

MINUTES

Broadband Development Office Board of Advisors Meeting

June 13, 2023

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 2:02 p.m. via Cisco WebEx on June 13, 2023.

Members Present:

Comptroller Glenn Hegar

Rep. Trent Ashby

Greg Conte

Sergio Contreras

Robert McGee

Dr. Scott Muri

Mari Robinson

Members Not Present:

Alonzo Cantu

Adriana Cruz

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 2:02 p.m.

Margeaux Mallick, from the Comptroller's Legislative Affairs team, called each member's name. Comptroller Hegar noted a quorum was present.

Agenda Item II: Adoption of Minutes from April 18, 2023, meeting of BDOBOA.

Comptroller Hegar moved to approve the minutes from the BDOBOA meeting on April 18, 2023. The minutes were approved.

Agenda Item III: Update from the Legislative Affairs Team pertaining to legislative updates.

Comptroller Hegar introduced Sarah Chacko from the Legislative Affairs team to give updates on the legislative actions affecting broadband expansion.

Ms. Chacko shared broadband-related bills sent or signed by the governor. She began by introducing Senate Bill (SB) 1238 by Rep. Ashby. She explained that the bill would align state statute with federal law for the Broadband, Equity, Access, and Deployment (BEAD) program and give flexibility to the Broadband Development Office (BDO) in administering broadband development programs.

Ms. Chacko highlighted the main functions of the bill, which included an update to the definition of broadband to account for latency. The legislation allows the Comptroller's office to change the current definition of broadband at 25/3 Mbps to match the Federal Communications Commission (FCC), if it were to change its definition to include additional factors. It will also change data that will be displayed on the Texas Broadband Development Map. The legislation calls for a move toward location-based eligibility rather than area-based. As a result, more locations will be eligible for funding. Updates to the statute will allow the consideration of middle mile projects in addition to last mile. Lastly, the bill eases conflicts with state statute and federal guidelines by mirroring BEAD's fiber preference while providing an exception for high-cost areas.

SB 1238 will also impact the structure of the BDOBOA. It will move the BDOBOA meetings from every other month to a semiannual basis. It changes one of the governor's appointees from a nonprofit representative to a member of the public with experience in telecommunications. Finally, it adds conflict of interest language to clarify that applicants professionally affiliated with a member of the BDOBOA are still eligible to apply for BDO grants as long as the board member is not involved in any of the decision making.

Then Ms. Chacko explained House Bill (HB) 9 and House Joint Resolution 125, authored by Rep. Ashby, will establish a constitutional fund with an initial investment of \$1.5 billion of state funds to the Broadband Infrastructure Fund, contingent on voter approval. The uses of the funds are limited to administering grants through the Broadband Development Program, funding 911 services and upgrades, funding the Broadband Pole Replacement program, and providing state matching funds for federal dollars. Ms. Chacko reminded the board these funds were contingent on voter approval. Lastly, HB 9 would replace requested federal dollars for the pole replacement program to be put toward other broadband infrastructure projects.

Finally, Ms. Chacko discussed SB 1243 and SB 2119 and their effects on the BDO.

Comptroller Hegar asked for any questions. Mr. Contreras asked if the summary of the legislative updates would be available to the board. Comptroller Hegar explained the updates were already provided on pages 10 and 11 in the BDOBOA meeting's book. There were no other questions.

Agenda Item IV: Updates from the BDO on activities related to:

- a. Bringing Online Opportunities to Texas (BOOT) Program.**
- b. Other programs associated with the American Rescue Plan Act (ARPA).**
- c. Infrastructure Investment and Jobs Act (IIJA).**
- d. Other program developments.**

Comptroller Hegar introduced Greg Conte to share updates from the BDO.

Mr. Conte started by presenting the BOOT program timeline. Mr. Conte went through each date, explaining the actions of the BDO regarding BOOT applications from March 6 to May 22. After the publication of the Notice of Funding Availability (NOFA) on March 6, the BDO accepted questions and responded. On April 3 the application window opened and subsequently closed on May 5. Following a technical issue in Salesforce, applicants were asked to resubmit their address list by May 22.

Mr. Conte reviewed the BDO's next steps regarding the BOOT program, including identifying and contacting applicants with overlapping projects. Then the BDO plans to post applications online. Applicants will have 30 days to challenge, followed by a BDO review. Finally, the BDO will rectify any upheld challenges and evaluate applications to administer awards.

Mr. Conte summarized the BOOT program in numbers. Twenty-six total applicants submitted 191 applications totaling over \$180 million in funding requests. Of the 9,407 eligible areas in Texas, 4,164 were bid on, which included 21,513 of the 35,920 eligible locations. These proposed projects extend across 62 counties and nine economic regions. The BDO staff have learned valuable lessons from the program, which will be applied to future funding programs.

Afterward, Mr. Conte reviewed the ARPA's Capital Projects Fund grants and programs that have already been approved or are currently being evaluated by U.S. Treasury. The Texas State Library and Archives Commission's Library Infrastructure and Facility Access Improvement Grant Program application for \$9.4 million was approved on June 2. Texas Department of Transportation's El Paso District Safety Rest Area Broadband Infrastructure Project application for \$6 million is in the first round of curing. Texas Department of Agriculture's Texas Rural Hospital Broadband Program application for \$25 million is pending. Lastly, the Texas Pole Replacement Program application for \$75 million is in the first round of curing.

Mr. Conte explained the ongoing efforts regarding the IJA. These efforts included engagement through in-person meetings, surveys and other collaborative tools. Mr. Conte emphasized the importance of community engagement for the upcoming deliverables for the BEAD program.

Mr. Conte said the BDO would discuss how new legislation will have an impact on mapping and its effect on administrative rules. Mr. Conte reminded the board of the technical assistance request for proposal the BDO is currently working on issuing.

Comptroller Hegar recognized Rep. Ashby's attendance. Then Comptroller Hegar opened questions for Mr. Conte to the board.

Dr. Muri asked Mr. Conte to clarify the number of applications to the BOOT program. Mr. Conte reiterated that five applicants comprised a majority of the total 191 applications. Dr. Muri followed up his question by asking Mr. Conte if BOOT applications covered multiple regions of the state or only certain areas. Mr. Conte responded by noting that funding requests have been isolated to certain parts of the state where more eligible areas were available.

There were no other questions for Mr. Conte.

Agenda Item V: Update from Connected Nation on IJA planning activities in Texas.

Comptroller Hegar introduced Molly Weiner, Maile Martinez and Stephen LaChance, representatives from Connected Nation, to give an update on IJA planning activities.

Ms. Weiner introduced the four planning deliverables associated with the two programs under the IJJA. She discussed the NTIA deadlines for the Five-Year Action Plan, Texas Digital Opportunity Plan, Initial and Final Proposals. The team provided more details and updates on the public engagement plans for the BEAD program. This public engagement has included various working groups. The statewide working group has met two times, focusing on giving statewide guidance. Task forces have been meeting to discuss barriers and to coordinate across their areas of expertise. Additionally, the 12 regional working groups are bringing a regional perspective to represent covered populations.

Ms. Weiner then introduced Ms. Martinez to go over three public engagement tools being used by the Connect Texas team. First, the Digital Resources Mapping Tool (DRMT) survey will generate a database of the programming and resources currently available that are working to enable access to the internet, devices and digital skills training. Another Digital Opportunity Public survey allows the public to give their input on their experience with broadband issues. Lastly, an industry survey enabled ISPs to provide feedback on issues pertaining to network buildout.

Ms. Martinez explained the robust advertising toolkit to encourage responses for all three surveys.

Afterward, Ms. Martinez updated the board on the public survey results as of June 7, 2023. Around 2,748 surveys were started, with a completion rate of 73 percent. She explained the mapping of the survey data and a bar chart that included the share of responses by covered populations. They have found high response rates from respondents from ethnic and racial minorities, individuals over 60 and those from rural communities. Alternatively, they have found low rates among tribal groups and the unhoused. Ms. Martinez pointed out that over the past couple of days, they have seen a significant uptick in the number of respondents.

Ms. Martinez continued by displaying the DRMT survey results as of June 7, 2023. There have been 155 surveys started, with a 61 percent completion rate. Similarly, she explained a map of the survey data and a chart of responses by covered populations served. There were high rates among groups that served low-income and rural groups, compared with low rates among groups that served the incarcerated and veterans.

Comptroller Hegar asked if there were any questions. There were none.

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

Comptroller Hegar discussed the board's move to semiannual meetings and topics for future BDOBOA meetings.

Dr. Muri emphasized the need for regular updates on the grant process. Comptroller Hegar reiterated his suggestion for board members to provide suggestions for future topics or speakers.

Mr. Contreras suggested a detailed discussion on digital literacy as a topic for a future meeting.

Mr. McGee suggested a topic around the high-cost definition.

Ms. Robinson asked when they would receive a readout from the different Connect Texas survey results and working groups. Ms. Weiner answered Ms. Robinson's question by assuring the board that regular updates would be available from both the working groups and the two deliverables. Ms. Robinson clarified her question by asking if the statewide working group of which she is a member would have a

readout available for the board. Both Associate Deputy Comptroller Korry Castillo and Ms. Weiner assured Ms. Robinson the board would receive updates and the two deliverables that included readouts from the working groups.

There were no other suggestions or questions.

Agenda Item VII: Public comment.

Comptroller Hegar opened the meeting to public comment.

Comptroller Hegar called up Jennifer Harris, the NTIA federal program officer for Texas. She gave updates on the BEAD program including the upcoming NOFA. Following this notice, Texas will have 180 days to submit an initial proposal. Additionally, middle mile grant announcements will be coming very soon.

There were no other public comments.

Agenda Item VIII: Adjournment.

Comptroller Hegar called the meeting to close at 2:40 p.m.