



**Report of the
Oregon Telecommunications Coordinating Council**

**Presented to the
Joint Legislative Committee on Information Management and
Technology on November 6, 2002**

**for the
Seventy-Second Legislative Assembly**

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Executive Summary

The 2001 Oregon Legislature created the Oregon Telecommunications Coordinating Council and directed it to make recommendations to the Legislature and the Governor.

A. The Council adopted as its mission statement:

Provide all Oregonians with affordable access to broadband digital applications that will improve the Oregon economy, improve the quality of life in Oregon communities and reduce the economic gap between well-served and underserved Oregon communities for present and future generations.

The Council believes that Oregon has an opportunity to lead the nation in extending the benefits of telecommunications technology to all residents of the state, regardless of location or income. The Council believes this opportunity will only be realized with the active collaboration of Oregon's residents, institutions and communities.

B. The Council recommends seven legislative guidelines:

The Council recommends that telecommunications policy and legislation should apply to every resident of the state regardless of location. Further, public policy and legislation should encourage and support:

1. expansion of and incentives for affordable broadband and other telecommunications services,
2. telecommunications planning at the local, regional, and state level that includes participants from both public and private sectors,
3. removal of barriers to and provision of incentives for the full deployment of applications (examples: telemedicine reimbursement, distance learning incentives and public safety networks),
4. removal of barriers to public-private partnerships and public actions in areas where the private sector cannot justify investments,
5. use of economic development resources to help fund programs to train telecommunications support personnel,
6. use of economic development resources to help fund educational programs to assist communities to maximize their use of telecommunications technology, and
7. availability and use of State and Federal programs to plan and finance the expansion of advanced telecommunications services.

The Council believes that for Oregon to gain the economic and social benefits of broadband digital applications it will be necessary to provide technical assistance for underserved communities, to increase the availability of broadband infrastructure and to enhance applications utilizing the infrastructure.

C. The Council recommendations for legislation in 2003:

Technical Assistance

1. **Planning and Support.** The State, through the Oregon Economic and Community Development Department (OECDD), should continue to provide funds to support community telecommunications strategic planning assistance, particularly in underserved low-income areas. In support of this mission the State should compile and maintain a telecommunications resource database, maps of telecommunications infrastructure and a state telecommunications resource website.

Infrastructure

2. **Identify Agency.** The Council supports and repeats a previous recommendation of the Oregon Internet Commission to:

“... aggressively promote the existence, maintenance and constant updating of the generally accessible, route-diverse, statewide, reliable broadband telecommunications services, which are essential to E-business. A specific state agency should immediately be identified and charged with pursuing this goal.”
[Oregon Internet Commission Report to the Seventy-First Legislative Assembly, December 2000]

3. **Incentives.** The Council recommends that existing tax incentive legislation be revised to increase its usefulness to providers of telecommunications infrastructure.

4. **Funding.** The State should continue and enhance funding programs for telecommunications infrastructure including the development and enhancement of backbone “middle-mile” and local distribution “last-mile” networks to improve access.

5. **Cooperation.** The Legislature should direct the Department of Administrative Services (DAS) to continue to work with other state agencies, K-12 education, community colleges and universities, and to create new opportunities with local communities and with the private sector to ensure that any public funds spent on telecommunications infrastructure will contribute to and not hinder the goal of shared broadband infrastructure accessible to all.

6. **Remove Barriers.** The Legislature should recommend to the voters a constitutional amendment that would remove constitutional barriers to public entities sharing in the costs and benefits of telecommunications infrastructure constructed by public-private partnerships.

Utilization

7. **Telemedicine Reimbursement.** The Council recommends that the following policy be approved by a joint resolution of the Legislature and implemented by the Governor with an Executive Order:

“It is the policy of the State of Oregon that healthcare payers providing service in the state should reimburse for telemedicine according to the definition and premises presented in the Council Report.”

8. **E-commerce Zones.** The Legislature should facilitate and promote E-commerce through the expansion of E-commerce Zones to more communities.

9. **Education.** The Legislature should order the creation and publication of an integrated statewide plan for the K-12 educational community, community colleges, and universities to share telecommunications infrastructure and plan for its use to improve the delivery of e-learning opportunities throughout the state. The goal for such a plan should be to provide all Oregon students with equal access to existing and emerging educational opportunities through telecommunications.

10. **Libraries.** The Legislature should direct the State to provide financial assistance for library resource sharing activities to public, school and academic libraries from funds specifically appropriated for a statewide network of all types of libraries.

11. **E-government.** The Council recommends adoption of measures to position Oregon as a national leader in the use of e-government for its residents.

12. **Public Safety.** The Council recommends that the State should support rapid deployment in areas where broadband does not exist, support redundancy of these critical assets in order to ensure the best homeland security protections within the state, and ensure that a secure conduit for emergency communications and public safety networks is available to all communities both rural and urban.

Monitoring

13. **Benchmarks.** The Legislature should direct the appropriate agencies to use benchmarks to measure how well the state meets its telecommunications goals and to report the resulting measurement annually to the Legislature and the Governor. (See Attachment 6.)

14. **Council Continuation.** The Legislature should extend the term of the Council through the next biennium and direct it to report progress toward State telecommunications goals and to make further recommendations to the Legislature and to the Governor.

D. Other Policy Recommendations:

15. **Consortia.** The State should continue to support the work of regional telecommunications consortia that have emerged throughout the state.

16. **Generate Awareness.** State agencies should generate awareness of new telecommunications infrastructure and disseminate knowledge of how business, government and individuals can put it to productive use.

17. **Workforce Development.** The State should support efforts to provide cost-effective, quality workforce development training using telecommunications infrastructure to access distance learning opportunities.

18. **Sharing and Partnerships.** The State should allow schools, educational service districts, and local education agencies in underserved and unserved areas to provide broadband access for the surrounding community. Encourage public and private entities to seek opportunities for partnership with educational institutions that will stimulate the use of broadband technologies through community projects and public education.

19. **E-learning.** The State should support innovative efforts that build effective and cost-efficient delivery of e-learning, that is, distance education and training supported by telecommunications.

20. **Oregon Telehealth Alliance.** The Oregon Telehealth Alliance should be created to continue the work of the Council's Telehealth Committee.

21. **Public-Private Partnerships.** Public and private organizations should work together in partnership to promote the use of telecommunications infrastructure and new technology.

The full report can be found at the following website: www.ortcc.org/report.html

Report of the Oregon Telecommunications Coordinating Council

A. Introduction

Oregon has an opportunity to lead the nation in extending the benefits of telecommunications technology to all residents of the state, regardless of location or income. When we speak of benefits we are not talking in an abstract sense. We mean jobs, improved access to healthcare and even better educational opportunities. The Council believes this opportunity will only be realized with the active collaboration of Oregon's residents, institutions and communities.

In the emerging "new economy," Oregonians are finding an increased reliance on not just knowledge but the need to share knowledge. We find the pace and amount of this need for communications increasing at an exponential rate. Broadband telecommunications infrastructure and services can contribute significantly to meeting this expanding need for communications. It now seems to be at the center of all discussions dealing with commercial activities necessary for economic development and sustainability. So too we find it included in the discussions dealing with quality of life issues such as delivery of health care, expanded opportunities for education, improved access to government, and myriad other factors of daily life. However, the Council recognizes that technology by itself does not solve problems. Rather, people working together in a collaborative and cooperative manner to apply the benefits of technology can and will make tremendous strides in improving the lives of residents everywhere in the state.

Our study of broadband deployment issues showed that while gains are being made on the supply side, the demand side of the equation would certainly benefit from more attention. We also found opportunities to encourage moves already underway within state government toward greater efficiencies.

A number of Oregon communities now possess and see the benefits of high-speed telecommunications services. The Council notes this "supply-side" progress made through a number of projects. A few examples include Qwest/SB 622 improvements that deliver route redundancy, ATM switches, DSL, and voice-mail; NoaNet backbone and community partner projects; Century/Tel investments in DSL; growth in cable build-outs; and broadband wireless investments. Attachment 3 includes current infrastructure maps.

We seem to get a daily barrage of statistics showing the status of broadband deployment. Sometimes it is hard to know what to believe. While there is progress, many areas of Oregon report they as yet do not have access or affordable access to these critical services and the opportunities afforded by them. Some of our rural and underserved communities see dim prospects for achieving access to such services, especially when there is no "business case" for making such investments in their community. In this age of budgetary deficits and economic recession many of Oregon's most valuable resources, its residents, fear they will be excluded from participating in and contributing to the recovery of the state's economic health. As a state we are only as strong as our weakest community. So we must take action to move all communities into the 21st Century. Let's leave no community behind!

What can we do? Much. First, let's start by making the needs and concerns of Oregon residents first and foremost when considering any policy or legislation.

We need to encourage and build stronger alliances between our public and private sectors dedicated to the purpose of serving the needs and wants of the people of this great state. The barriers developed over the years between the public and private sectors to this joint participation in building the telecommunications fabric of the state stem primarily from a polarization rooted in “silo’d” thinking. The Council found that there is a great opportunity to work together, allowing for private sector profits while providing public benefit. Through appropriate incentives to the private sector and with appropriate planning in the public sector, we can provide the services necessary to move Oregon into the 21st Century.

Yes, we have to work in a very difficult economic environment. The easy business cases probably have been made already. Now we have to face those challenging situations that require the best minds working together to build creative solutions. The time is now for a new era of multi-lateral cooperation and collaboration between public and private sectors to create the affordable advanced telecommunications infrastructure critical to the future of all Oregonians. It’s time for cooperation and collaboration between public and private sectors to create the comprehensive advanced telecommunications infrastructure critical to the future of all Oregonians. We see tremendous potential for positive synergies and outcomes in building telecommunications infrastructure to provide the advanced services required to bring all of Oregon together and to link Oregonians into full participation in global knowledge sharing.

Old knowledge tells us that strategic demand for any innovation must exist before it will be deployed successfully. This is not a newly discovered phenomenon. Strategic demand, not conditions of supply, is the major determinant of both technological change and economic growth. In other words, you can build it and they still may not come, unless economic conditions are right. Demand is critical to successful deployment.

We can help build demand. It is not enough just to provide and operate the infrastructure and services of advanced telecommunications. Education on a number of levels may very well be the most significant critical success factor in deployment of telecommunications infrastructure and accompanying advanced services in Oregon. Often we find that too few are knowledgeable or comfortable in using the technology. We see this evidenced in low “demand pull” or “take rates” making it difficult to provide the business justification for providing these services. We see the need to educate communities and residents on how to avail themselves of these advances. In many cases it starts with helping a community to create a strategic plan for framing their entry into the 21st Century use of technologies. In many communities, residents, businesses and institutions don’t quite know where to start to plan for increased use of technologies. Building a pathway to the future is a first critical step to building demand for services and is crucial to creating a sustainable delivery of advanced telecommunications services. Somehow these services must be paid for and usage will be a metric for defining success. Policies and legislation to spur the planning for and usage of these advanced services will be key to fostering the demand to sustain these vital services.

Education also means providing our children with 21st Century literacy skills. This will require a 21st Century technology architecture. Investing in our children is an investment in the future of Oregon. We have a track record of “brain-drain” and “age flight” in our rural and underserved areas in Oregon. We can help our youth build a future in even the most rural areas of Oregon if we provide the means toward learning and earning a living wage and above living wage.

Education must include training and re-training of our workforce. Many motivated adults find themselves falling behind in their skills and knowledge. Technology evolves at a very rapid pace. Ensuring that our businesses understand the benefits of leveraging technology also means ensuring that our workforce is prepared.

Building strength into the fabric of Oregon's economies and quality of life now demands a comprehensive and balanced approach to weaving technologies into our daily lives. Building and using telecommunications technology will be a key component of Oregon's economy and quality of life for many years to come. The future is full of promise if we bring together the many resources we have within our grasp. These resources are found in the public and private sectors, in Oregon's tradition of working together at the grassroots, in the resilience of the residents of Oregon and in their work ethic. Oregonians are a hard-working people. When given the tools and knowledge necessary to use those tools, there is nothing that we cannot accomplish together. Let's all do our part to ensure a prosperous future by providing advanced telecommunications tools and the requisite knowledge for integrating them into our daily lives.

B. History

The 2001 Oregon Legislature, by Senate Bill 765,¹ created the Oregon Telecommunications Coordinating Council as an interim task force. The Legislature directed the Council to:

- 1) Study alternative approaches to providing coordinated statewide, regional and local telecommunications services, including providing services to unserved or underserved areas of the state; and
- 2) Study the manner in which telecommunications investments can be coordinated to facilitate partnerships between the public sector and the private sector and between state and local governments.

The Council is directed to report its findings to the Governor and the Joint Legislative Committee on Information Management and Technology. The Council is also invited to make legislative recommendations prior to the December 15, 2002 deadline for pre-session filing of bills for the next legislative session.

The Council adopted as its mission statement:

Provide all Oregonians with affordable access to broadband digital applications that will improve the Oregon economy, improve the quality of life in Oregon communities and reduce the economic gap between well-served and underserved Oregon communities for present and future generations.

In December 2001, the Council's earliest focus was to gather information concerning the many important issues related to telecommunications and telecommunications deployment in Oregon. This included final reports of similar councils such as the Oregon Telecommunications Forum Council, the Internet Commission, the Southern Oregon Telecommunications and Technology

¹ Chapter 699, Oregon Laws 2001. To review the enabling legislation in its entirety, visit <http://www.leg.state.or.us/orlaws/sess0600.dir/0699ses.html>

Council and the Oregon Council on Knowledge and Economic Development. Subsequently, the Council formed several committees to allow the Council members to focus more intensely on some of the most important issues. The committees are Community Outreach, Economic Development, Education, Government Services, Guidelines for Legislation, Public-Private Partnerships and Telehealth.

The Committees have fostered very helpful discussions concerning, for example, the potential of telecommunications as a means to bring better health care to rural Oregonians and the need for insurance reimbursement for medical care that is provided when the doctor is in one location and the patient in another. In distance learning the telecommunications infrastructure is available but there is only a small amount of educational content available. In the efforts communities are making to find partners to improve their telecommunications infrastructures, there are limitations in existing laws and rules that need attention. In these and other areas the Council is discovering that the barriers to improved services through improved telecommunications seems to involve issues of awareness and non-telecommunications related policy changes as much as they involve issues concerning technical or policy changes in the area of telecommunications infrastructure.

The Council had discussions with Oregon Public Utility Commission staff and met with all three Commissioners at our public meetings. The Commissioners provided the Council members with considerable information and insight concerning state and federal regulatory policies related to telecommunications.

The Council believes that for Oregon to gain the economic and social benefits of broadband digital applications it will be necessary to provide technical assistance for underserved communities, to increase the availability of broadband infrastructure, and to enhance applications utilizing the infrastructure.

C. Council Comments Supporting the Recommendations

I. Legislative Guidelines

The Council recommends that telecommunications policy and legislation should apply to every resident of the state regardless of location. Further, public policy and legislation should encourage and support:

1. expansion of and incentives for affordable broadband and other telecommunications services,

The Council defines affordable broadband as not exceeding 125% of the average cost for the specific application as charged in the Portland Metropolitan Area, with the hope of moving to parity. The Council affirms its belief in competition as the primary means to achieve this goal. It further recommends removal of barriers to public-private partnerships to provide services to underserved communities.

2. telecommunications planning at the local, regional, and state level that includes participants from both public and private sectors,

Telecommunications infrastructure and usage have become vital components of economic development and quality of life. Planning for communications

infrastructure is akin to planning for water systems, roads or sewers. As such it requires comprehensive planning and expertise to ensure cooperation and collaboration among community planners, providers of telecommunications services and end users. Many times community planners find they lack the financial resources or knowledge necessary to provide such strategic planning efforts. Telecommunications providers are not required to provide this sort of comprehensive community planning nor is it within their core competencies to do so. Providing assistance to the public-private planning process could be a big boon to advancing broadband deployment, especially in rural areas. Public and private sectors working together in a strategic manner would expedite deployment and help build demand for revenue-generating services.

3. removal of barriers to and provision of incentives for the full deployment of applications (examples: telemedicine reimbursement, distance learning incentives and public safety networks),

Where available, advanced telecommunications services are introducing new ways to provide services. Too often financing and reimbursement schemes are impeding the use of services that build skills, create jobs, distribute healthcare treatment and education, improve public safety and national security. Legislation that removes these barriers would promote economic development and quality of life enhancements throughout Oregon.

4. removal of barriers to public-private partnerships and public actions in areas where the private sector cannot justify investments,

The deployment of affordable broadband digital applications to all regions of the state and available to all residents will require both private and public investment. In those instances where the private sector determines investment in infrastructure and service does not meet the threshold for private investment, the public sector should step forward to either make the necessary investment or partner with the private sector to secure the investment. Actions taken by the Oregon Legislative Assembly and by agencies of the State should address removal of barriers to partnerships between the private and public sector for shared infrastructure investment and should not impede the ability of the public sector to address investment needs in those circumstances where private investment is not forthcoming or does not provide affordable access to all residents and users in the area.

5. use of economic development resources to help fund programs to train telecommunications support personnel,

The deployment of digital broadband applications requires adequate, local technical support to assist the end-users in assuring beneficial and cost-effective access to the technology. In many smaller or more remote communities, technical support may not be readily available. The State of Oregon should provide resources through community and economic development programs as well as employment training programs to assist in the deployment of technical support capacity to all areas of the state.

6. use of economic development resources to help fund educational programs to assist communities to maximize their use of telecommunications technology, and

The deployment of digital broadband to many unserved and underserved areas of the state is experiencing a low “take rate” which is creating a business model problem for those telecommunications providers willing to make the investment. The State should address the need for educational programs and activities to help develop local markets for broadband digital applications. These programs and activities should address business and government applications as well as provide information on the benefits such applications may have on quality of life.

7. availability and use of State and Federal programs to plan and finance the expansion of advanced telecommunications services.

A number of State and Federal programs are available to plan and finance advanced telecommunications infrastructure and services. State technical assistance to unserved and underserved communities should help communities get access to the available programs. Maintaining and enhancing state funding programs for telecommunications infrastructure and services should help the Oregon economy grow.

II. Legislative Recommendations

Technical Assistance

1. Planning and Support.

The State, through the Oregon Economic and Community Development Department (OECDD), should continue to provide funds to support community telecommunications strategic planning technical assistance, particularly in underserved low-income areas. In support of this mission the state should compile and maintain a telecommunications resource database, maps of telecommunications infrastructure and a state telecommunications resource website.

The Council recognizes that the digital divide is as much a division between rich and poor citizens as it is a gap between urban and rural communities. The State should provide technical assistance to all unserved and underserved communities, whether rural or urban, for strategic planning for telecommunications-based economic development.

Strategic planning is not a one-time event. Communities should be involved continuously in planning for the future. Oregon has a variety of excellent resources available to help community planners. The Council recommends that these resources be maintained and enhanced.

The Council recommends the State support and fund community capacity building programs and technical assistance for the development and utilization of telecommunications infrastructure statewide to support the competitiveness of this state’s traded sector industries, including industries characterized by significant

use of high-capacity telecommunications, science and technology-related manufacturing processes or knowledge transfer.

Current OECDD telecommunications planning and support staff is supported with Qwest funds as a result of Senate Bill 622 from the 1999 legislature. The legislature should provide funds for continuing support of those positions after Qwest funds are no longer available.

Infrastructure

2. Identify Agency.

The Council supports and repeats a previous recommendation of the Oregon Internet Commission to:

“... aggressively promote the existence, maintenance and constant updating of the generally accessible, route-diverse, statewide, reliable broadband telecommunications services, which are essential to e-business. A specific state agency should immediately be identified and charged with pursuing this goal.” [Oregon Internet Commission Report to the Seventy-First Legislative Assembly, December 2000]

The Council agreed with the Oregon Internet Commission on the importance of the goal and the need for assigning a state agency to the task of pursuing this goal and monitoring the progress of the state toward its telecommunications goals. If no agency is appointed, it is unlikely that the goals will be achieved. Two possible agencies that could be charged with this responsibility are the Oregon Public Utility Commission (OPUC) and the Oregon Economic and Community Development Department (OECDD). The OPUC may be reluctant to take on this assignment because they lack regulatory authority over broadband services. Consequently, because of the importance of broadband implementation to economic development in Oregon, the OECDD may be the appropriate agency.

3. Incentives.

The Council recommends that existing tax incentive legislation be revised to increase its usefulness to providers of telecommunications infrastructure.

The existing tax incentive legislation for telecommunications infrastructure will be more useful and stimulate investment when it allows “carry-forward” and also “assignment” of the tax credit. The usefulness will also be increased by including a larger group of eligible organizations, including but not limited to, non-profits, consortia, cooperatives and Internet service and access providers. The 20% tax credit should be increased to improve the economic impact of the credit on investment decisions and the \$2 million cap on annual tax savings should be increased to \$10 million.

4. *Funding.*

The State should continue and enhance funding programs for telecommunications infrastructure including the development and enhancement of backbone “middle-mile” and local distribution “last-mile” networks to improve access.

The existing taxable bond financing available from the state is insufficient for the increasing number of statewide infrastructure projects that require taxable bond financing. Today’s changing economy has led to an environment where cities, counties and ports are finding increasing need to provide transportation, telecommunication and traditional infrastructure to support expanding and new businesses. Important projects cannot be funded under existing authority for tax-free lottery bonds. Additional capacity is needed for projects that are classified as “private activities” by the Internal Revenue Service Code.

5. *Cooperation.*

The Legislature should direct the Department of Administrative Services to continue to work with other state agencies, K-12 education, community colleges and universities, and to create new opportunities with local communities and with the private sector to ensure that any public funds spent on telecommunications infrastructure will contribute to and not hinder the goal of shared broadband infrastructure accessible to all.

State funding and technological development is often focused on state agency and the K-12, community college, or university institutional needs and issues. Rural communities and other underserved areas in Oregon may receive funding or support for a telecommunications asset that provides broadband access to one entity, but that same access may not be available to other partners in the community. For example, a school may have broadband access while a health clinic does not. Increased cooperation among these state-funded institutions and with the private sector may reduce costs and is likely to increase community and economic development benefits.

6. *Remove Barriers.*

The Legislature should recommend to the voters a constitutional amendment that would remove constitutional barriers to public entities sharing in the costs and benefits of telecommunications infrastructure constructed by public-private partnerships.

The Oregon Constitution limits the powers of county or city to assist corporations in Article XI, Section 9: "No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association." The Council requests the 2003 Legislature refer to voters an exemption to this constitutional prohibition to allow counties or cities to enter joint ventures with private sector telecommunications providers. Just as the Legislature referred to voters an exemption to this constitutional prohibition in May 2002 on behalf of the Oregon University System for economic development purposes, where there is a strong case to be made for public benefit, a similar exception should be granted to cities

and counties to invest in well-structured, risk-managed public-private telecommunications infrastructure projects. Public-private joint ventures are especially needed when the private sector is unable to invest in communities where the return on investment is low.

Utilization

7. Telemedicine Reimbursement.

The Council recommends that the following policy be approved by a joint resolution of the Legislature and implemented by the Governor with an Executive Order:

“It is the policy of the State of Oregon that healthcare payers providing service in the state should reimburse for telemedicine according to the definition and premises presented in the Council Report.”

Definitions:

Telehealth is the practice of healthcare delivery using telecommunications technology including but not limited to diagnosis, consultation, treatment, transfer of medical data, education, dissemination of public health alerts and/or emergency updates.

Telemedicine is the use the telecommunications technology to deliver clinical diagnosis, services and patient consultation.

Telemedicine Reimbursement Premises:

- a. Providers reimbursed for in-person services should be reimbursed for the same services provided via telemedicine.
- b. Any clinical service/diagnosis that can be reimbursed on an in-person basis and that can be delivered appropriately with telecommunications technology should be reimbursed.
- c. With the exception of medically appropriate use of “store and forward” technology to deliver clinical services/diagnosis, reimbursable services should include clinician to patient services, not clinician-to-clinician services.
- d. A specific informed consent document should be used for telemedicine services. This document should contain the components outlined in the model informed consent document in Attachment 4, Informed Consent for Telemedicine Services.
- e. A patient should have the right to choose either telemedicine or in-person services when both are available.
- f. Payers should consider reimbursing transmission costs for telemedicine services.

In 1989 the Oregon Health Plan was created. It was the culmination of years of work by Governor, then State Senator, Kitzhaber. His goal was to “ensure access to affordable healthcare for all Oregonians.” In 1997 this theme resonated with the Oregon Telecommunications Forum Council (OTFC). The Council adopted as one

of its goals to “increase the quality of local healthcare available in all areas of the state through telecommunications.”

The Council created the a telehealth workgroup made up of representatives of telehealth providers, hospitals, state healthcare boards, state health care associations, healthcare payers and many interested others. This group identified the following telehealth issues and developed the accompanying premise statements as part of their report:

a. Issue: Maximize the availability of healthcare

Premise statement: To every extent possible, quality healthcare should be available to all Oregonians in their home communities.

b. Issue: Access to improved quality of healthcare

Premise statement: To assure that all Oregonians have the best access possible to quality healthcare, telemedicine should be considered as an appropriate tool for the delivery of services.

c. Issue: Cost effectiveness

Premise statement: To the extent that it can reduce healthcare costs while maintaining quality of service, telemedicine should be considered as an appropriate tool for the delivery of services.

The workgroup developed and was successful in convincing the 1999 Legislature to pass Senate Bill 600, a bill creating telemedicine licensure in the state. Although the outcome was not completely satisfactory, the effort represented the first time representatives from all avenues of healthcare and telecommunications created a collaborative solution to one of the barriers to the successful application of telehealth. Unfortunately the OTFC and consequently its telehealth workgroup were disbanded in 1999.

In 2001, the Legislature created the Oregon Telecommunications Coordinating Council. In its consideration of committees needed to accomplish its tasks, the Council established a telehealth committee. Many of the same people and organizations involved in the previous workgroup have agreed to participate in the new committee. They also agreed to continue to build on the work of the previous workgroup.

The Council determined that currently the biggest barrier to the successful application of telehealth was that of insurance reimbursement and that an important task of this Council should be to develop a plan to remove this barrier.

The committee was concerned about creating legislation that might have unintended consequences for payers and providers, as they learned this had been an issue in other states. The committee decided to create a policy that could be

approved by a joint resolution of the Legislature and that the governor could implement with an executive order. The committee recommended that the procedures for reimbursement should be negotiated between payers and providers in keeping with their contract procedures.

The Council recommends that telemedicine reimbursement policies apply to all Oregonians. Federal Medicare funds may be used to reimburse for telemedicine consultations in rural, but not in urban locations. The Council recommends that state policy should not follow a Federal policy that discriminates against urban Oregonians.

The Council did not recommend mandatory reimbursement for the telecommunications costs of telemedicine consultations. Since the telecommunications component of telemedicine consultations substitutes for transportation, insurance programs that reimburse for travel expenses, such as the Oregon Health Plan, should give serious consideration to reimbursement for telecommunications costs that substitute, usually at considerable cost savings, for transportation costs.

8. E-commerce Zones.

The Legislature should facilitate and promote E-commerce through the expansion of E-commerce Zones to more communities.

The existing statute provides for five E-commerce Zones and those five have been identified and so designated. The original statute essentially provided for a pilot program from which informative experience would be gained and used as input to the consideration of an expansion to more zones. Rapid success in one or more of these initial five zones has increased the desire of other Enterprise Zones to be able to gain the designation of E-commerce Zone.

9. Education.

The Legislature should order the creation and publication of an integrated statewide plan for the K-12 educational community, community colleges, and universities to share telecommunications infrastructure and plan for its use to improve the delivery of e-learning opportunities throughout the state. The goal for such a plan should be to provide all Oregon students with equal access to existing and emerging educational opportunities through telecommunications.

Schools across the state of Oregon are using telecommunications to provide expanded e-learning opportunities to students. Creating an integrated comprehensive statewide telecommunications plan for schools would coordinate many ongoing efforts as well as stimulate planning efforts between the current education “silos.” Funding and technological development is being focused on the K-12, community college, or university institutional needs and issues. A comprehensive plan would recognize the need and opportunity for Oregon’s education providers to work together to create a plan where efforts and funding would best meet the needs of all.

Students in the K-12 system, as well as those involved in higher education, are able to access opportunities that would not be available were it not for telecommunications. The education services districts serve as telecommunications “hubs” for the schools they serve as well as provide training for teaching on the system and supporting classroom endpoints technically. Some school districts are using this technology seven periods a day for sharing classes among schools.

The community colleges and universities are also offering a great many classes and degree programs online. Oregon students are able to achieve Associate, Baccalaureate, Master and Doctorate degrees by using video conferencing and Internet technology. Students are able to “attend” classes without having to travel the great distances that would otherwise prohibit them from furthering their education. Increasingly degree programs offer courses that make extensive use of streaming media technologies over the Internet (that is, sound and video). Without widespread access to broadband many students will be denied this opportunity for furthering their education.

Universities in the Oregon University System have found that offering degree programs versus individual course offerings has been beneficial to the university as well as the student. Course offerings must also be somewhat flexible in the use of technology tools. Some class situations work better with video conferencing, some require interactive dialogue between student and instructor, and others can achieve goals with e-mail-mediated correspondence courses. All universities have adopted a common best practices policy for developing and offering e-learning courses.

In addition to providing educational opportunities, telecommunications technology is providing real cost savings to some schools and rural communities. Many school districts use telecommunications for conducting staff development training as well as for meeting attendance and participation by those in remote areas. This has resulted in a large amount of savings in mileage and staff time.

While the benefits of telecommunications to Oregon’s education system are only beginning to be realized, the challenges and barriers are many and not easily overcome. Educators at all levels have found that the course content delivered by the originating institution must be accessible by the students. Some students can utilize high-speed access at school and participate in videoconferences if that school has been able to pay the high cost of this access. In many cases in rural Oregon, students, especially those in non-classroom situations, must rely on slow speed dial-up access as their only means to take part in these educational opportunities. This effectively eliminates video and interactive participation between the student and instructor.

Some schools using videoconferencing, despite the investments made by SB622, have found it lacking in quality. Movements are sometimes jerky and the uptime rates are less than satisfactory. While some adult students may be willing to listen and participate patiently, children are not. Children lack the patience required by less sophisticated technology. Some K-12 schools are quite satisfied with the technology available and are using the systems extensively. Perhaps some

assistance, financial or technological could be provided to K-12 schools experiencing difficulty.

Teachers are also facing challenges. Many do not realize the potential for online learning. New training is required and new classroom configurations and curricula must be developed. There are also problems with accreditation standards. For example, would a class being offered by one school meet other schools' requirements for graduation? Some teachers feel that e-learning may not be as challenging as the regular classroom. Overall, teachers need more training to better utilize this technology as well as financial compensation for course development.

10. Libraries.

The Legislature should direct the State to provide financial assistance for library resource sharing activities to public, school and academic libraries from funds specifically appropriated for a statewide network of all types of libraries.

This recommendation proposes to amend ORS 357.206 Financial assistance to public, school and academic libraries; grants.

The state shall provide financial assistance for library resource sharing activities to public, school, and academic libraries from funds specifically appropriated therefore in order to implement ORS 357.005 (2)(d), which provides for a statewide network of all types of libraries. The grants shall be provided only to libraries that make interlibrary loans at no charge to other public, school and academic libraries in the state and shall be expended for one or more of the following purposes:

- a. To provide matching grants and other assistance to facilitate the statewide licensing of electronic databases for all types of libraries;
- b. To reimburse a library that serves as a regional center for the referral of reference questions from other libraries or provides reference services in connection with a statewide cooperative reference services project; and
- c. To provide matching grants or other assistance to facilitate statewide ground delivery of library materials to public school and academic libraries.

The Senate Interim Task Force on Library Cooperation was established by the 2001 Legislature. It was charged with the investigation of ways that library cooperation can be increased to improve library services to all Oregonians. The investigation considered, among other ideas, the Oregon Library Association's "Vision 2010 Call to Action", the Oregon Library Services and Technology Act Plan 1998-2002, and the Connect Oregon (CORE)/SB 202 model.

The taskforce met three times and addressed the following specifics:

- a. Reviewed current structure, services and funding of libraries in Oregon;

- b. Investigated existing models of statewide library cooperation and collaboration that better enable equitable access, both physically and electronically, to existing collections and services of all types and sizes of libraries in Oregon;
- c. Investigated existing models of statewide library cooperation and collaboration that will result in equitable access by all Oregonians to electronic information and resources; and
- d. Developed draft legislation that furthers the implementation of the Oregon options.

11. E-government.

The Council recommends adoption of measures to position Oregon as national leader in the use of e-government for its residents.

Closing the Digital Divide and Creating an E-government Framework for Oregon

Oregon leads the nation in many ways. But our state government lags in using information technology to deliver a more efficient government to our citizens. In the application of the Internet and development of e-commerce, Oregon industries lead the nation but when it comes to state government Oregon no longer leads.

As we enter the new century, Oregon must work to eliminate not only the "Digital Divide" that threatens to leave our underserved areas behind, but also the "Digital Divide" between Oregon government and all other states. The Executive and Legislative branches must work together to fundamentally reform our state government technology infrastructure so that taxpayers ultimately get better government and a more efficient government. We should never ask Oregon taxpayers to expect less efficiency from government than they demand from the private sector on a daily basis. In these times of budget pressures we need to make more effective and efficient use of taxpayers' dollars.

Accordingly, e-government should be defined as electronic, efficient and easier to use government for all Oregon citizens. Oregon citizens should be online--not in line.

In Oregon we are making great strides toward a more efficient government through numerous projects, including: on-line permitting, utility billing, library services, city codes and ordinances, web cam to check traffic, business registration, grant applications, job applications, lost pet status. The Council's recommendation is to develop an aggressive blueprint and action plan to position state government as a leader in the nation in using e-government technology to deliver more efficient services to our taxpayers.

E-government Vision for Oregonians

During the course of a year, Oregon businesses and individuals need to interact with countless departments in the federal, state and local governments. Inevitably,

they are trapped in a phone system, confronted by an inflexible bureaucrat or forced to spend hours in line to accomplish a menial task.

If government would simply catch up to the private sector, we could provide access to any of the following common transactions electronically, rather than in person:

- a. Update the address on a driver's license (State)
- b. Change the address on car registration (State)
- c. Update their voter registration card (Local)
- d. Pay tickets, fines and fees (State and Local)
- e. Update professional licenses (State)
- f. Enroll children in school (Local)
- g. Sign up for University or Community College courses (State and Local)
- h. Pay individual and business income taxes (State and Federal)
- i. Transmit sales tax revenue to the Board of Equalization (State)
- j. Apply for and receive a business license (Local)
- k. Apply for and receive building permits (Local)
- l. Provide a forwarding address with the U.S. Post Office (Federal)
- m. Apply for and receive state procurement contracts (State)
- n. Conduct all state budgeting and financial transactions (State)
- o. Complete and transmit payment for state employee expense reimbursements (State)
- p. Provide a centralized resource for all manner of public safety advisories and coordination (State and Local).

Federal, state and local government should all work together to provide electronic access to all the services that taxpayers need from one single Internet location. By expanding 24-hour access to all government services, taxpayers can accomplish all their government transactions on-line instead of in line.

Require State Agencies to Develop an E-government Plan

State agencies should immediately conduct an assessment of their existing business practices and computer systems in the context of providing e-government to Oregonians. Previous studies identified opportunities for creating administrative efficiencies across State departments. Now State agencies should provide the Governor with a list of all processes they administer that provide information and services directly to the citizens as well as to other state agencies. Agencies should provide to the Governor by June 1, 2003 a prioritized list of applications and programs that can be Internet-enabled. The Governor should challenge agencies to provide 90 percent of their services over the Internet by 2005.

The Department of Administrative Services should provide an environment, whether based on collaborative agreement or housed in a physical setting, that offers an avenue of support for technical experts in the realms of telecommunications, information technology and information resource management. This environment, called the Oregon Technical Assessment Center,

is to provide technical expertise within all of Oregon's telecommunications, information technology and information resource management communities with the means, infrastructure and support to explore strategies for the future including, but not limited to: feasibility studies; cost/benefit studies; performance measurement and evaluation; interoperability measurement and evaluation; return on investment estimation; demonstration or educational projects; prototypical or seed development; and, development of training curriculum and programs. The Oregon Technical Assessment Center should seek to leverage unique and valuable expertise resident within state service to the benefit of both state and agency objectives. Prioritization of candidates for study within the Oregon Technical Assessment Center shall be based on the potential of any particular study to provide uniquely valuable or necessary information for future decision-making.

Expand Use of the Oregon.gov Portal on the Internet

Oregonians should be on-line, not in line. To ensure that Oregonians can access all the government services they need without ever opening a phone book or visiting a brick and mortar state office building, one single Internet site should be developed to ensure access to all state services needed at any given time. The Council recommends expanded use of the Oregon.gov website as that e-government portal.

All Oregonians should be able to visit a single portal on the Internet that would provide a list of government services needed at various times in their lives. When an individual moves to or from the state, starts a business, pays taxes, buys a car, has a child or suffers the death of a family member, a list of all necessary state services should be available in an easy-to-find electronic format on the state's Internet portal. Oregonians should be able to view election results online.

Ensure links are maintained to all online local governments and agencies.

Public-Private Partnerships

State agencies should maximize the use of low-cost or no-cost public-private partnerships to rapidly deploy web-based computer services. To develop this portal and ensure that resources are committed to providing this service, Oregon should enter into a public-private partnership to facilitate the implementation of interactive e-government solutions. The partnership should develop a one-stop, e-government portal that will allow access to all on-line government services from one Internet site.

Standardized Web Maintenance Technologies

All State agencies should be required to use one standard technology for maintaining Web pages. Tools available today can empower anyone with minimal typing skills with the ability to provide Web page content maintenance. Use of such tools will reduce maintenance costs drastically reducing the need for highly trained technical staff. Content management can be distributed to the staff level within State departments.

All Public Information On Line

All public information normally available from the State of Oregon should be made available online. Protect from public distribution any information not suitable for online access. Information not suitable for on line publication would include lists of names and addresses in a format easily used for marketing purposes or that would in any way violate privacy as currently defined under state or federal laws.

Provide opportunity for county and local governments to opt into use of standardized Web maintenance technologies

Allow county and local governments the opportunity at cost to opt into use of state-adopted standardized technologies for Web content maintenance. State and local government should all work together to provide electronic access to all the services that taxpayers need from one single Internet location. By expanding 24-hour access to all government services, taxpayers can accomplish all their government transactions on-line instead of in line. Ensure links are maintained to all online local governments and agencies.

12. Public Safety.

The State should support rapid deployment in areas where broadband does not exist, support redundancy of these critical assets in order to ensure the best homeland security protections within the state, and ensure that a secure conduit for emergency communications and public safety networks is available to all communities both rural and urban.

This recommendation is based principally upon the fact that telecommunications assets are a large part of the state's critical infrastructure and the improvements and extended reach of those assets contribute greatly to the objectives of public safety in all its many dimensions.

Monitoring

13. Benchmarks.

The Legislature should direct the appropriate agencies to use benchmarks to measure how well the state meets its telecommunications goals and to report the resulting measurement annually to the Legislature and the Governor.

The mission statement of the Council establishes the following goals for telecommunications in Oregon:

- a. Access to affordable broadband digital applications for all residents in Oregon;
- b. An improved economy through the use of broadband digital applications;
- c. Improved quality of life in Oregon communities aided by use of broadband digital applications; and

d. The reduction of the economic disparity between urban and rural communities.

To be able to measure, both quantitatively and qualitatively, the state's progress toward achieving these goals, identifiable and measurable benchmarks should be defined. (See Attachment 6, Benchmarks.) The State should identify which agency will monitor, collect, maintain and report the information and data needed to assess progress, or lack thereof, in addressing these goals.

The Oregon Economic and Community Development Department appears to be the appropriate lead agency, with input from other state agencies as appropriate.

14. Council Continuation.

The Legislature should extend the term of the Council through the next biennium and direct it to report progress toward state telecommunications goals and to make further recommendations to the Legislature and to the Governor.

Many of the issues discussed by the Council that led to the recommendations in this report could benefit from further analysis and discussion, particularly as the situation changes over time. There were issues raised that the Council felt needed additional consideration, including but not limited to public rights of way issues, the role of community colleges, government entities in telecommunications, public safety, e-government, e-learning and emergency services.

In the next biennium, the Council could continue to work with Oregon Economic and Community Development Department (OECDD), Department of Administrative Services (DAS), Association of Oregon Counties (AOC), other state agencies, regional consortia, local government and the private sector to further the goals of the legislation and the mission of the Council.

Legislation could direct the Oregon Economic and Community Development and the Department of Administrative Services to continue their support of the Council efforts to foster greater public-private partnerships in Oregon, especially in the area of telecommunication infrastructure development.

III. Other Policy Recommendations

15. Consortia.

The State should continue to support the work of regional telecommunications consortia that have emerged throughout the state.

These organizations should continue to play a key role in the development of strategic plans and in the deployment of advanced services. Much of Oregon's reputation as a leader in extending the benefits of telecommunications technology is the result of such grassroots organizations.

16. Generate Awareness.

State agencies should generate awareness of new telecommunications infrastructure and disseminate knowledge of how business, government and individuals can put it to productive use.

The Council recognizes the importance of public awareness and acceptance of technology to the economic and social well being of the state. The Council believes the best means of promoting awareness are to involve people in a strategic planning process that not only leads to better services, but also creates community acceptance of new ideas. (See Legislative Recommendation 1, Planning and Support.)

17. Workforce Development.

The State should support efforts to provide cost-effective, quality workforce development training using telecommunications infrastructure to access distance learning opportunities.

Workers who need to update skills and/or receive training for required certification should be able to access existing educational telecommunication facilities to receive that training. In some rural areas where distance to higher education institutions is a barrier, workers must leave their communities and travel to receive required training. The cost of the training is greatly increased and in some cases just not affordable. Telecommunications tools such as videoconferencing could be a great solution, but may not be available because local schools may not be able to afford the line connection charges or bandwidth or facilities may not be available.

An educated workforce is an essential element for expanding the Oregon economy. Students are learning today the skills they will need tomorrow that will attract and retain business that provide jobs. Oregon's education institutions need the tools provided by first class telecommunications facilities and infrastructure to achieve their mission.

18. Sharing and Partnerships.

The State should allow schools, educational service districts, and local education agencies in underserved and unserved areas to provide broadband access for the surrounding community. Encourage public and private entities to seek opportunities for partnership with educational institutions that will stimulate the use of broadband technologies through community projects and public education.

Schools in some telecommunications-underserved areas have excess broadband capacity while the surrounding community has no broadband access at all. Either the local Internet Service Provider is unwilling to provide this access or it is not available at an affordable price. Schools in other parts of the United States have found ways to provide this access to the surrounding community on a cost-reimbursement basis. Oregon agencies should provide assistance and support to those schools wishing to share broadband capacity with public and private partners in the local community.

19. E-learning.

The State should support innovative efforts that build effective and cost-efficient delivery of e-learning, that is, distance education and training supported by telecommunications.

The budget crisis in Oregon has created a budget crisis in Oregon's schools. Some schools in our state are finding access to broadband telecommunications is actually saving money. For example, staff travel expenses can be reduced by receiving training and attending meetings via teleconferencing. Students can receive instruction in a video classroom that schools could not afford to offer in a "live" situation. However, some schools are finding that policy and initial funding barriers are limiting these innovative efforts.

20. Oregon Telehealth Alliance.

The Oregon Telehealth Alliance should be created to continue the work of the Council's Telehealth Committee.

The Council found that the premises adopted by the OTFC Telehealth Workgroup are still valid today. Telehealth services have continued to grow since that original committee was disbanded. The coordinated effort needed to remove barriers and enhance opportunities was lacking until the Council's Telehealth Committee was formed. All segments of the healthcare industry were included--providers, payers, insurers, professional boards and associations, state agencies, and telecommunications providers. The committee was able to create a single state-wide voice for telehealth that could help remove barriers through policy and legislation, share information among themselves and with others nationwide, and to create opportunities that would allow telehealth to grow and be sustainable throughout the state. The committee decided to form the Oregon Telehealth Alliance to sustain this effort.

The Council agreed that there should be a permanent organization to assist with the successful deployment of telehealth throughout the State of Oregon by:

- a. helping to remove barriers to successful deployment,
- b. supporting and encouraging new telehealth endeavors, and
- c. creating a forum for discussion among interested parties.

To this end the Telehealth Committee of the Council

- a. created an Oregon Telehealth Alliance listserv with the support of the Association of Telehealth Service Providers and their website, and
- b. is seeking grant funding for the creation and initial operation of the Alliance.

21. Public-Private Partnerships.

Public and private organizations should work together in partnership to promote the use of telecommunications infrastructure and new technology.

The Council strongly supports partnerships between public and private organizations to build public awareness and utilization of telecommunications

services. The State should focus on pragmatic efforts to promote the best possible service in communities, rather than on philosophical arguments about public versus private ownership. The Council also realizes that there are inadequate resources to do everything that should be done to reach out to the public. The recommendations in this report represent what the Council regards as minimum essential steps.

The full report with attachments and citations can be found at the following website: www.ortcc.org/reportpage

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Attachment 1 – Oregon Telecommunications Coordinating Council

Oregon Telecommunications Coordinating Council

Chairman

1. Southern Oregon Telecommunications and Technology Council

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Vice Chairman

2. Industry

Mr. Brant Wolf, Executive Vice President

Oregon Telecommunications Association

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Email: bwolf@ota-telecom.org

3. Central Oregon Telecommunications Consortium

Mr. Andrew Spreadborough

Central Oregon Intergovernmental Council

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Email: aspreadborough@coic.org

4. Connecting Oregon Communities Advisory Board (1 of 2)

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City of La Grande

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Email: whare@uwtc.net

5. Connecting Oregon Communities Advisory Board (2 of 2)

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Parker Telecommunications

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6. County Representative (1 of 2)

Commissioner Karen Gerttula

Lincoln County Board of Commissioners

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7. County Representative (2 of 2)

Commissioner Steve McClure

Union County Board of Commissioners

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8. Eastern Oregon Telecommunications Consortium

Ms. Catherine Britain

Phone: (541) 663-8950

Email: cbritain@orednet.org

9. Fiber South Consortium

Commissioner Cindy Weeldreyer
Lane County Board of Commissioners
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10. Gorge Teleconsortium

Ms. Lee Curtis
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11. North Coast Telecommunications Consortium

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12. Oregon Cities

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City of Astoria
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13. Oregon Tribes

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14 Regional Fiber Consortium

Councilor Betty Dickson
City of Klamath Falls
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Email: hotcandy@kfalls.net

15. South Coast Telecommunications Task Force

Ms. Ann Steeves
City of Coquille
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16. Ex Officio Member

Ms. Kim Hoffman
(since July 2002)
Mr. Ron Schumacher
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Attachment 2 - Proposed Legislation

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The Omnibus Telecommunications Act of 2003

A BILL FOR AN ACT

LC 1268
Bill
1/3/03 (DJ/DH/BHC/ps)

Directs Economic and Community Development Department and Oregon Department of Administrative Services to provide assistance and develop plans related to advanced telecommunications, infrastructure and broadband services. Directs State Treasurer to issue lottery bonds for certain telecommunications projects. Increases amount of telecommunications facility costs that may be certified for income tax credit. Expands number of enterprise zones that may be designated for electronic commerce. Modifies membership and duties of Oregon Telecommunications Coordinating Council.

Takes effect on 91st day following adjournment sine die.

Relating to telecommunications; creating new provisions; amending ORS 285A.090, 285B.486, 285B.488, 285B.672, 315.511 and 759.030 and section 2, chapter 589, Oregon Laws 1999, and sections 1 and 2, chapter 699, Oregon Laws 2001; appropriating money; limiting expenditures; and prescribing an effective date.

Relating to telecommunications; appropriating money; and prescribing an effective date.

POLICY

SECTION 1. The Legislative Assembly finds and declares:

(1) That it is the goal of this state to provide all Oregonians with affordable access to broadband services in order to improve the economy in Oregon, improve the quality of life in Oregon communities and reduce the economic gap between Oregon communities that have access to broadband services and those that do not, for both present and future generations; and

(2) That the goal set forth in subsection (1) of this section may be achieved by:

(a) Expanding affordable broadband and other telecommunications services;

(b) Creating incentives to establish and expand affordable broadband and other telecommunications services;

(c) Undertaking telecommunications planning at the local, regional and state levels that includes participants from both the public and the private sectors;

(d) Removing barriers to the full deployment of broadband services and providing incentives for the removal of those barriers;

(e) Removing barriers to public-private partnerships in areas where the private sector cannot justify investments;

(f) Using economic development resources to help fund programs to train telecommunications technical support personnel;

(g) Providing technical assistance to underserved communities;

- (h) Enlarging broadband infrastructure and enhancing services utilizing that infrastructure;**
- (i) Aggressively promoting the creation, maintenance and updating of reliable broadband services;**
- (j) Providing financial assistance for library resource sharing activities at public, school and university libraries in order to develop a statewide library network;**
- (k) Using economic development resources to help fund educational programs to assist communities with their efforts to maximize use of telecommunications technology;**
- (L) Using state and federal programs to plan and finance the expansion of advanced telecommunications services; and**
- (m) Encouraging and supporting the development of:**
 - (A) Redundancy in critical broadband infrastructure in order to promote homeland security protection within this state; and**
 - (B) A secure conduit for emergency communications and public safety networking in both urban and rural areas.**

ECONOMIC DEVELOPMENT

SECTION 2. ORS 285A.090 is amended to read:

285A.090. The Economic and Community Development Department shall:

- (1) Implement programs consistent with policies of the Oregon Economic and Community Development Commission.
- (2) Provide field representatives in the various geographical regions of the state. The field representatives shall be in the unclassified service and shall receive such salary as may be set by the Director of the Economic and Community Development Department, unless otherwise provided by law. The field representatives shall:
 - (a) Work with local units of government and the private sector to encourage and to assist them as they establish and carry out economic **and community** development plans and programs under ORS 280.500;
 - (b) Promote local awareness of department policy and department programs and services and of assistance and economic incentives available from government at all levels; and
 - (c) Deliver to local units of government and the private sector the assistance and services available from the department, including publications, research and technical and financial assistance programs.
- (3) Process requests received by state agencies and interested parties for information pertaining to industrial and commercial locations and relocations throughout the state.
- (4) Consult [~~and~~] **with**, advise [~~with~~], coordinate activities of[;] and give technical assistance and encouragement to[;] state and local organizations, including local development corporations, county, city[;] and metropolitan-area committees, chambers of commerce, labor organizations and similar [~~agencies~~] **entities** interested in obtaining new industrial plants or commercial enterprises.
- (5) Act as the state's official liaison agency between persons interested in locating industrial or business firms in the state, and state and local groups seeking new industry or business, maintaining the confidential nature of the negotiations it conducts as requested by persons contemplating location in the state.
- (6) Coordinate state and federal economic **and community** development programs.
- (7) Consult [~~and~~] **with**, advise [~~with~~], coordinate activities of[;] and give technical assistance and encouragement to all parties including, but not limited to, port districts within the

state working in the field of international trade or interested in promoting their own trading activity.

(8) Provide advice and technical assistance to Oregon business and labor.

(9) Collect and disseminate information regarding the advantages of developing new business and expanding existing business in the state.

(10) Aid local communities in planning for and obtaining new business to locate therein and provide assistance in local applications for federal development grants.

(11) Work actively to recruit domestic and international business firms to those communities that desire such recruitment.

(12) In carrying out its duties under ORS chapters 285A and 285B and ORS 329.905 to 329.975, give priority to assisting small businesses in this state by encouraging the creation of new businesses, the expansion of existing businesses and the retention of economically distressed businesses which are economically viable.

(13) Establish and operate foreign trade offices in those foreign countries in which the department considers a foreign trade office necessary using department employees, contracts with public or private persons or a combination of department employees and contractors. Department employees, including managers, who are assigned to work in a foreign trade office shall be in the unclassified service, and the director shall set the salaries of those persons. Foreign trade offices shall provide one or more of the following services:

(a) Work with the private sector to assist them in finding international markets for their goods and services;

(b) Work with local units of government to assist them in locating foreign businesses within their jurisdiction;

(c) Promote awareness in foreign countries of department policy, programs and services and of assistance and economic incentives available from government at all levels; or

(d) Provide other assistance considered necessary by the director.

(14) Consult with, advise, coordinate activities of and give technical assistance to state and local organizations, including local development corporations, county, city and metropolitan-area committees, chambers of commerce, port districts and similar entities that are interested in obtaining, providing or utilizing improved telecommunications infrastructure, advanced telecommunications and broadband services.

ADVANCED TELECOMMUNICATIONS FACILITIES INCENTIVES

SECTION 3. ORS 285B.486 is amended to read:

285B.486. (1) As used in this section and ORS 285B.488:

(a) "Advanced telecommunications facilities" means high-speed, dedicated or switched broadband telecommunications infrastructure or equipment that enables users to send or receive high quality voice, data or video telecommunications using any technology.

(b) "Last mile connection" means a communications channel from the feed from a connecting bypassing intercity telecommunications carrier through a telecommunications switching center, or an individual message distribution point, to a user terminal.

(c) "Local exchange carrier" means a person that holds a certificate of authority issued by the Public Utility Commission under ORS 759.020 to provide intrastate telecommunications service or local exchange telecommunications service within this state.

(d) "Telecommunications carrier".:

(A) Means a provider of telecommunications services, [~~but does not include~~] including but not limited to a nonprofit corporation, a cooperative as defined in ORS 62.015, a

telecommunications consortium formed by intergovernmental agreement under ORS 190.010, an Internet service provider, an Internet access provider or any provider of advanced telecommunications facilities; and

(B) Does not include an aggregator, as defined in 47 U.S.C. 226.

(2) A telecommunications carrier seeking a tax credit under ORS 315.511 for the installation of advanced telecommunications facilities ~~[, prior to incurring any costs associated with the installation,]~~ shall apply to the Economic and Community Development Department for certification of the facilities as advanced telecommunications facilities **before the facilities are placed in service.**

(3) The application for certification shall be in the form and shall contain the information required by the department pursuant to rules adopted by the department for the administration of the tax credit certification under this section, including but not limited to:

(a) A complete description of the installation project and the customers to be served by the project;

(b) The expected costs for completing the project;

(c) The ~~[expected]~~ start date and the expected date on which the advanced telecommunications facilities are to be placed in service;

(d) The geographic area or areas in which the advanced telecommunications facilities are to be installed; and

(e) A description of how the facilities will be integrated into the operations of the intrastate telecommunications services provided by the telecommunications carrier.

(4) The application for certification shall be accompanied by technical documentation demonstrating that the facilities will meet or exceed applicable minimum performance standards established by the department under ORS 285B.488.

(5) The department may approve or deny an application for certification or may request changes to the application before issuing certification. Denial of an application may be appealed to the department in the manner of a contested case under ORS 183.310 to 183.550.

(6) The department shall approve an application and certify the facilities as advanced telecommunications facilities if the facilities:

(a) Are to be located in an area in which current minimum bandwidth service is not available to a majority of customers;

(b) Improve access to advanced telecommunications services for a majority of all customers in unserved or underserved service areas; and

(c) Meet the minimum performance standards to comply with ORS 285B.488.

(7) Upon approval of an application, the department shall send to the applicant a written certification of the facilities as advanced telecommunications facilities. The certification shall state the date by which the facilities must be placed in service and the cost of the facilities that are being certified.

(8) Notwithstanding subsection (6) of this section, the department may not approve an application and certify a facility if the cost of the facility plus the certified costs of all other facilities that have been certified during the year exceeds ~~[\$10 million]~~ **\$50 million.**

(9) The department may establish by rule the amount of fees charged to applicants seeking certification of facilities as advanced telecommunications facilities. Revenues from the fees shall be used to offset the costs incurred by the department in administering the tax credit certification under this section.

SECTION 4. The amendments to ORS 285B.486 by section 3 of this 2003 Act apply to applications for advanced telecommunications facility certification filed on or after the effective date of this 2003 Act.

SECTION 5. ORS 285B.488 is amended to read:

285B.488. For purposes of the income and corporate excise tax credit under ORS 315.511:

(1) The Economic and Community Development Department shall adopt rules setting minimum performance standards that facilities must meet to be certified as advanced telecommunications facilities. The rules must establish minimum performance standards in the following areas:

- (a) Enhancement of individual and business access to advanced telecommunications services at an economically reasonable cost;
- (b) Development and transition to a fully competitive telecommunications marketplace;
- (c) Provision of bidirectional bandwidth capabilities to customers;
- (d) Accessibility to competitive local exchange carriers;
- (e) Improvement in access by public and private educational institutions, rural health clinics and libraries to advanced telecommunications services;
- (f) Improvement in telecommunications connections between communities in this state;
- (g) Improvement in last mile connections within this state; and
- (h) Improvement in access by Oregon health care providers to interactive video and other health care applications requiring advanced telecommunications services.

(2) In order for facilities to be certified under ORS 285B.486, the facilities must meet or exceed the minimum performance standards in at least one of the areas set forth in subsection (1) of this section.

SECTION 6. ORS 315.511 is amended to read:

315.511. (1) There shall be allowed a credit against the taxes otherwise due under ORS chapter 316 (or, if the taxpayer is a corporation, under ORS chapters 317 and 318) for advanced telecommunications facilities, as defined in ORS 285B.486, that have been certified by the Economic and Community Development Department.

(2) The amount of the credit shall equal ~~[20]~~ **50** percent of the certified cost of the facilities that was actually paid or incurred by the taxpayer, except that:

- (a) The amount of the credit may not include facility costs that were paid using moneys withdrawn from the taxpayer's Telecommunications Infrastructure Account established pursuant to ORS 759.405; and
- (b) Revenues forgone by the taxpayer upon the taxpayer's waiver of installation charges for advanced telecommunications facilities to schools, rural health clinics or libraries may be added to the amount of the credit.

(3) The ~~[credit may be claimed by the]~~ taxpayer **may first claim the credit allowed under this section** for the tax year in which the advanced telecommunications facilities are placed in service.

(4) The credit allowed under this section may not exceed the tax liability of the taxpayer ~~[and may not be carried forward to a succeeding tax year].~~

(5) Any credit otherwise allowable under this section in a particular year may be carried forward and offset against the taxpayer's tax liability for the next succeeding tax year. Any credit remaining unused in the next succeeding tax year may be carried forward and used in the second succeeding tax year, and likewise any credit not used in that second succeeding tax year may be carried forward and used in the third succeeding tax year, and any credit not used in that third succeeding tax year may be carried forward and used in the fourth succeeding tax year, and any credit not used in that fourth succeeding tax year may be carried forward and used in the fifth succeeding tax year, but may not be carried forward for any tax year thereafter.

[~~5~~] (6) In the case of a credit allowed under this section:

(a) A nonresident shall be allowed the credit under this section in the proportion provided in ORS 316.117.

(b) If a change in the status of a taxpayer from resident to nonresident or from nonresident to resident occurs, the credit allowed by this section shall be determined in a manner consistent with ORS 316.117.

(c) If a change in the taxable year of a taxpayer occurs as described in ORS 314.085, or if the Department of Revenue terminates the taxpayer's taxable year under ORS 314.440, the credit allowed under this section shall be prorated or computed in a manner consistent with ORS 314.085.

[~~6~~] (d) The credit shall be claimed on a form prescribed by the Department of Revenue and containing any information as may be required by the department. The taxpayer shall attach a copy of the certification to the return for the tax year for which the credit is claimed.

(7) Before filing a return for the first tax year for which the credit is claimed, a credit otherwise allowed under this section may be transferred to another taxpayer by:

(a) Transferring the certification issued under ORS 285B.486 to the taxpayer who is to claim the credit;

(b) Filing a notice of credit transfer with the Department of Revenue on a form prescribed by the department; and

(c) Taking any other action required by the department under rules prescribed by the department.

(8) The credit allowed under this section is not in lieu of any depreciation or amortization deduction to which the taxpayer is otherwise entitled. The taxpayer's adjusted basis for determining gain or loss may not be further decreased by any amount of credit allowed.

SECTION 7. The amendments to ORS 315.511 by section 6 of this 2003 Act apply to tax years beginning on or after January 1, 2004.

FUNDING

SECTION 8. As used in sections 8 to 11 of this 2003 Act, "telecommunications development projects" means private activity projects of business enterprises related to telecommunications infrastructure, broadband or advanced telecommunications projects that are selected for funding by the Economic and Community Development Department based on the potential of the project to benefit the State of Oregon generally by creating jobs, furthering economic development and promoting long-term growth.

SECTION 9. (1) For the biennium beginning July 1, 2003, the State Treasurer is authorized to issue lottery bonds pursuant to ORS 286.560 to 286.580 in the amount of \$_____ million for funding telecommunications development projects plus an additional amount to be estimated by the State Treasurer for payment of bond-related costs of the Economic and Community Development Department and the State Treasurer.

(2) Lottery bonds issued under this section may be issued only at the request of the Director of the Economic and Community Development Department.

(3) Net proceeds of lottery bonds issued under this section, in the amount of \$46 million, must be deposited in the Telecommunications Development Projects Fund established by section 11 of this 2003 Act not later than _____.

(4) The bond-related costs of the Economic and Community Development Department and the State Treasurer for the lottery bonds authorized by this section must be paid from

the gross proceeds of those lottery bonds and from allocations for the purposes of ORS 286.576 (1).

SECTION 10. The Legislative Assembly finds that funding selected telecommunications development projects will accomplish the purpose of creating jobs and furthering economic development in Oregon because a sound telecommunications infrastructure, accessible broadband services and advanced telecommunications services are necessary to ensure that Oregon remains competitive in retaining existing businesses and attracting new businesses. Therefore, issuance of lottery bonds to finance these business development projects is an appropriate use of state lottery funds under section 4, Article XV of the Oregon Constitution, and ORS 461.510.

SECTION 11. (1) The Telecommunications Development Projects Fund is established separate and distinct from the General Fund. The moneys in the Telecommunications Development Projects Fund and the interest earnings of the fund are continuously appropriated to the Economic and Community Development Department for the purpose described in subsection (2) of this section. The fund consists of moneys deposited in the fund under section 9 of this 2003 Act.

(2) Moneys in the fund are available to the department for distribution to fund selected telecommunications development projects.

SECTION 12. In addition to and notwithstanding any other law, the amount of \$_____ million is established for the biennium beginning July 1, 2003, as the maximum limit for distribution by the Economic and Community Development Department to fund telecommunications development projects from the Telecommunications Development Projects Fund.

SECTION 13. (1) There is allocated to the Economic and Community Development Department from the Administrative Services Economic Development Fund the amount identified in subsection (2) of this section.

(2) The amount of \$_____ is established for the biennium beginning July 1, 2003, as the maximum limit for payment of expenses by the Economic and Community Development Department from the Administrative Services Economic Development Fund for the purpose of paying bond-related costs of lottery bonds issued to fund telecommunications development projects as defined in section 8 of this 2003 Act.

(3) The allocation of moneys from the Administrative Services Economic Development Fund under this section is subject to the requirements in section 4, Article XV of the Oregon Constitution, for deposit of specified amounts of the net proceeds from the Oregon State Lottery into the Education Stability Fund and into the Parks and Natural Resources Fund and must be made only after satisfaction or payment of:

(a) Amounts allocated to Westside lottery bonds issued under ORS 391.140 or to the reserves or any refunding related to the Westside lottery bonds in accordance with the priority for allocation and disbursement established by ORS 391.130;

(b) All liens, pledges or other obligations relating to lottery bonds or refunding lottery bonds that are due or payable during the biennium beginning July 1, 2003; and

(c) Amounts required by any other pledges of, or liens on, net proceeds of the Oregon State Lottery that were perfected prior to the perfection of the lien and pledge authorized by sections 8 to 11 of this 2003 Act.

UTILITY REGULATION

SECTION 14. ORS 759.030 is amended to read:

759.030. (1) Except as otherwise provided in this section, the Public Utility Commission shall have authority to determine the manner and extent of regulation of telecommunications services within the State of Oregon.

(2) Upon petition by any interested party and following notice and investigation, the commission may exempt in whole or in part from regulation those telecommunications services for which the commission finds that price or service competition exists, or that such services can be demonstrated by the petitioner or the commission to be subject to competition, or that the public interest no longer requires full regulation thereof. The commission may attach reasonable conditions to such exemption and may amend or revoke any such order as provided in ORS 756.568.

(3) Upon petition by any telecommunications utility, and after notice and hearing, the commission shall exempt a telecommunications service from regulation under the following conditions:

(a) Price and service competition exist.

(b) A service which is deregulated under this subsection may be regulated, after notice and hearing, if the commission determines an essential finding on which the deregulation was based no longer prevails, and reregulation is necessary to protect the public interest.

(4) Prior to making the findings required by subsections (2) and (3) of this section, the commission shall consider:

(a) The extent to which services are available from alternative providers in the relevant market.

(b) The extent to which the services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions.

(c) Existing economic or regulatory barriers to entry.

(d) Any other factors deemed relevant by the commission.

(5) No telecommunications utility may use revenues earned from or allocate expenses to that portion of its business which is regulated under this chapter to subsidize activities which are not regulated under this chapter; nor shall the commission require revenues or expenses from any activity not regulated under this chapter to be attributed to the regulated activities of a telecommunications utility. However, this subsection shall not be interpreted to affect any appropriate subsidy determined by the commission under subsection (9) of this section.

(6) If the commission determines that a product or service offered by a telecommunications utility as part of local exchange telecommunications services can be demonstrated by the utility to be subject to competition, or if a product or service is not an essential product or service, the commission may authorize the utility to file a price list, which shall contain the description, terms, conditions and prices of such services or products. No other schedule for price listed services need be filed with the commission. The price list or any revision thereof is not subject to the provisions of ORS 759.180 to 759.190 and shall become effective immediately on filing with the commission unless a later date is specified. In making the determination of whether a product or service is subject to competition, the commission shall consider:

(a) The extent to which services are available from alternative providers in the relevant market.

(b) The extent to which services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions.

(c) Existing economic or regulatory barriers to entry.

(d) Any other factors deemed relevant by the commission.

(7) Within 60 days of a filing under subsection (2), (3) or (6) of this section, the commission shall either determine the appropriateness of the filing or determine that further

investigation is necessary. If the commission determines that further investigation is necessary, the commission may suspend operation of the filing for a period not longer than five months from the end of the initial 60-day period. Upon a showing of good cause, any party may request extension of the suspension period for an additional three months.

(8) If the commission determines that a product or service offered by a telecommunications utility as part of interexchange telecommunications services can be demonstrated by the utility to be subject to competition, the commission, under such conditions as it determines are reasonable, may authorize the utility to file a price list, which shall contain the description, terms, conditions and prices of such services or products. No other schedule for price listed services need be filed with the commission. The price list or any revision thereof is not subject to the provisions of ORS 757.210 to 757.220 and shall become effective immediately on filing with the commission unless a later date is specified. In making the determination of whether a product or service is subject to competition, the commission shall consider:

(a) The extent to which services are available from alternative providers in the relevant market.

(b) The extent to which services of alternative providers are functionally equivalent or substitutable at comparable rates, terms and conditions.

(c) Existing economic or regulatory barriers to entry.

(d) Any other factors deemed relevant by the commission.

(9) The commission is authorized to determine whether and to what extent a telecommunications service provided by a telecommunications utility within the State of Oregon should be subsidized in order for telecommunications services to be available at reasonable rates. If any subsidy is found to be required, the commission shall undertake an investigation and determine, after hearings, the revenue source or sources of a fund necessary to provide the subsidy and the manner of collection and distribution of the fund.

(10) If the commission finds upon notice and investigation that customers of shared telecommunications services have no alternative access to local exchange telecommunications services, the shared telecommunications service provider may be required to make alternative facilities or conduit space available on reasonable terms and conditions at reasonable prices.

(11) The commission is encouraged and authorized to support public-private partnerships and other cooperative and negotiated agreements under which public bodies, as defined by ORS 174.109, provide basic telecommunications infrastructure and private entities use that infrastructure to provide advanced information and communications services.

SECTION 15. Section 2, chapter 589, Oregon Laws 1999, is amended to read:

Sec. 2. In order to ensure consistency with the federal Telecommunications Act of 1996 (P.L. 104-104), to enhance fair competition and to promote deregulation of the telecommunications industry, the Public Utility Commission annually shall submit a report to the Governor and the Legislative Assembly or the Emergency Board on or before January 31 each year. The report shall include information on:

(1) The status of competition in the telecommunications industry;

(2) Significant changes that have occurred in the telecommunications industry during the preceding 12 months;

(3) Statutes that inhibit or discourage competition in and deregulation of the telecommunications industry;

(4) Specific actions taken by the commission to reduce the regulatory burden imposed on the telecommunications industry, including telecommunications utilities and competitive telecommunications providers;

(5) Specific actions taken by the commission to maximize the opportunities for telecommunications utilities and competitive telecommunications providers to achieve pricing flexibility, including rate rebalancing, exemption from regulation and streamlined regulations;

(6) Specific actions taken by the commission to:

(a) Minimize implicit sources of support; and

(b) Maximize explicit sources of support that are specific, sufficient, competitively neutral and technologically neutral and that support telecommunications services for customers of telecommunications providers in high-cost locations; ~~and~~

(7) Statutes that should be enacted, amended or repealed to enhance and respond to the competitive telecommunications environment or promote the orderly deregulation of the telecommunications industry; **and**

(8) The number of public bodies, as defined by ORS 174.109, providing basic telecommunications infrastructure so that private entities may use that infrastructure to provide advanced information and communications services.

COOPERATION

SECTION 16. The Oregon Department of Administrative Services is directed to work with other state agencies, school districts, education service districts, community college districts and state institutions of higher education to create new opportunities with local communities and with the private sector that will contribute to greater broadband infrastructure accessibility for persons of this state.

ELECTRONIC COMMERCE ENTERPRISE ZONES

SECTION 17. ORS 285B.672 is amended to read:

285B.672. (1) A sponsor of an existing enterprise zone may seek to have the zone designated for electronic commerce under this section.

(2) The sponsor shall file an application to have the zone designated for electronic commerce with the Economic and Community Development Department. The application shall be in the form and contain the information that the department by rule may require.

(3) The application shall be accompanied by a copy of a resolution, adopted by the governing body of the sponsor, requesting that the zone be designated for electronic commerce.

(4) The department shall review applications for electronic commerce designation and shall approve ~~[no more than four]~~ zones for electronic commerce designation. In approving zones for electronic commerce designation, the department shall strive to approve zones for electronic commerce designation in different geographic areas of this state.

E-LEARNING

SECTION 18. The Oregon Department of Administrative Services is directed to draft and publish a unified state plan to integrate all school district, education service district, community college district, Oregon University System and Oregon Health and Science University telecommunications plans into one unified state plan for the use and delivery of educational services via telecommunications throughout the State of Oregon. The goal of the unified state plan is to provide equal educational opportunities through telecommunications to all students in this state.

E-GOVERNMENT

SECTION 19. The Oregon Department of Administrative Services shall facilitate and provide the repository for the results of an assessment of all state agencies to determine the degree to which business practices and computer systems of state agencies promote use of broadband and other telecommunications in providing access to state government by the citizens of this state. The department shall, by June 30, 2004, develop a prioritized list of applications and programs that can be used for improving access to state government by means of the Internet.

BENCHMARKS

SECTION 20. The Oregon Economic and Community Development Commission shall report annually to the Joint Legislative Committee on Information Management and Technology on the effectiveness of the efforts being made throughout the state to improve advanced telecommunications capability in the State of Oregon. The measurement of this capability and its impact on economic and community development must be developed by the Oregon Telecommunications Coordinating Council and supported by those agencies that currently track or are able to track information on advanced telecommunications capability in this state.

OREGON TELECOMMUNICATIONS COORDINATING COUNCIL

SECTION 21. Section 1, chapter 699, Oregon Laws 2001, is amended to read:

Sec. 1. (1) There is ~~created an interim task force to be called~~ **established** the Oregon ~~[Telecommunication]~~ **Telecommunications** Coordinating Council consisting of ~~[12]~~ **19** members. ~~[The membership of the task force shall be as provided in this section.]~~

(2) The Governor shall appoint one member to represent each of the following entities, and in making the appointments under this subsection shall give consideration to recommendations made by the entity the member is to represent:

(a) The Central Oregon Telecommunications ~~[Consortium]~~ **Task Force.**

(b) CoastNet.

~~[(b)]~~ (c) The Eastern Oregon Telecommunications Consortium.

~~[(c)]~~ (d) The Fiber South Consortium.

(e) The Gorge Teleconsortium.

~~[(d)]~~ (f) The Regional Fiber Consortium (Lane and Klamath Counties).

~~[(e)]~~ (g) The North Coast Telecommunications Consortium.

(h) The South Coast Telecommunications Consortium.

~~[(f)]~~ (i) The Southern Oregon Telecommunications and Technology Council.

(3) The Governor shall appoint two members of the Oregon ~~[Telecommunication]~~ **Telecommunications** Coordinating Council to represent the counties of this state. The Governor shall give consideration to recommendations made by the Association of Oregon Counties in making the appointments under this subsection.

(4) The Governor shall appoint ~~[one member]~~ **two members** of the Oregon ~~[Telecommunication]~~ **Telecommunications** Coordinating Council to represent the cities of this state. The Governor shall give consideration to recommendations made by the League of Oregon Cities in making the appointment under this subsection.

(5) The Governor shall appoint ~~[one member]~~ **two members** of the Oregon

[Telecommunication] **Telecommunications** Coordinating Council to represent telecommunication utilities **and Internet service providers** in this state. The Governor shall give consideration to recommendations made by the Oregon Telecommunications Association in making the appointment under this subsection.

~~[(6) The chairperson of the Connecting Oregon Communities Advisory Board shall appoint two members of the Oregon Telecommunication Coordinating Council. Both members appointed under this subsection must also be members of the Connecting Oregon Communities Advisory Board. The members appointed under this subsection shall work to coordinate the activities and responsibilities of the Oregon Telecommunication Coordinating Council and the Connecting Oregon Communities Advisory Board.]~~

(6) The Governor shall appoint one member of the Oregon Telecommunications Coordinating Council to represent Oregon tribes. The Governor shall give consideration to recommendations made by the Commission on Indian Services in making the appointment under this subsection.

(7) The Governor shall appoint one member of the Oregon Telecommunications Coordinating Council to represent elementary and secondary schools. The Governor shall give consideration to recommendations made by the Oregon School Boards Association in making the appointment under this subsection.

(8) The Governor shall appoint one member of the Oregon Telecommunications Coordinating Council to represent community colleges. The Governor shall give consideration to recommendations made by the Oregon Community College Association in making the appointment under this subsection.

(9) The Governor shall appoint one member of the Oregon Telecommunications Coordinating Council to represent the Oregon University System. The Governor shall give consideration to recommendations made by the Chancellor of the Oregon University System in making the appointment under this subsection.

~~[(7)]~~ **(10) The Oregon [Telecommunication] Telecommunications** Coordinating Council may by a majority vote of the council add members to the council to represent telecommunication consortia coming into existence after ~~[the effective date of this 2001 Act]~~ **January 1, 2003** or to represent citizen groups recognized by the council.

~~[(8)]~~ **(11) The Economic and Community Development Department, the Oregon Department of Administrative Services, the League of Oregon Cities and the Association of Oregon Counties shall provide staff to the Oregon [Telecommunication] Telecommunications** Coordinating Council.

~~[(9)]~~ **(12) Members of the Oregon [Telecommunication] Telecommunications** Coordinating Council are not entitled to compensation and expenses and shall serve on the council on a volunteer basis.

~~[(10)]~~ **(13) The Oregon [Telecommunication] Telecommunications** Coordinating Council shall study alternative approaches to providing coordinated statewide, regional and local telecommunication services, including providing services to unserved or underserved areas of the state. In addition, the council shall study the manner in which telecommunication investments can be coordinated to facilitate partnerships between the public sector and the private sector and between state and local governments. The council shall report its findings and recommendations to the Governor and to the Joint Legislative Committee on Information Management and Technology **before each legislative session.**

~~[(11)]~~ **(14) All agencies, departments and officers of this state are directed to assist the Oregon [Telecommunication] Telecommunications** Coordinating Council in the performance of its functions and to furnish such information and advice as the members of the council consider

necessary to perform their functions. **The Economic and Community Development Department shall coordinate the work of the Oregon Telecommunications Coordinating Council with other state agencies and provide the Oregon Telecommunications Coordinating Council with the support and assistance necessary to carry out its charge.**

~~[(12)]~~ **(15)** The Oregon ~~[Telecommunication]~~ **Telecommunications** Coordinating Council may accept contributions of funds and assistance from the United States or its agencies or from any other source, public or private, and agree to conditions thereon not inconsistent with the purposes of the council. All such funds are to aid in financing the functions of the council and shall be deposited in the General Fund of the State Treasury to the credit of separate accounts for the council and shall be disbursed for the purpose for which contributed in the same manner as funds appropriated for the council.

~~[(13)]~~ **(16)** Official action by the Oregon ~~[Telecommunication]~~ **Telecommunications** Coordinating Council requires the approval of a majority of the members. The council may recommend legislation, and all legislation recommended by the council must indicate that it is introduced at the request of the council. Legislation recommended by the council must be submitted to the Joint Legislative Committee on Information Management and Technology. The legislation shall be prepared in time for pre-session filing ~~[by December 15, 2002, for presentation to the]~~ **at regular [session] sessions** of the ~~[Seventy-second]~~ Legislative Assembly.

(17) The Oregon Telecommunications Coordinating Council shall:

(a) Support the work of regional telecommunications consortia that have emerged throughout the state.

(b) Encourage state agencies to generate awareness of new telecommunications infrastructure and disseminate knowledge of how business, government and individuals can put that infrastructure to productive use.

(c) Support efforts to provide cost-effective, quality workforce development training using telecommunications infrastructure and facilities to access distance learning opportunities.

(d) Encourage schools, education service districts, and local education agencies in underserved and unserved areas to provide broadband access for the surrounding community.

(e) Encourage public and private entities to seek opportunities for partnership with educational institutions that will stimulate the use of broadband technologies through community projects and public education.

(f) Recommend ways for the State of Oregon to support innovative efforts that build effective and cost-efficient delivery of distance education supported by telecommunications.

(g) Encourage the Oregon Telehealth Alliance to continue the work of the council's Telehealth Committee.

(h) Facilitate public and private organizations working together in partnership to promote the use of telecommunications infrastructure and new technology.

SECTION 22. Section 2, chapter 699, Oregon Laws 2001 is amended to read:

Sec. 2. Section 1~~[of this 2001 Act]~~, **chapter 699, Oregon Laws 2001**, is repealed on January 2, ~~[2004]~~ **2006**.

CAPTIONS

SECTION 23. The unit captions used in this 2003 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2003 Act.

EFFECTIVE DATE

SECTION 24. This 2003 Act takes effect on the 91st day after the date on which the regular session of the Seventy-second Legislative Assembly adjourns sine die.

Public Safety

**A BILL FOR AN ACT
House Bill 2304**

LC 1269
11/12/02 (CJC/cc/ps)

Establishes state policy for broadband telecommunications services.

SECTION 1. It is the policy of the State of Oregon to encourage and support the rapid deployment of broadband telecommunications services in areas of the state where it does not exist, to support redundancy of critical telecommunications assets in order to ensure homeland security protections in the state and to ensure that a secure conduit is available for emergency communications and public safety networks in all Oregon communities.

Telemedicine

LC 1272
11/12/02 (CJC/cc/ps)

Expresses legislative encouragement and support for certain reimbursement policies for medical services provided via telecommunications.

House Joint Resolution 4

Whereas in 1997 the Oregon Telecommunications Forum Council stated that one of its goals was to <<increase the quality of local healthcare available in all areas of the state through telecommunications>>; and

Whereas the Oregon Telecommunications Forum Council created a telemedicine workgroup to study telemedicine issues and present its findings and recommendations to the Seventieth Legislative Assembly; and

Whereas the Seventieth Legislative Assembly passed Senate Bill 600 (1999), creating a system of telemedicine licensing in Oregon; and

Whereas the Oregon Telecommunications Coordinating Council determined that the biggest barrier to successful telemedicine is the problem of insurance reimbursement; and

Whereas the Oregon Telecommunications Coordinating Council recommends that telemedicine reimbursement policies apply to all Oregonians; now, therefore,

That we, the members of the Seventy-second Legislative Assembly, encourage and support the following policies for telemedicine reimbursement in the State of Oregon:

(1) Medical providers who are reimbursed for services provided in person should be reimbursed for the same services when provided via telecommunications.

(2) Any clinical service or diagnosis that is reimbursed when provided in person and that can be delivered appropriately via telecommunications should be eligible for reimbursement.

(3) With the exception of medically appropriate <<store and forward>> technology to deliver clinical services or diagnoses, reimbursable services should include clinician-to-patient services and not clinician-to-clinician services.

(4) A patient informed consent document should be used for telemedicine services. This document should contain the components outlined in a model informed consent document.

(5) A patient should have the right to choose either telemedicine or in-person services when both are available.

(6) Payers should consider transmission costs when reimbursing for telemedicine services.

Joint Resolution Dealing With Constitutional Barriers

LC 1270
11/12/02 (CJC/cc/ps)

Proposes amendment to Oregon Constitution to allow state and local governments to hold interest in private companies for purpose of improving telecommunications services.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

House Joint Resolution 3

Be it Resolved by the Legislative Assembly of the State of Oregon:

PARAGRAPH 1. Sections 6 and 9, Article XI of the Constitution of the State of Oregon, are amended to read:

Sec. 6. (1) The state shall not subscribe to~~;~~ or be interested in the stock of any company, association or corporation. However, as provided by law the state may hold and dispose of stock, including stock already received, that is donated or bequeathed; and may invest, in the stock of any company, association or corporation, any funds or moneys that:

- (a) Are donated or bequeathed for higher education purposes;
- (b) Are the proceeds from the disposition of stock that is donated or bequeathed for higher education purposes, including stock already received; or
- (c) Are dividends paid with respect to stock that is donated or bequeathed for higher education purposes, including stock already received.

(2) Notwithstanding the limits contained in subsection (1) of this section, the state may hold and dispose of stock:

- (a) Received in exchange for technology created in whole or in part by a public institution of post-secondary education; or
- (b) Received prior to December 5, 2002, as a state asset invested in the creation or development of technology or resources within Oregon.

(3) Notwithstanding the limits contained in subsection (1) of this section, the state may subscribe to or be interested in the stock of any company, association or corporation for the purpose of improving deployment of telecommunications services to achieve a public purpose.

Sec. 9. (1) No county, city, town or other municipal corporation, by vote of its citizens, or otherwise, shall become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association. Provided, that any municipal corporation designated as a port under any general or special law of the state of Oregon~~;~~ may be empowered by statute to raise money and expend the same in the form of a bonus to aid in establishing water transportation lines between such port and any other domestic or foreign port or ports, and to aid in establishing water transportation lines on the interior rivers of this state, or on the rivers between Washington and Oregon, or on the rivers of Washington and Idaho reached by navigation from Oregon's rivers~~;~~. ~~[any]~~ **Any** debts of a municipality to raise money created for the aforesaid purpose shall be incurred only on approval of a majority of those voting on the question, and shall not, either singly or in the aggregate, with previous debts and liabilities incurred for that purpose, exceed one ~~per cent~~ **percent** of the assessed valuation of all property in the municipality.

(2) Notwithstanding subsection (1) of this section, a county, city, town or other

municipal corporation may become a stockholder in any joint company, corporation or association, whatever, or raise money for, or loan its credit to, or in aid of, any such company, corporation or association for the purpose of improving deployment of telecommunications services to achieve a public purpose.

PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at a special election held throughout this state on the same date as the next primary election.

Public Investment

- D-R-A-F-T- - D-R-A-F-T- - D-R-A-F-T- - D-R-A-F-T- - D-R-A-F-T-

A BILL FOR AN ACT

Relating to telecommunications.

Be It Enacted by the People of the State of Oregon:

[**NOTE:** The Council recommends that the Legislature refer to the voters a constitutional amendment that would remove the constitutional barriers to public entities sharing in the costs and benefits of telecommunications infrastructure constructed by public-private partnerships (with enabling legislation). This would be similar to the measure referred to the voters on behalf of the Oregon University System in the 2001 session. This bill would be the enabling legislation subject to the passage of the proposed constitutional amendment.]

Education

LC 1273
11/21/02 (CH/rb/ps)

Directs Oregon Department of Administrative Services to develop unified state plan for use of telecommunications in Oregon educational institutions.

House Joint Resolution 5

Whereas schools, community colleges and universities across the State of Oregon currently utilize telecommunications to provide educational opportunities throughout the state; and

Whereas state institutions of higher education reach students through the use of telecommunications, providing the students an opportunity to develop their academic potential regardless of prohibitive distances; and

Whereas teachers need the resources and training to meet the challenge of new telecommunications-based classroom configurations and curricula in order to create a stimulating educational environment; and

Whereas telecommunications can aid education providers in efficiently administering the day-to-day operations of their school districts through, among other things, faculty and staff development training, meeting attendance and participation; and

Whereas narrowband technologies currently used in rural school districts compromise the delivery of educational content to Oregon's rural students; and

Whereas the current efforts to facilitate learning through the use of telecommunications remain decentralized and uncoordinated, thereby failing to benefit from efficient use of resources to accomplish important educational goals; and

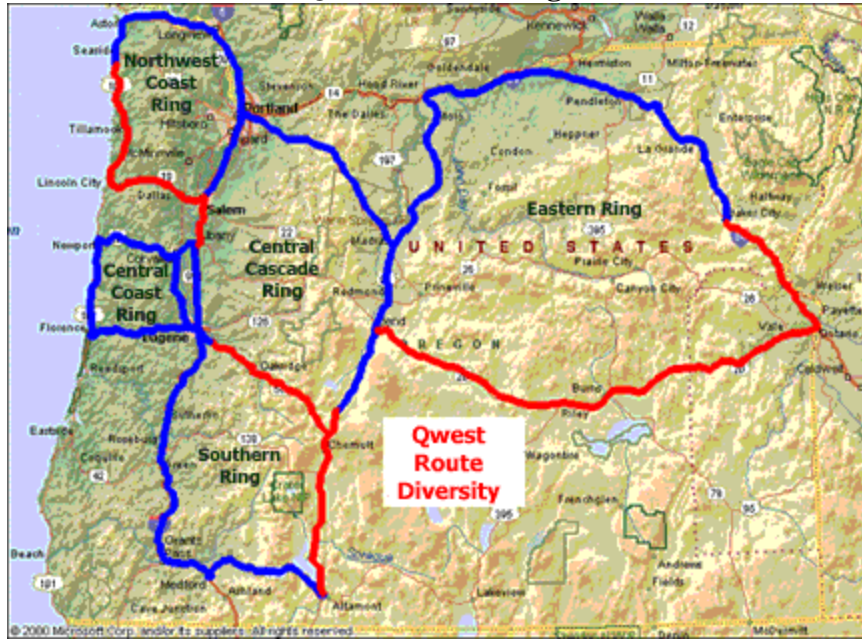
Whereas a comprehensive telecommunications plan would recognize the need and opportunity for Oregon's education providers to create and fund a plan that would best meet the needs of all of Oregon's students; now, therefore,

That we, the members of the Seventy-second Legislative Assembly, direct the Oregon Department of Administrative Services to draft and publish a unified state plan to integrate all school district, education service district, community college district, Oregon University System and Oregon Health and Science University telecommunications plans into one unified state plan for the use and delivery of educational services via telecommunications throughout the State of Oregon; and be it further

Resolved, That we, the members of the Seventy-second Legislative Assembly, emphasize that the goal of this unified state plan during the 2003-2005 biennium is to provide equal educational opportunities through telecommunications to all students in the state.

Attachment 3 - Infrastructure Network Maps
(Not all routes are fully operational as of the date of this report.)

Qwest SB 622 Rings



NoaNet Routes



Fiber Consortia and PCINW



Attachment 4 - Informed Consent for Telemedicine Services

Informed Consent for Telemedicine Services

PATIENT NAME: _____	DATE OF BIRTH: _____	MEDICAL RECORD #: _____
LOCATION OF PATIENT: _____		
CLINICIAN NAME: _____	LOCATION: _____	DATE CONSENT DISCUSSED: _____
CONSULTANT NAME: _____	LOCATION: _____	
CONSULTANT NAME: _____	LOCATION: _____	

Introduction

Telemedicine involves the use of electronic communications to enable health care providers at different locations to share individual patient medical information for the purpose of improving patient care. Providers may include primary care clinicians, specialists, and/or subspecialists. The information may be used for diagnosis, therapy, follow-up and/or education, and may include any of the following:

- Patient medical records
- Medical images
- Live two-way audio and video
- Output data from medical devices and sound and video files

Electronic systems used will incorporate network and software security protocols to protect the confidentiality of patient identification and imaging data and will include measures to safeguard the data and to ensure its integrity against intentional or unintentional corruption.

Responsibility for patient care remains with the patient’s local clinician, as does the patient’s medical record.

Expected Benefits:

- Improved access to medical care by enabling a patient to remain in a local health care setting.
- More efficient medical evaluation and management.
- Obtaining the expertise of a specialist.

Possible Risks:

As with any medical procedure, there are potential risks associated with the use of telemedicine. These risks include, but may not be limited to, the following:

- In rare cases, the consultant may judge that the transmitted information is of inadequate quality, thus necessitating a face-to-face meeting with the patient.
- Delays in medical evaluation and treatment could occur due to limitations or failures of the equipment.
- In very rare instances, security protocols could fail, causing a breach of privacy of personal medical information.
- In rare cases, a lack of access to complete medical records may result in adverse drug interactions or allergic reactions or other judgment errors.

Please initial here after reading this page: _____

Informed Consent for Telemedicine

Page 2

By signing this form, I indicate that I understand the following:

1. I understand that the laws that protect privacy and the confidentiality of medical information also apply to telemedicine, and that no patient identifiable information obtained in the use of telemedicine will be disclosed to researchers or other entities without my consent.
2. I understand that I have the right to withhold or withdraw my consent to the use of telemedicine in the course of my care at any time, without affecting my right to future care or treatment.
3. I understand that I have the right to inspect all information obtained and recorded in the course of a telemedicine interaction, and may receive copies of this information for a reasonable fee.
4. I understand the alternatives to telemedicine consultation as they have been explained to me, and in choosing to participate in a telemedicine consultation, I understand that some parts of the exam involving physical tests may be conducted by individuals at my location at the direction of the consulting health care provider.
5. I understand that telemedicine may involve electronic communication of my personal medical information to other medical practitioners involved in my care who may be located in other areas, including out of state.
6. I understand that I may expect the anticipated benefits from the use of telemedicine in my care, but that no results can be guaranteed or assured.
7. I understand that individuals other than my health care provider and consulting health care provider may be present and that they will maintain confidentiality of the information obtained. I further understand that I will be informed of their presence.

Patient Consent To The Use of Telemedicine

I have read and understand the information provided above regarding telemedicine, have discussed it with my clinician or such assistants as may be designated, and all of my questions have been answered to my satisfaction. I hereby give my informed consent for the use of telemedicine in my medical care.

I hereby authorize _____ (*name of clinician*) to use telemedicine in the course of my diagnosis and treatment.

Signature of Patient (or person authorized to sign for patient): _____ *Date:* _____

If authorized signer, relationship to patient: _____

Witness: _____ Date: _____

I have been offered a copy of this consent form (patient's initials) _____

Attachment 5 - Presenters and Contributors

Presenters and Contributors

<i>Sector/Name</i>	<i>Organization</i>
Education/Libraries	
John Berman	Southwestern Oregon Community College
Camille Cole	Public Education Network
Patty Cutright	Libraries of Eastern Oregon
Tom O'Connor	OMEU
Jim Rose	OPEN
Government (Federal, state & local)	
David Barenberg	League of Oregon Cities
Valerie Baron	Rural Development Program, Washington, DC
Commissioner Lee Beyer	Oregon Public Utility Commission
Dave Booth	Oregon Public Utility Commission
Debra Bryant	Department of Administrative Services
Rick Carter	Oregon Public Utility Commission
Katy Coba	Oregon Economic & Community Development Department
Beth Vargas Duncan	City of Salem
Chair Roy Hemmingway	Oregon Public Utility Commission
Mark Huston	Finance Programs - Oregon Economic & Community Development Department
Wes Lannen	USDA's Rural Utility Service
Stephen Macartney	State of Oregon, Department of Administrative Services
Commissioner Joan Smith	Oregon Public Utility Commission
Michael Smythe.	State of Oregon, Department of Administrative Services
Doug Tindall	Oregon Department of Transportation
Beth Vargas Duncan	City of Salem
Health care	
Jo Bell	Oregon Association of Hospital and Health Systems
Nancy Brown	Senior Research Librarian, Telemedicine Research Center
Will Engle	Association of Telehealth Service Providers
Debra Cateora	Office of Medical Assistance Programs - DHS
Jody Clemesha	LifeWise Health Plan of Oregon
Brian DeLashmutt	Oregon Nurses Association
Ruth Giesking	St. Charles Medical Center
Josie Henderson	Association of Telemedicine Service Providers Executive Director

Thelma McCloskey-Armstrong	Eastern Montana Telemedicine Network
Toni Olson	Premera
Jere Ritzer	Oregon Health Sciences University
Robert Roberts	Telemedicine Research Center
Rob Sprang	Kentucky Telecare
Paige Sipes-Metzler	Regence Blue Cross/Blue Shield
Dr. Eric Wall, MD, MPH	Medical Director - LifeWise Health Plan of Oregon
Internet Service Providers	
Rich Bader	www.EasyStreet.com
Steve Belsky	Project A, E-Government Solutions
Claudia Bittner	My State USA.com
Residents	
Nancy and Scott Condon	
Shayne Maxwell	Private citizen, Letter regarding phone charges Gold Hill and Rogue Valley region
Helen Millard	Private consultant
Telecommunications Consortia	
Trudy Bridgers	Southern Oregon Telecommunications and Technology Council
Dan Stark	Eastern University Regional Services Institute
Telecommunications Industry (Providers, engineers, builders)	
Guy Alvis	NoaNET
Elise Brown	AT&T
Charlie Brunetti	Brunetti DEC
Mike Dewey	Oregon Cable Association
Ben Doty	NoaNet
Jack Evans	Oregon Rural Electric Cooperative Association
Adam Haas	W&H Pacific
Nancy Judy	Sprint
Angela King	ITCA
Ginny Lang	Qwest
Mo Lemieux	Terabeam
Don Mason	Qwest
Tom O'Connor	Oregon Municipal Electric Utilities
Fred Peterson	Tracer
Rick Rose	Preferred Connections
Linda Rose	Preferred Connections
Richard Ryan	Hunter Communications
Dave Sabala	NoaNET
Marsha Spellman	OregonTelecom
Patrick Veith	Terabeam

Attachment 6 - Benchmarks.

Benchmarks

It is the purpose of this attachment to list measures of the results implementation of measures recommended in this ORTCC report. These outputs and outcomes could be tied to Oregon Benchmarks and specific targets for each measure should be suggested. The timeframe for achieving these targets should be based on implementation of ORTCC recommendations in 2003.

Recommended benchmarks are as follows:

- a. Access to affordable broadband digital applications for all Oregon residents:
 1. Cost of broadband digital applications, including Digital Subscriber Line (DSL), cable, wireless, videoconference service and T1 service, should not exceed 125% of the average cost for the same application as charged in the Portland Metro Area. Measure the percent of communities that meet this benchmark.
 2. Percent of households in the state without plain old telephone service.
 3. List of Oregon communities without plain old telephone service.
 4. List of Oregon communities lacking local dial-up Internet service.
 5. Percent of Oregon communities with access to affordable broadband services of 500 kilobits per second or faster, videoconference service, and T1 service.
 6. Percent of Oregon telephone customers who cannot obtain access to DSL, cable broadband or wireless broadband because:
 - i. DSL, cable broadband or wireless broadband not offered in their service area;
 - ii. Residence is situated beyond the distance covered by the service;
 - iii. Infrastructure serving the residence needs renovation before it can support DSL, cable or wireless service.
 7. Percent of Telephone exchanges with access to local calling services such as voice mail, caller ID, call waiting and call forwarding.
- b. An improved economy through the use of broadband digital applications:
 1. Number and percent of local businesses utilizing Internet technology and applications in business operations.
 2. Number of jobs directly attributable to use of broadband digital technology in local economy.
 3. Number of new companies created that use broadband technology.
- c. Improved quality of life in Oregon communities aided by use of broadband digital applications:
 1. Percent of public libraries with Internet connections,
 2. Percent of public libraries providing access to Internet applications for community members,
 3. Percent of clinics or other health care facilities providing telehealth services,
 4. Percent of communities with access to two-way videoconferencing learning opportunities,

5. Percent of local communities using e-government Internet applications to communicate with residents.
- d. The reduction of the economic disparity between urban and rural communities (comparing urban and rural Oregon on the following economic measures):
1. Average pay per job,
 2. Average household income,
 3. Average per capita income,
 4. Unemployment rate.

The benchmarks selected for measurement could be reported in the following framework, patterned after the Oregon Benchmarks process:

Monitoring and Performance Measures Framework

Outputs (amount or frequency of project activity)	Oregon Benchmark	Project Targets	Reporting Timeframe
ACCESS TO BROADBAND			
Percent of communities where the cost of broadband does not exceed 125% of the average Portland Metro Area costs.			
Percent of households without basic service.			
Percent of Oregon households without local dial up Internet service			
Number of Oregon households with access to broadband services			
Percent of telephone exchanges with access to local calling services such as voice mail, caller ID, call waiting, call forwarding.			

Monitoring and Performance Measures Framework (continued)

Outcomes (impacts and long-term results from the project)	Oregon Benchmark	Project Targets	Reporting Timeframe
ECONOMIC DEVELOPMENT			
Number of new companies that locate because of broadband access.			
Percent of Oregon businesses utilizing Internet technology and applications in business operations			
Number of jobs directly attributable to use of broadband digital technology.			
Percent of non-metro broadband employment within 125% of Portland metro broadband employment			
Average pay per job			
Average household income			
Average per capita income			
Unemployment rate			
QUALITY OF LIFE			
Medical - Percent of clinics or other health care facilities providing telemedicine services.			
Percent of Oregon communities with telehealth services			
Education – Number of distance learning sites in the state			
Percent of Oregon communities with access to two-way video conference learning opportunities			
Percent of public libraries with internet connections			
Percent of public libraries providing access to Internet applications			
Government – Percent of governments using e-government Internet applications to communicate with residents			

Attachment 7 - Citations to Other Sources

Citations to Other Sources

1. Economic Development Committee

- Committee Report <http://www.ortcc.org/PDF/EconDevelopment.pdf>
- Improved Deployment Economic Considerations
<http://www.ortcc.org/PDF/EconIssues.pdf>
- Improved Deployment Social or Cultural Considerations
<http://www.ortcc.org/PDF/Deployment.pdf>

2. Education Committee

- Oregon's One-Stop for Distance Education <http://oregonone.org/>
- Kids Count Snapshot, Connecting Kids to Technology: Challenges and opportunities, The Annie E. Casey Foundation, June 2002
http://www.aecf.org/publications/data/snapshot_june2002.pdf
- Final Report of Oregon Senate Bill 622, Oregon Department of Education and Oregon Public Education Network
<http://www.ode.state.or.us/oraccessnet/reportsb622.pdf>
- National Center for Education Statistics "Internet Access in U.S. Public Schools and Classrooms: 1994-2001".
<http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2002018>
- Oregon Statewide K-12 Video Network <http://www.open.k12.or.us>

3. Government Services Committee

- Government Website
 1. Gov Website Idea (e-Government at work) <http://www.bpd.org/>
- Oregon Public Utility Commission (OPUC)
 1. 022802 OPUC Presentation (Presentation to Oregon Telecommunications Coordinating Council, February 28, 2002, Oregon Universal Service Fund)
<http://www.ortcc.org/PDF/PUCPresent.pdf>
 2. 2001 HB3615 Interim Task Report
<http://www.puc.state.or.us/tforce/finalrpt.htm>
 3. EAS brochure <http://www.puc.state.or.us/consumer/easherng.htm>
 4. 093002 OPUC letter regarding Benchmarks and Economic Development
<http://www.ortcc.org/PDF/PUCletter.pdf>
- Rights of Way
 1. Community Solutions Team Fiber Policy Memo
<http://www.ortcc.org/PDF/odotmemo.pdf>
 2. Constitution, Article IX, Section 3a.
<http://www.leg.state.or.us/orcons/orcons.html>
 3. ODOT Utility Relocation Statute
<http://www.odot.state.or.us/rowutilrailpub/ORSUtilityPage.htm>
 4. Utility Ordinance (To be posted at <http://www.ortcc.org>))

4. Public Private Partnership Committee

- E-commerce Zones www.econ.state.or.us/eczone.htm
- Government in Telecommunications
 1. 8th Circuit Court <http://www.ca8.uscourts.gov/opndir/02/08/011379P.pdf>

- 2. Oregon Supreme Court Opinion on CoastNet
<http://www.publications.ojd.state.or.us/A106560.htm>
 - Public Private Partnership Examples and Overview
 - 1. National Public Private Partnership Council <http://www.ncppp.org>
 - 2. How Partnerships Work <http://www.ncppp.org/howpart/index.html>
 - 3. Public-Private-Partnerships: Advanced Telecommunications & Access to Broadband power point presentation by Charlie Brunetti (to be posted at <http://www.ortcc.org/>)
 - State Funding
 - 1. Oregon Economic and Community Development Needs and Issues process
 - http://www.econ.state.or.us/needs_issue.htm
 - 2. Oregon Economic and Community Development Needs and Issue Summary of Communities' Telecom priorities - URL forthcoming
 - 3. Oregon Economic and Community Development Financial Services Website
 - Business <http://www.econ.state.or.us/businessfinance/index.htm>
 - Community <http://www.econ.state.or.us/finance.htm>
 - Tax Incentives
 - 1. Telecommunications Facilities Tax Credit
<http://www.econ.state.or.us/telecom/div106.htm>
 - 2. Michigan Broadband Authority <http://www.michigan.gov/treasury/>
5. Telehealth Committee
- Committee Report <http://www.ortcc.org/PDF/Telehealth.pdf>
 - FCC
 - 1. Federal Communications Commission Begins Proceeding to Improve Rural Health Care Support Program
<http://www.fcc.gov/wcb/tapd/ruralhealth/welcome.html>
 - 2. Rural Health Care (CC Docket 02-60)
http://ftp.fcc.gov/Bureaus/Wireline_Competition/News_Releases/2002/nrwc0201.txt
 - Members
 - 1. Oregon Telehealth Alliance directory
<http://www.atsp.org/business/otalink/homepage.asp>
 - Oregon Legislation
 - 1. Senate Bill 600; Chapter 549 Oregon Laws 1999
<http://www.leg.state.or.us/99orlaws/sess0500.dir/0549ses.html>
 - Alaska Telehealth Coordinating Council
<http://hss.state.ak.us/commissioner/atac>
 - Other state Legislation
 - 1. California - 1996; Senate Bill No. 1665. Chapter 864
<http://www.atsp.org/inc/HTML/pdf/CaliforniaTelehealthLegislation.pdf>
 - 2. Kentucky:
KRS - chapter 57 (2001 RS HB 112)
<http://www.lrc.state.ky.us/Statrev/ACTS2001/0057.pdf>
 - 3. Nebraska Telehealth Act 1999-
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185001.html>
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185002.html>

<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185003.html>
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185004.html>
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185005.html>
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185006.html>
<http://statutes.unicam.state.ne.us/Corpus/statutes/chap71/R7185007.html>
<http://statutes.unicam.state.ne.us/corpus/statutes/chap71/r7185008.html>

3. Tennessee - TN - PC - 0880-2-.16

<http://www.state.tn.us/sos/acts/> (search on “telemedicine”)

6. Tribes

- Commission Letter <http://www.ortcc.org/PDF/CommissionLetter.pdf>
- Tribes Telecom Needs <http://www.ortcc.org/PDF/TribesTelecomNeeds.pdf>

7. ORTCC Reports to the Joint Legislative Committee on Information Management and Technology

- 013002 First Report <http://www.ortcc.org/PDF/minutes/ijcreport.pdf>
- 041702 Second Report <http://www.ortcc.org/PDF/minutes/secondijcreport.pdf>
- 062602 Third Report <http://www.ortcc.org/PDF/minutes/thirdijcreport.pdf>
- 082302 Fourth Report <http://www.ortcc.org/PDF/minutes/fourthijcreport.pdf>
- 110602 Fifth Report (to be posted after January 8, 2003)

8. ORTCC Legal Authority <http://www.ortcc.org/lawpage.html>

9. ORTCC Policies and Procedures <http://www.ortcc.org/policiespage.html>

10. ORTCC Agendas <http://www.ortcc.org/meetingpage.html>

11. ORTCC Minutes <http://www.ortcc.org/meetingpage.html>

12. ORTCC Survey

- Questionnaire and Survey Results <http://www.ortcc.org/survey.asp>

13. Oregon Reports

- Internet Commission Report <http://www.econ.state.or.us/icom/finalrpt.pdf>
- Oregon Telecommunications Forum Council Report
http://www.otfc.state.or.us/report_fnl.htm
- Oregon Council on Knowledge and Economic Development Report and Power Point Presentation
Report <http://www.ous.edu/news/press/012802.htm>
PowerPoint <http://www.ous.edu/business/070600KnowEconPowerPoint.ppt>
- Southern Oregon Telecommunications and Technology Council Report
<http://www.sottc.org>

14. Federal Reports

- The National Security Strategy of the United States of America
<http://www.whitehouse.gov/nsc/nss.html>

- The National Strategy to Secure Cyberspace
<http://www.whitehouse.gov/pcipb/cyberstrategy-draft.html>