MINUTES

Broadband Development Office Board of Advisors Meeting

The Broadband Development Office Board of Advisors (BDOBOA) meeting was held virtually and in person. Texas Comptroller Glenn Hegar called the meeting to order at 2 p.m. via Cisco WebEx on Oct. 11, 2022.

Members Present:

Comptroller Glenn Hegar

Rep. Trent Ashby

Alonzo Cantu

Sergio Contreras

Dr. Scott Muri

Greg Conte

Mari Robinson

Members Not Present:

Adriana Cruz

Robert F. McGee

The BDOBOA proceeded on the posted agenda items in the order as follows:

Agenda Item I. Call to order and roll call.

Comptroller Hegar called the meeting to order at 2 p.m.

Mr. Jimmy Anderson, systems coordinator for the Comptroller's Legislative Affairs team, called each member's name, and most board members were present. Ms. Adriana Cruz, Mr. Robert F. McGee and Ms. Mari Robinson were not in attendance. Comptroller Hegar recognized that roll was called and that most members on the board were listed as present.

Agenda Item II. Adoption of minutes from Aug. 9, 2022, meeting.

Comptroller Hegar moved to approve the minutes from the board meeting on Aug. 9, 2022. The motion was seconded by Rep. Ashby. The motion carried unanimously.

Agenda Item III. Update from the Broadband Development Office and LightBox on the state's broadband availability map.

After the meeting minutes were approved, Comptroller Hegar asked Mr. William Bogetti and Mr. Bill Price from LightBox to share their progress with the board. Mr. Bogetti began by explaining LightBox's mapping process, which included reaching out to 331 internet service providers around the state of Texas and asking for data submissions. LightBox received submissions from 131 internet service providers, and that data was then used to build LightBox's mapping solutions. Mr. Bogetti shared three mapping

solutions with the Board of Advisors. The first map is targeted at citizen's and provides information on the level of broadband availability for homes and businesses. Mr. Bogetti noted that because this is a public resource, it will be posted online and will not require a log in or password to access. Mr. Bogetti noted that they plan to have this map published by the end of the year. Mr. Bogetti also shared the provider map. The purpose of the provider map is to give grant applicants a way to visualize and download information about broadband availability in their areas, which should make submitting location information easier for communities. Funding applicants can use the provider map to visualize unserved areas or areas for potential funding and then use this information in their application. The final map Mr. Bogetti shared was a private map that would only be accessible to authorized users and would require a log-in and password to access. The purpose of this map is to be more internally focused and will ensure that applicants are submitting accurate information, that funding is serving targeted areas and audiences and can be used to find the location of relevant anchor institutions. Mr. Bogetti wrapped his presentation by sharing their progress, noting that they recently completed Phase 1 of their mapping efforts and are now moving on to Phase 2 of 4.

Mr. Bogetti and Mr. Price concluded their presentation and responded to questions from the Board of Advisors. Dr. Muri asked Mr. Bogetti and Mr. Price to define broadband availability and what that means from a technical perspective and a cost and infrastructure perspective. Mr. Price shared that speeds of 25/3 count as service. He clarified that internet services providers are asked not only if they are providing services in an area but noted that if an area can be served by an ISP within 10 days, that it's considered served. Mr. Price noted the definition of availability doesn't consider affordability, so even if the broadband offerings in an area are expensive, it's still considered served. Dr. Muri then asked if LightBox is collecting cost data, and Mr. Price told him not in the first round of data collection, which concerns technology, the highest speeds available and availability by structure. Mr. Price also clarified that providers were asked to report their highest available speeds, so LightBox will know to what level an area is being served.

Another question was asked regarding the timeline of the public-facing map and how citizens of Texas will access it. Mr. Bogetti shared that the public facing map will be available by December, and the rest of the maps will be available in 2023. Citizens will be able to access the map through the Comptroller's website. A follow-up question was asked regarding efforts to market this new tool to Texans, and Mr. Conte responded that the BDO understands what a valuable tool this is for the state, and that the BDO will be marketing the publicly available map through avenues such as newsletter and announcements.

One board member asked a question related to the utility of the maps LightBox is creating for the BDO. Mr. Conte responded that the main purpose of the map for now is to make funding decisions, but the map will also have broader uses in the future. Mr. Conte also noted that maps built by LightBox can be improved in the future. He said the current priority is gathering as much data as possible. A broader use for the maps will be considered, but for now we're using them to make funding decisions.

Another question was asked regarding whether or not LightBox was able to reach all of the ISPs in the state. Mr. Price clarified that no, they have a vetting process so that they are able to get the information they need from relevant ISPs. Mr. Price walked the board through their process, which included gathering a list of all communications services providers that submit FCC forms. Then LightBox filtered through to just ISPs. LightBox conducted some outreach to CEOs for these groups and invited them to a webinar, which allowed them to determine which providers can provide the minimum speeds required. LightBox's outreach efforts list went from around 800 organizations to 331. Mr. Price clarified that they like to start with a large list so that they don't leave anyone out. Then the company continues to vet organizations throughout the process. He noted that about 150 companies submitted data, and LightBox will follow up with companies that didn't respond to any outreach.

Mr. Contreras then asked if LightBox had completed maps for other states. Mr. Price said indicated LightBox had completed maps for the state of Georgia, Montana and Wyoming. He also noted that LightBox maps are very customizable, so they will work with the BDO to determine the best visual design, which might differ from other maps.

Dr. Muri then asked Mr. Conte to clarify how these maps will be used, and if they're available to applicants for the funding process. Mr. Conte said that yes, applicants will sign up to access this information and can use it in their application. Dr. Muri then asked if once projects are done if the map would reflect that. Mr. Conte replied yes.

Agenda Item IV: Update from BDO on activities related to:

- **Infrastructure, Investment, and Jobs Act (IIJA)**
- **American Rescue Plan Act (ARPA) and Capital Projects Fund (CPF); and**
- **Program development under House Bill 5.**

Mr. Conte shared that related to IIJA, the application for BEAD funding was submitted on Aug. 15, 2022. This will allow the office to tap into $5 million in initial funds to begin planning efforts. He also noted that the BDO must deliver a 5-year action plan to NTIA within 270 days of receiving the funds and is currently searching for a third-party vendor to support this effort. Mr. Conte also shared information regarding the Digital Equity Act. He shared that the BDO expects to receive $3.1 million to stand up the state's equity plan, which will be designed to served unserved and underserved areas across the state. The BDO has one year to submit a state equity plan.

Mr. Conte then discussed ARPA and CPF updates. He reported that the BDO submitted a grant plan for approval on Sept. 19, 2022. He noted that Texas will receive $500.5 million for these efforts and that all of these funds must be spent by Dec. 31, 2026. He also shared those broadband projects must include a universally available, low-cost option and that the provider must participate in ACP. Mr. Conte then elaborated about how this funding will be allocated according to the Texas Grant Plan that was submitted in September. Most of the funds, approximately $386 million, will be dedicated to the BDO's last mile grant program. The rest of the funding will be split among four projects, including a pole replacement program, the infrastructure and facility access improvement grant program with Texas State Library and Archives Commission (TSLAC), the Rural hospital broadband program with Texas Department of Agriculture (TDA) and the El Paso District Safety Rest Area Broadband Infrastructure project with Texas Department of Transportation (TxDOT).

Mr. Conte then updated the Board of Advisors on program development under HB 5. Mr. Conte shared that the CPF grant plan was submitted on Sept. 19, 2022. Rules for the CPF grant program were published on Sept. 23, 2022, and will remain open for comment until Oct. 23, 2022. Those rules will go into effect in mid-Dec., and future steps include releasing the Texas Broadband Availability Map, releasing a notice of funding opportunity and application guidance, and opening grant applications.

Mr. Conte then took questions from board members. Rep. Ashby asked if the El Paso District Safety Rest Area Broadband Infrastructure project would be replicated across the state, and Mr. Conte replied that he was unsure but that he would consider it. He also said the BDO would determine how lessons learned from individual projects can be applied throughout the rest of state would be helpful moving forward.

Mr. Contreras asked if the BDO involved other organizations while selecting projects? Mr. Conte said yes, they worked with other organizations and ultimately reviewed five proposals for projects and moved forward with three of them. Mr. Conte clarified that the projects they did not move forward with did not

align with program goals. He said that according to CPF guidelines, the funding must enable the expansion of workforce development, education and health monitoring while reaching communities of critical need, so all projects had to be considered through those lenses.

Mr. Contreras asked for further explanation as to why the BDO specifically chose to move forward with the El Paso District Safety Rest Area Broadband Infrastructure project, and specifically wanted to better understand why funds were being directed towards remote rest stops rather than communities directly. Mr. Contreras also wanted clarity on whether this meant we were encouraging Texans to visit rest stops to access internet services. Mr. Conte and Comptroller Hegar then spoke about their efforts to start implementing funds by identifying broadband-related projects within related organizations and funding those to establish partnerships early on and to quickly move forward with projects that were already in the planning stages, could present a quick win for the BDO office and its partners, and align with both the BDO's goals and funding requirements. Comptroller Hegar continued to clarify that the ARPA and CPF funding must be spent by the end of 2026, which provided additional urgency to begin spending the funds quickly. He also reminded the board that these funds prioritize connecting citizens who are unserved and underserved and live in rural areas. He mentioned that rural areas typically have high populations of unserved and underserved Texans.

Mr. Contreras then asked about the pole replacement program and wanted to know if the group had already discussed this project in detail. Mr. Contreras wanted to know if the BDO was setting any sort of precedent by moving forward with these projects, either in the types of projects that would be selected or the vetting process. Comptroller Hegar stressed that projects were selected by considering what was eligible under ARPA and CPF funding criteria, the goals of the BDO and what projects could be implemented quickly and easily to provide momentum for future projects.

Dr. Muri asked Mr. Conte to unpack the purpose of the last-mile program. Mr. Conte explained the purpose of the program: it is meant to connect the unserved and underserved. He also said the program is a major focus for the BDO. Dr. Muri asked if applicants were expected to have specific projects when requesting funding. Mr. Conte said that applicants with projects that are ready to go and planned out will likely fare better in the evaluation process. Other members jumped in to describe the pole replacement program as the bread and butter of the BDO and described how these programs are in line with the intentions of HB 5. Dr. Muri mentioned the need to educate people about how to do outreach, so that people know how to access these opportunities. He then asked if the BDO is doing anything to support the more rural, disconnected areas that might not have the resources to take care of outreach on their own. Mr. Conte responded that 5 percent of CPF goes to administrative support, and that will include outreach and marketing efforts. Mr. Conte also mentioned different groups of funding will be available over the next year, so as new sources of funding are released, the BDO can adjust moving forward. Mr. Conte also described past efforts to engage stakeholders, such as roundtables and the listening tour. He also mentioned that the BDO is hoping to add fulltime employees soon, and that would enable the office to better address outreach.

Mr. Cantu asked a question regarding Digital Equity Act (DEA) funding and wanted to know if the initial $3.1 million is the entirety of the funds BDO has or if the office can use the $3.1 million to pursue other funding. Mr. Conte responded that this is the initial round of funding, and the BDO expects further funding in the future.

A board member asked when BDO thinks application for funding will open. Mr. Conte responded that the date funding applications will open is still unknown because BDO first need to hear back from treasury regarding rules. Mr. Conte said that he did expect the application period to open sometime in early 2023, but that timeline is contingent on other activities and is subject to change. Dr. Muri and Mr. Conte then

briefly discussed the importance of getting these funds out quickly to address the important need of broadband access.

Agenda Item V: Discussion on barriers to broadband access in Texas, including but not limited to demographic factors such as income level, age and level of education.

Comptroller Hegar began this discussion by asking the Board member to share their thoughts on how to use BDO resources to address barriers to broadband access. Board members then discussed barriers including digital literacy, quality, devices, coverage and affordability. Comptroller Hegar asked board members which barriers are most pressing, what should be high priority topics to address and if the group had examples of barriers preventing broadband access within their community.

Ms. Robinson said that in her community coverage, availability and quality were the biggest barriers to access. She then clarified that she defines quality as upload and download speeds. She said she does not feel digital literacy was as big of an issue and felt her community could address the issue. She also said she felt most people seem to have a device that works, but that in her community they need more high-quality coverage and service. She also said that it is important that those services are affordable.

Dr. Muri mentioned that he thought digital literacy might be a challenge because a community might not understand why digital literacy is important. He stressed that we need to educate communities as to why broadband access, digital literacy and other related topics are important. He noted that in his area they've offered similar services, but there was not interest because people didn't understand how it would be useful. He then mentioned that affordability and quality of service are two other big issues.

Agenda Item VI. Discussion on name of a recurring CPF-funded grant program within the BDO.

Ms. Lawson introduced the three names that had been developed for a CPF-grant program, which included BOOT (Bringing Online Opportunities to Texans), PECAN (Promoting Equity, Connectivity, & Access Now) and BOOT (Broadband Offering & Opportunities in Texas). Ms. Lawson then asked for feedback on the three options from the board of advisors.

Ms. Robinson shared that she was more partial to BOOT because she liked references to broadband and online, but that she did also like the reference to equity in PECAN. She said she thought it was important that the acronym include the word broadband or internet.

Mr. Contreras also offered the word BUILD as a potential acronym that might work. Mr. Contreras also contributed the tagline "giving the digital divide the BOOT," which many members enjoyed. Members generally agreed that they preferred one of the two BOOT acronyms over PECAN.

Agenda Item VII: Discussion on topics and dates of future BDOBOA meetings.

Comptroller Hegar shared that the next date for the upcoming BDOBOA meeting is Dec. 14, 2022, and topics will include a discussion on bill cleanup next steps, further information on IIJA and other topics. Comptroller Hegar asked for additional topics to consider, and Ms. Robinson contributed that the BDO should consider working with the E-Health Advisory Committee in the future.

Agenda Item VIII: Public comment.

Comptroller Hegar began the public comment period by inviting attendees who had registered to speak in person and then invited those who had registered virtually to speak.

Ms. Jennifer Harris, who attended the meeting in person, addressed the board. She serves as the federal program officer for Texas for Office of Internet Connectivity and Growth of the U.S. Department of Commerce, NTIA. Ms. Harris shared that her organization hit a recent milestone in Tribal broadband connectivity. She shared that her office has awarded more than $1 billion for tribal connectivity grants, including the Kickapoo tribe in Texas, which will receive $2.5 million to connect 354 households and businesses with 100/20 speed. Ms. Harris also shared that there will be a webinar next week and invited board members to join.

The board was then addressed by Ms. Peggy O'Brien, who joined virtually. Ms. O'Brian for the BDO's definition high-speed internet access, noting that while 25/3 Mbps is often the requirement, it might not be suitable in today's current environment. She mentioned that newer definitions of high-speed internet access are nearing 100/20 or 100/100. She questioned whether those speeds would become the federal standard and further questioned whether or not Texas would meet those standards. Mr. Conte replied that, technically, high-speed internet access is still 25/3, but anyone who gets CPF funds must meet speeds of 100/20. He also noted that funding requires services to be scalable to 100/100 in the future. Mr. Conte shared that he was unsure if the federal government will change the definition of high-speed internet access anytime soon. Ms. O'Brien emphasized that we've learned, especially during the COVID-19 pandemic, that speeds of 25/3 are not adequate to meet the needs of education today.

There were no other public comments.

Agenda Item IX: Adjournment.

Comptroller Hegar called the meeting to a close 3:35 p.m.