will be an ongoing request from the legislature. In addition there will be additional programatics that will need to occur around workforce development, identifying telehealth, continuing the digital equity work, all pieces and components which are incredibly important. He also noted the \$20 million, the PSFA funding that would normally go to the State Education Network, and bringing that across. This amounts to a \$230 million breakout for infrastructure and \$20 million for programatics, including the State Education Network. Would really appreciate support for these. Noted that many Council members wear multiple hats and any support Council members might be able to generate from their other organizational involvement would be much appreciated.

Crociata – Asked if this budget request was submitted as a recurring or as a Special. She noted that the LFC went through Specials today, which she missed because of this meeting, so she is curious to know.

Lovelace – It is a Specials request. Time has been spent having challenges around CPF requests. DoIT has priorities and being listed underneath DoIT, OBAE wants to be sure DoIT gets their priorities, so going the Specials route was a way to be sure that this request was also taken into consideration, and since the Specials have been used for creation of the Fund it made a lot of sense to continue to pursue this route.

Crociata – She asked because if this is just within the budget there is not really much the Council or others can do in the meetings as far as public support, except during the initial budget hearings which happen early on. As a Specials request there could potentially be a

stand-alone bill, but with the fund already set up that would not make sense either. She believed individually talking to the Chairs of both House Appropriations and Senate Finance, as well as any sort of other identifiable champions on those committees, would certainly be helpful. Since the fund is already established there would not be a stand-alone piece of legislation.

Lovelace – That is correct. Her advice is welcomed. He would certainly entertain a letter from the Council, perhaps to those Chairs, or other individual groups.

Crociata – Probably a little late for a letter to Legislative Finance at this point, but could do a letter from the Council to House Appropriations and Senate Finance, as well as the LFC Director. Assuming this would need to be voted on by the Council.

Willcock – Procedurally, yes, because it would be a formal action of the Council.

Crociata – OK. And the next Council meeting is set for January?

Rosales – Will check for next meeting date.

Crociata – Last year she spoke as an individual Council member when supporting different items and not on behalf of the Council as a whole. Would other Council members like to join this conversation about how they feel about the Council offering support for these budget items?

Rosales – Next meeting scheduled for January 18, 2024. Will have to check about this date with Chair Sekaquaptewa as this falls during the legislative session.

Lovelace – That is correct.

Crociata – The session starts on the 17th.

Rosales – Noted that Rosalie is in attendance today. Asked Director Lovelace to introduce her.

Lovelace – Rosalie is the financial coordinator for the Office. He asked Rosalie to introduce herself.

Rosalie – Introduced herself as the financial coordinator for OBAE and greeted the meeting participants.

Lovelace – Back to the Chair's question about Council members weighing in on the budget support conversation.

Crociata – With the next meeting being the day after the start of the session, would the best approach be to have a letter prepared for Council review and approval at that meeting which could then go to Senate Finance and House Appropriations? Asked Ms. Willcock to address this question.

Willcock – This would certainly be appropriate if the meeting is held on that date.

Crociata – Noted that a vote on something of this nature could not be done via email/electronically as it would violate OMA. Asked for confirmation of this.

Willcock – That is correct, that would constitute a rolling quorum.

Reyes – Stated he believes it would be good to start or continue a push with legislators, ultimately culminating with a letter, but perhaps prepare a fact sheet stating why broadband should be a reoccurring budget item or sufficiently budgeted every year, as this is one utility that is crossing all sectors today, e.g., education, healthcare, communications. Noted he would lobby as an individual, as well as Kit Carson Electric, and believed that distribution of a fact sheet to legislators would be a good starting point with individual lobbying efforts throughout the session. He would support an aggressive approach to get the appropriate funding for broadband.

Crociata – Agreed with Mr. Reyes. Noted that when the New Mexico Counties established their legislative priorities back in July they added an item to support the expansion of broadband and the Office of Broadband initiative, so the counties are already supportive.

Noted that usually the first weekend of the session is the time when the specials in the budget are reviewed in the House Appropriations Committee and there is space allowed for public comment at the end of this review. Would be nice to be able to take a vote as the Council prior to that review and have a few Council members attend in order to speak in support of this request during the public comment period. There are many in attendance today who track these proceedings and can take note of when this would occur. Will need to check with Chair Sekaquaptewa to see what the plan will be for the meeting in January. Believes it would be prudent to perhaps call a special meeting to vote on this item and have a letter ready for circulation to both finance committees as well as the LFC, the timing would be perfect being early in the first week of the session. Doesn't believe there is anything that could be done today.

Willcock – If not on today's Agenda should not vote.

Crociata – Agreed. Perhaps touch base with Kimball to have something ready for the 18th which could then be distributed and Council members could then speak on behalf of the Council in support. Can certainly voice support as individuals in the meantime.

Viorica – Echoed Mr. Reyes' comments. Fully supports action by this Council, moving forward with a letter, when appropriate in coordination with Chair Sekaquaptewa. Reminded everyone that some Council members have specific parameters in terms of ability to lobby or speak in support of appropriations and legislation, as they are state employees. Restated that as a Council member he strongly supports this effort and the suggestion for a letter from the Council in support of the request from the Office of Broadband as well as a fact sheet to share with decision makers. Would like to see this on the Agenda for the next Council meeting.

Crociata – Concur.

Lovelace – Question for Ms. Willcock. Would it be appropriate to talk through points that the Council would like to include in the proposed letter under perhaps new business on today's agenda in preparation for further action at the next meeting.?

Willcock – The Council can discuss. Cannot take official action as this was not on the Agenda.

Crociata – As per Mr. Viorica's point can include and highlight what is still needed and why this investment is so critical to the State of New Mexico and also include Mr. Reyes' point as to

how this touches every aspect of every New Mexican's life and why it is critical for the State to make this investment, truly a wise investment for the future. Could include details of what is still needed and why the funding is needed. Likes the idea of moving forward and getting the letter drafted and on the agenda for next meeting, even if that is all that can be covered in the next meeting.

Viorica – Stated that it is true that broadband touches everyone's life now and it is essential to economic development. Shared information from a recent economic study which showed that for New Mexico every month where people do not have access to high-speed internet this represents approximately \$20 million in lost economic opportunities and gain, which is a big number and hopefully will generate attention and interest. Very important for New Mexico. Will have a true net impact in the economic output for the state.

Lovelace – Asked Mr. Viorica to forward the link to this study to Chair Sekaquaptewa to help frame the letter being discussed. Very useful information.

Crociata – She has some additional information related to economic development.

There is also a comment in the chat noting that the State of Texas voters approved a \$1.5 billion broadband development fund in November, which allows \$155 million for next year and 911 service, \$75 million for pole replacement and \$1.25 billion for expanding broadband connectivity.

7. Public Comment – Acting Chair Crociata

Video recording time: 00:59:56

Ms. Crociata called for any public comment. None was seen or offered.

8. Adjournment – Shawna Rosales

Video recording time: 01:00:44

Ms. Rosales called for a motion to adjourn. Mr. Mantos so moved, seconded by Mr. Guinee. There being no opposition and no further business before the Council the meeting was adjourned at 2:31 p.m.