

## REGULAR MEETING of the WYOMING BROADBAND ADVISORY COUNCIL

Cheyenne, Wyoming • Monday, March 2, 2020  
Wyoming Business Council Becker Conference Room – 214 W. 15<sup>th</sup> Street  
And by Webinar: <https://zoom.us/j/856350956>

### MEETING AGENDA

*(Times and order of agenda are tentative and subject to change without notice)*

- 1:00 p.m. CONVENE PUBLIC MEETING – CHAIR LAUREN SCHOENFELD**
- Pledge of Allegiance
  - Welcome and Introductions of Board Members
  - **ACTION ITEM:** Consideration of approval of minutes from December 4, 2019 regular meeting at Cheyenne
  - **ACTION ITEM:** Consideration of approval of minutes from February 6, 2020 special meeting via teleconference
  - Preview of Agenda
- 1:30 p.m. NOMINATING COMMITTEE UPDATE – COMMITTEE CHAIR RANDY MILLER**
- **ACTION ITEM:** Consideration of Officer Nominations
    - Chair – Lauren Schoenfeld
    - Vice-Chair – Barbara Sessions
- 1:45 p.m. COMMITTEE DISCUSSION – CHAIR LAUREN SCHOENFELD**
- 2:15 p.m. BREAK**
- 2:30 p.m. OVERVIEW FROM ATTORNEY GENERAL’S OFFICE – DEVIN KENNEY, ASSISTANT ATTORNEY GENERAL**
- 3:00 p.m. DISCUSSION ON BROADBAND STATUTE – CHAIR SCHOENFELD**
- W.S. §9-12-1509 – *Not later than March 1, 2020, propose recommended changes to upload and download speeds specified in the definition of unserved areas, including unserved residential and business corridors.*
  - **ACTION ITEM:** Consideration of upload and download speeds
- 3:30 p.m. BROADBAND MANAGER UPDATE – RYAN KUDERA**
- Grant Application Process Update
  - Regional Updates
- 4:00 p.m. WYOMING BUSINESS COUNCIL UPDATE – ERIN MOORE**

**4:30 p.m. OTHER COUNCIL MATTERS**

- 2020 Council Meetings
  - Wednesday, May 6 – Sundance
  - Wednesday, September 9 – Kemmerer
  - Wednesday, December 9 - Cheyenne

**4:45 p.m. PUBLIC COMMENTS**

**5:00 p.m. ADJOURN**

## REGULAR MEETING of the WYOMING BROADBAND ADVISORY COUNCIL

Monday, March 2, 2020 at the Wyoming Business Council and by Webinar

**COUNCIL PRESENT:** Tom Lacock, Patrick Lawson, Zane Logan, Jason Miller, Randy Miller, Lauren Schoenfeld, Barbara Sessions, Brian Worthen, and Tyler Vasko

**STAFF PRESENT:** Julie Kozlowski, Ryan Kudera, Ben Petersen, and Noelle Reed

### CALL TO ORDER

Interim Chair Schoenfeld called the meeting to order at 1:04 p.m. and led the Council in the Pledge of Allegiance. Roll was called and a quorum was established.

The minutes from the December 4, 2019 Council meeting in Cheyenne, WY were presented.

- **ACTION ITEM:** Motion to approve minutes from the December 2019 meeting as presented by Ms. Sessions, seconded by Mr. Vasko. Motion carried.

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The minutes from the February 6, 2020 Council special meeting via teleconference were presented.

- **ACTION ITEM:** Motion to approve minutes from the February 2020 meeting as presented by Ms. Sessions, seconded by Mr. Randy Miller. Motion carried.

### NOMINATING COMMITTEE UPDATE

Committee Chair Randy Miller presented the Nominating Committee's recommendations for officers. The Committee recommends Ms. Lauren Schoenfeld as Chair and Ms. Barbara Sessions as Vice-Chair. Committee Chair Miller stated that the Committee discussed it was a good idea to have a vice-chair in case things come up that the Chair is not able to be present.

- **ACTION ITEM:** Motion to approve the Committee's recommendation for Ms. Schoenfeld to act as Council Chair was made by Committee Chair Miller, seconded by Ms. Sessions. Motion carried unanimously.
- **ACTION ITEM:** Motion to approve the Committee's recommendation for Ms. Sessions to act as Council Vice-Chair was made by Committee Chair Miller, seconded by Mr. Worthen. Motion carried unanimously.

### COMMITTEE DISCUSSION

Chair Schoenfeld stated that he wanted to have a discussion on the Committees and see if there should be any changes. The five current committees include:

- Broadband Data Mapping
- Public-Private Partnerships & Funding
- Barriers & Opportunities

- Emerging Technologies
- Telehealth

Mr. Jason Miller asked Mr. Kudera what he needs from the Council. Mr. Kudera stated that he's still learning what the needs of the communities are and how it will all meld together. Ms. Kozlowski asked the Council if they felt the topics were correct. Mr. Kudera stated that the Public-Private Partnerships & Funding is a big one. Mr. Worthen stated that he felt Emerging Technologies Committee could go away. Ms. Sessions asked if we need to focus on education as well. Mr. Kudera agreed that a lot of people don't even know what broadband is or what it means to them.

Mr. Worthen added that we should simplify the committees and suggested having 3: Funding; Matchmaking/Education; Known Weaknesses in State (barriers). Ms. Sessions added that the Barriers & Opportunities group is so broad and could be narrowed down. She added that she felt the Mapping Committee could go aside too. Mr. Kudera stated that he is looking into how to make the map better.

Chair Schoenfeld asked if a committee on Rules & Procedures for the grant application would be helpful. Mr. Kudera stated not at this juncture; the more likely scenario is holding a special meeting. Mr. Kudera added that he hopes to allocate funding by end of June 2020.

Chair Schoenfeld stated that the Committees moving forward will be:

- Public-Private Partnerships & Funding
- Matchmaking/Education
- Telehealth
- Known Barriers in WY

Chair Schoenfeld stated that the Council will re-assign members and Committee chairs at the next meeting, so all Council members should email her their Committee preferences.

Mr. Randy Miller stated that he wants to get these Committees on the ground in a couple weeks. He added that he would be happy to help schedule Committee meetings as well.

## **OVERVIEW FROM ATTORNEY GENERAL'S OFFICE**

Devin Kenney, Assistant Attorney General, gave an overview 9-12-1509 statute. This statute created the Broadband Advisory Council and details how members are selected. The Wyoming Business Council Board selects Council members. The statute does give a few requirements of members but has more suggestions than requirements.

Mr. Kenney stated that while some statutes give instructions on how to proceed if a Council member is not attending meetings, this statute does not. However, the inherent authority probably lies with the Wyoming Business Council board to remove a member. Mr. Kenney

suggested that if the Council needs to request a member be removed, they submit a letter to the Wyoming Business Council Board and the Governor making that request.

Mr. Kenney also went over the Council's statutory duties. He noted that the Council can always go outside of the Statute, but the Statute does outline the Council must:

- The development of an inventory and map of current broadband availability
- Advise the Wyoming Business Council (WBC) on needs, practices and technologies for providing broadband service
- Coordinate with ENDOW and State Chief Information Officer and local and tribal governmental entities
- Receive and review applications
- Create a State Broadband Enhancement Plan
- Propose recommended changes to upload and download speeds
  - Mr. Kenney added that the WBC Board has the authority to make rules on upload and download speeds.

The next statutory component Mr. Kenney discussed was the application under 9-12-1501(d). This states that a governmental entity shall develop a request for proposals, as prescribed by the council, inviting business entities to participate in a project proposed for funding under this statute. If no eligible business entity responds to the RFP, the governmental entity may apply individually or jointly with another governmental entity. However, the Council has no rulemaking authority. Mr. Kenney stated that the Council could create a process, or form, that can be approved by both the Advisory Council and the WBC Board.

Mr. Worthen asked if the form should be in letter format? Mr. Kenney stated that the statute doesn't specifically say; it is very open language. Mr. Worthen asked if this was already in place. Ms. Kozlowski stated that Mr. Kudera has been looking at it and will give an update during his report. Ms. Kozlowski added that it looks like revisions will need to be made to the application process, so that could all be rolled out together.

Mr. Kudera stated that currently the pre-application and application are on the WBC website. The RFP process just discussed is still being worked on to be approved by both Councils. Mr. Kenney stated that would be his suggestion – to have both entities approve the process. Ms. Schoenfeld stated that this will be good for everyone to be on the same page. Ms. Kozlowski added that it's also a good exercise of more eyes looking at the form. Mr. Lacock clarified if she meant Council eyes. Ms. Kozlowski stated that yes, that's what she meant. Ms. Schoenfeld inquired as to when it would be available to Council; Mr. Kudera stated that he would get a draft out to the Council by end of March.

## **DISCUSSION ON BROADBAND STATUTE**

Ms. Schoenfeld introduced Statute 9-12-1509 language, “No later than March 1, 2020, propose recommended changes to upload and download speeds specified in the definition of unserved areas, including unserved residential and business corridors.”

Mr. Worthen asked if we need to send our recommendations to the legislature. Mr. Kudera stated they go to the WBC Board. Mr. Worthen stated that he believed a formal definition was already done and presented. He believes this deadline has already been met. Ms. Sessions stated that she believed the Council made that recommendation in Fall 2019. Mr. Kudera stated that he was still trying to find past minutes so he will continue to search. Mr. Randy Miller stated that he would review his information and see if he had a copy of the minutes, as well. Chair Schoenfeld asked that once we have that confirmation to let the Council know; Mr. Kudera stated that he would.

## **BROADBAND MANAGER UPDATE**

### Grant Application Process

Ms. Kozlowski stated that WBC staff will continue to work with the current 2 applicants on refining what they’ve already done. Ms. Sessions asked if they would have to reapply for the funds. Mr. Kudera stated that we will have to ask them to adjust their applications to the rules. Mr. Randy Miller asked what the reporting requirements for the grants are after they’re awarded. Ms. Reed stated that those would be outlined in the grant agreement between the applicant and WBC.

Mr. Kudera added that there currently is not a scoring system in place either. He is reaching out to other states with similar programs. Mr. Lacock suggested running the scoring criteria through the providers for their input as well.

### Regional Updates

Mr. Kudera presented the regional updates.

#### *Northeast Region (Brandi Harlow):*

- Crook County – Have been assisting with assessment of the unserved area and have met with a Crook County official as to the best way to approach the planning stages to improve broadband to greater areas of Crook County. Will be continuing to work with Crook county to provide support and guidance to whatever process is decided will work best for the area.

#### *Southeast/East Central – (Heather Tupper/Kim Rightmer):*

- Tri-County – Goshen/Platte/Niobrara – working on an assessment of needed services and additional support in the region, deficiencies have been identified and verified with various data available. Beginning stages of planning are being worked on for the region,

with plans to proceed with the exploration of solutions and how best to address the procedural requirements that will best meet the needs and desires of all parties.

- Albany County – Have not been working directly with Albany county, but have notified co-applicant of procedural deficiencies of the current application. Discussed with co-applicant the known problems and shared that we are working to provide the solution to resolve the situation as quickly and accurately as possible.

#### *South Central – (Marcio Paes-Barreto)*

- Northern Arapaho – Notified the applicant of the deficiencies of the application, provided some information regarding current deficiencies, spoke to additional information and process that will be needed as understood at the time. I will be working directly with the applicant to resolve these issues once resolution process can be identified for the deficiencies.
- Lander EDU/Fremont County – Met with Lander EDU and Fremont County official as to the broadband availability in Lander/Fremont county.

#### *North Central – (Amy Quick)*

- Shell – Have a phone conference and some correspondence with interested persons in Shell, regarding broadband. The conversation will continue and as travel will allow, a visit to Shell to further explore their thoughts.

#### *West – (Elaina Zempel)*

- Will plan to visit the western portions of the state in late spring – fall timeframe.

#### Miscellaneous Updates

Mr. Kudera thanked Mr. Lawson for sharing information regarding Chairman Pai's visit to Wind River Internet and the Wind River Reservation. He stated that it was his helpfulness that allowed the Council staff to engage with the Governor's office to provide the opportunity allowing the roundtable discussion with Chairman Pai.

Mr. Kudera added that he was in Washington D.C. last week attending the State Broadband Leaders Network Summit, where representatives from the USDA, FCC, NTIA, PEW Foundations, Mississippi Public Service Commission, and various State broadband/technology offices presented upcoming grant programs, clarified existing questions and provided insight to the next stages in various requirements for broadband program management in the years ahead.

Mr. Kudera added that this event also provided the opportunity to visit Sen. Barrasso and provide information regarding Federal programs and the potential impacts to Wyoming.

Furthermore, a request of support was sent by Sen. Wyden's office (Oregon) to Sen. Barrasso's office regarding ineligible areas created with the USDA's ReConnect program and the FCC CAF-II 903 reverse auction awards as it relates to satellite service awarded by the program. USDA does not consider satellite service to be adequate for rural use, and has published opinions to that fact, yet created a large portion of Wyoming (60% by some counts) ineligible because of this

rule. Mr. Kudera stated that he was able to provide information in regard to the ineligible Satellite award areas to Sen. Barrasso and Sen. Enzi, who decided to sign onto Sen. Wyden's letter to the USDA. Since the release of this letter, Sen. Barrasso's office has confirmed that "The work we did with USDA via the Wyden letter opened up a bunch of channels for conversations and improvement with USDA."

Mr. Kudera concluded his report and stated that he would send his updates out to Council members ahead of meetings.

## **WYOMING BUSINESS COUNCIL UPDATE**

Ms. Erin Moore, WBC Board Member, gave a brief update on the WBC.

The new CEO, Josh Dorrell, started on February 3<sup>rd</sup>. He has hit the ground running and been busy with legislature and learning all about the WBC's programs.

The WBC Board meeting will be March 5<sup>th</sup> in Greybull. This meeting will include more conversations around implementing the Strategic Plan. So far, there has been nothing major affecting the WBC budget during this legislative session.

Chair Schoenfeld asked if the Council could get a presentation on the WBC Strategic Plan and where it fits into the new direction. She stated that she wants to be able to represent the WBC well. Ms. Moore stated that yes, the WBC Board can help communicate some direction for the Broadband Advisory Council.

Mr. Worthen asked if there had already been some discussion at the WBC Board regarding the Council. Ms. Moore stated that there haven't been too many conversations around broadband specifically, but more about projects in general, specifically vetting, funding mechanisms, and how they fit into the overall strategy.

Mr. Lacock asked if the presence of a Broadband Advisory Council in Wyoming is seen as a positive with business recruitment. Ms. Moore wasn't sure but would check with WBC Business Recruitment staff. She added that while it certainly has an impact in the site selection process, it may not be addressed specifically.



**OTHER COUNCIL MATTERS**

2020 Proposed Council Meetings

- Wednesday, May 6 – Sundance
- Wednesday, September 9 – Kemmerer
- Wednesday, December 9 – Cheyenne

Agenda Format

Ms. Sessions suggested that we update the agenda to include public comment periods after each big agenda item.

**PUBLIC COMMENTS**

The Council opened the floor for public comments, but none were made.

There being no further business before this Council, Chair Schoenfeld adjourned the meeting at 3:20 p.m.

*Respectfully Submitted,*

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*Noelle Reed, Community Development Manager*

*Date*

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*Lauren Schoenfeld, Chair*

*Date*