



2004-2005 EXIT REPORT

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.

Prepared on behalf of the Council by:

John Irwin, Chairman

December 6, 2005

**OREGON TELECOMMUNICATIONS COORDINATING COUNCIL
2004-2005 EXIT REPORT**

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Review of 2004 – 2005 Activity

Meetings

The Oregon Telecommunications Coordinating Council (ORTCC) met 19 times over the 2004-2005 period. Videoconferencing provided opportunity for participation from Council members at remote locations throughout the state.

Multiple speakers addressed a variety of topics, including:

- Jere Retzer, Senior Manager Northwest Access Exchange (NWAX) – “Why Connect to the Competition”
- Deborah Bryant - State of Oregon’s portal www.oregon.gov
- Marty Brantley, Director of Oregon Economic and Community Development Department (OECDD) www.econ.state.or.us
- Bill McCaughan of Oregon State University www.oregonstate.edu, Oregon Virtual Tribal College
- Art Hill, Vice President at Blue Mountain Community College www.bmcc.cc.or.us - Eastern Oregon Rural Alliance, www.ruralpolicy.org/partners/eora.cfm
- Eric Englund, K&B Engineering - Oregon Joint Use Association (OJUA) documentation project of poles and owners in Oregon
- Shirley Roberts, Interim Library Director for Eastern Oregon University. Shirley - Pioneer Library System.
- Kim Hoffman, Telehealth Alliance of Oregon (TAO)
- Onno Husing, Oregon Coastal Zone Management Association based in Newport - coast region strategic plan
- Stephen Schneider, Senior Advisor to the Governor
- Mark Oberle, Chair of the Oregon Joint Use Association (OJUA) - documentation project of poles and owners in Oregon
- William Hersh, M.D. Professor and Chair, Department of Medical Informatics & Clinical Epidemiology at Oregon Health & Science University - “Think Globally, Act Locally: The National Health Information Infrastructure (NHII) in Oregon.”
- Scott McMullen, Chair of the Oregon Fishermen’s Cable Committee, www.ofcc.com - “Oregon’s Western Connections”
- Jim Azumano, Rural Policy Advisor, Office of the Governor
- Robert Bole, Vice President of NW Region One Economy Corporation, www.one-economy.com - “Creating the Digital Opportunity in Oregon”
- John Blatt, Executive Director of the Association of Oregon Community Development Organizations (OCDO), www.aocdo.org - affordable housing in the state
- Jim Long, Petitioner before the Oregon Public Utility Commission - improvements in telephone directory Blue Pages
- Scott Kveton, Associate Director of Oregon State University Open Source Lab, <http://osuosl.org>, - Open Source Lab

- Ann Steeves, Regional Coordinator Oregon Health Resources and Services Administration (HRSA) Region 2 of Samaritan Health Services and former member of the ORTCC - Regional Hospital and Healthcare preparedness
- Camille Cole, Oregon Department of Education - Oregon Virtual School District SB1071
- Pat Scruggs, Innovation and Technology Manager for Oregon Economic and Community Development Department (OECDD), www.econ.state.or.us - Oregon's Innovation Economy.
- Ed Parker and Shayne Maxwell - Extended Area Service (EAS)
- Mike Freese, Department of Administrative Services - Computer and Networking Infrastructure Consolidation (CNIC) project and the state's new data center
- Galen McGill, ODOT - Intelligent Information Systems at ODOT
- Dennis Jorgenson, ODOT - ODOT's telecommunications network infrastructure projects, initiatives and partnerships
- Keith Grunberg, Charter Communications - Charter Business Networks
- Karen Stewart, Qwest, FCC order 00-208 - enhanced lifeline service for low-income individuals living on American Indian and Alaska Native Lands.

ORTCC submitted measures in 2005 that are now law:

- SB 12 - Increases Electronic Commerce Zones from 4 to 10 (see also HB 2234)

The OECDD sponsored bill HB 2234 replaced the ORTCC measure. The number of available Enterprise Zone E-Commerce designations was expanded from four to ten. OECDD can designate additional six zones July 1, 2006.

- SB 13 - Extends PUC reporting

Extended the sunset of Public Utility Commission Telecommunications Report to June 30, 2008 and added some additional reporting on broadband penetration.

- SB 15 - Extends ORTCC to 2010 and authorizes expenses

Extended the sunset of ORTCC to January 2, 2010 and provided a mechanism for reimbursing Council member expenses, if and when financial means are available.

- SB 17 - Creates Task Force on Telecommunications Law Revision

Submitted at the request of Joint Legislative Committee on Information Management and ORTCC to create a Telecommunications Task Force to examine ORS 759, Laws relating to telecommunications.

ORTCC submitted measures not passed:

- SB 11 - Increases Advanced Telecommunications Facilities Tax Credit

Proposed an increase to the annual cap on costs of telecommunications facilities that may be certified for advanced telecommunications facility income tax credit.

- SB 14 - Revises Universal Service surcharge to include Broadband Services

Allowed moneys generated by universal service surcharge to be used to ensure that broadband services are available at reasonable and affordable rate.

- SB 16 - Requires Oregon Public Utility Commission (PUC) to promote Broadband

Proposed new legislation to give the PUC authority to take into account the effect of its decisions on the economy of Oregon in general and the rural economy in particular.

“Gut and stuffed” to change rules for the transfer of funds in the Connecting Oregon Communities Fund School Technology Account to the Department of Education.

Council Study Topics for the 2006 – 2007 Legislative Period

Legislative mandate

Many telecommunications related issues remain in view and others are just now emerging. The Council has the opportunity to include a number of these in its study process, as detailed in SB 15 (<http://www.leg.state.or.us/05reg/asures/sb0001.dir/sb0015.en.html>):

“The Oregon 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.”

Additional directives provided to the Council by the Legislature in SB15 include:

“The Oregon Telecommunications Coordinating Council shall:

- (a) Encourage the work of regional telecommunications consortia that have emerged throughout the state.
- (b) Encourage state agencies to utilize telecommunications.
- (c) Encourage 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 unserved areas to promote 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."

SB 15 SECTION 3 (1) further states:

The Oregon Telecommunications Coordinating Council shall report to the Seventy-fourth Legislative Assembly, in the manner provided by ORS 192.245, no later than February 1, 2007. The report shall include information on the implementation of the plan described in section 4, chapter 775, Oregon Laws 2003.

Section 4, chapter 775, Oregon Laws 2003

SECTION 4. (1) The Oregon Telecommunications Coordinating Council shall collaborate with health care education providers and members of the health care industry to develop and implement a plan that:

(a) Ensures that the education and health care communities are able to connect by broadband and other telecommunications infrastructures necessary for distance learning.

(b) Encourages cooperative activities among the education and health care communities for the purpose of establishing and implementing curriculum applications that are necessary to fully utilize the connected networks.

(c) Fully utilizes the resources of the education and health care networks.

(2) The plan developed under this section shall include determinations about the technical and financial resources needed to implement the plan.

(3) The Economic and Community Development Department may seek funding from the federal government and private sources to develop and implement the plan described in this section. <http://www.leg.state.or.us/03orlaws/0775.pdf>

List of possible study areas

Two very broad areas with multiple topics are suggested: state and federal. A number of the suggested study areas are likely beyond the immediate scope of the Council's mandate but need to be tracked. For example, federal FCC decisions or federal law changes are of concern for formulating federally compliant state policy but likely are beyond the Council's immediate influence.

Given the volume and pace of activity, as well as the finite resources of each of the Council member's time, the Council would be well served to establish its priorities for the upcoming legislative period.

[Note: the following suggested study areas are listed in alphabetical sequence and as such do not constitute a prioritization.]

State topics

Continued growth of Oregon's broadband infrastructure

Provide assistance for development of broadband strategic plans, for development of funding requests, and for matching funds to leverage federal dollars available from the Rural Utility Service grant and loan programs. Tasks and activities would be linked to the goals itemized in ORS 759.016 (2). (a) Expanding broadband and other telecommunications services; (b) Creating incentives to establish and expand 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 digital applications and services and providing incentives for the removal of those barriers; and (e) Removing barriers to public-private partnerships in areas where the private sector cannot justify investments.

One conceptual approach under consideration is an Oregon Broadband Partnership. It may very well be that the Internet Forest concept (see below), expansion of route redundancy and public safety interoperability could be among the efforts considered under this approach. As of this date the concept has been tabled for future discussion.

Encourage state agencies to utilize telecommunications

Utilizing available technology to facilitate meetings and for information exchange is important. Exchanges and meetings between urban and rural groups using available public videoconferencing facilities could be a means of establishing an ongoing facilitated dialogue. While one-time conversations are of value, regular (scheduled) discussions are needed if any real changes are to be realized. Videoconferencing can help to bridge the distances, save travel time and reduce petroleum consumption and pollution from use of automobiles.

The ORTCC has utilized Department of Administrative Services (DAS) videoconferencing capabilities since our beginning in 2001. As a result we've been able to hold meetings with members from all over Oregon, increasing participation in the Council's work on behalf of Oregonians. The legislature has now commenced use of this mechanism to reach out to citizens so that they can testify before legislative committees. Comments from participants throughout the state resoundingly support this use of existing capabilities and capacity in state managed networks.

For several years when advocating the use of videoconferencing for use in access to government and access to one another, the barrier of availability of capability and costs were often cited, even in the face of underutilized capacity already in effect paid for. The biggest barrier now seems to be one of a lack of awareness that we have this capability and that it's relatively easy to use. Folks quickly adapt to the slight communication delays.

Too often we find the multiple meetings held by agencies in Salem scheduled for one or two hours require that rural Oregonians must drive long hours to attend. Agencies generally are making no provisions for participation by rural partners and stakeholders. Costs in travel, lost time and, if one doesn't participate, lack of timely information are enormous. We've heard tales where rural folk are declared by some bureaucrats to be isolationists for not attending meetings.

"From Silicon Forest to Internet Forest: A Vision for the Oregon Economy"

Oregon has been steadily shifting from a natural resource economy that depends heavily on fisheries and forests into an economy that increasingly depends on high technology and the businesses of the "Silicon Forest." The next potential wave of economic development following high tech companies like Intel and Hewlett Packard will be Internet businesses like Google and Yahoo, open-source technology businesses, and the wide spread adoption of e-commerce and other Internet-dependent strategies by Oregon businesses. The concept seeking validation is that Oregon has an opportunity to build upon the success of the Silicon Forest and actively recruit and create the Internet businesses that will be the engine for the next wave of economic growth. Oregon is an ideal location for these businesses and has the potential to become a preferred Internet gateway to the Pacific Rim, to become the "Internet Forest."

Innovation Council created by SB838

Senate Bill 838 created the Oregon Innovation Council, a board of industry, education and government leaders charged with advising the governor and state Legislature on how to make the state more competitive in research and business. The Oregon Innovation Council continues the mission of the Oregon Council for Knowledge and Economic Development, which the Oregon State Legislature established in 2001. OCKED's charge expired, but because it had been successful, it was refocused and restructured to exist in a new form. The bill also recognizes the Oregon Nanoscience and Microtechnologies Institute (ONAMI) as the state's first Signature Research Center and appropriates \$7 million for operations and leveraging of private and federal funds. Every state dollar invested into ONAMI delivers a thirty-dollar return through private investment. ORTCC should provide input to, coordinate its efforts with, and support the work of the Oregon Innovation Council.

Network Sharing and Distance Learning for Healthcare and Education

The Council's Healthcare-Education Committee completed a first-phase plan that now needs to be taken to the next steps as recommended in the Plan (see <http://www.ortcc.org/report.html>).

The ORTCC Health Education Committee made the following recommendations:

- Promote and encourage expanded collaboration and coordination in the utilization of capacity on existing state-funded and private networks and to help extend those networks to locations where need is demonstrated and adequate capacity does not yet exist.

- Promote and encourage continued development of distributed education programs to provide the essential training and educational capacity needed to meet the growing demands for healthcare workers and to meet future needs for healthcare throughout the state.

Public safety – interoperability

Emerging IP-based technologies could have an impact for bridging the myriad radio technologies deployed in Oregon. The ability for law enforcement, emergency medical technicians, fire departments and other related entities to communicate during periods of critical need deserves further study. Broadband is emerging as a critical communications transport for all manner of public safety preparedness and communication during times of critical need.

Route diversity/redundancy

Encourage additional collaboration to provide backbone network route diversity to all regions of the state. The network reliability it provides is critical for commerce as well as for education, government, healthcare, and public safety.

Most Oregon communities have pretty good telephone service, but have great difficulty recruiting call centers, information-intensive businesses or telecommuters unless they have diverse routing (for reliability) and sufficient broadband capacity. Reliable broadband services are also essential for health care, education and government applications, including public safety.

Some parts of rural Oregon served by some of the non-Qwest telecommunications companies were left relatively farther behind after the Qwest SB 622 infrastructure investment. For example, we need diverse routing out of regions such as the south coast, where periodic cuts of the single fiber serving the region are a major economic disadvantage and a public safety hazard.

Ensuring route diversity is a critical task ahead requiring significant collaboration and cooperation, whether it is for health care, education and government applications, public safety for bio-terrorism preparedness or natural disaster recovery efforts.

Oregon has an established route diversity and redundancy policy as a result of HB2304 proposed by the Council in 2003.

"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 such services do 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." [ORS 401.706]

State telecommunications network consolidation

DAS recently completed a data center consolidation project that purportedly yields a more efficient use of state taxpayer dollars and improved protection of the state's data assets. The opportunity to move the state toward a more efficient approach to its use of telecommunications infrastructure and services would seem to be of potential benefit. The Council can play an advisory role in this process.

Statewide Extended Area Service

Creating wider flat-rate calling areas will help the Oregon economy, respond to consumer demand, and help local exchange carriers in their competition with wireless and Internet telephony providers that already offer flat rate calling services.

Task Force on Telecommunications created by SB 17

Oregonians deserve updated telecommunications statutes that are current, clear and readily understood. Pursuant to SB 17, the Task Force shall review ORS chapter 759 and other laws governing telecommunications for the purpose of: (a) Identifying and correcting inconsistent terminology; (b) Revising the statutory provisions to reflect changing technology; and (c) Making Oregon laws on telecommunications consistent with the requirements of federal law.

The ORTCC has requested the governor nominate the Chair of the ORTCC to the Task Force.

Telecommunications Facilities Tax Credit

Once again explore an income tax credit that may be certified for advanced telecommunications facility investments. Oregon does not as yet have ubiquitous broadband, especially in rural areas of the state. We've seen tremendous progress, but the job is not done. An examination of the role for wireless technologies and incentives for their growth would seem appropriate.

Universal Service Funds

Explore expanded mechanisms for contributing to the fund and new authority for the Public Utility Commission (PUC) to use Oregon universal service funds to support broadband services.

Small rural telephone carriers currently depend on the per-minute subsidy from long distance carriers for termination of long distance calls, even though their costs do not depend on the minutes of use. (Costs are based on peak load capacity, not minutes of use.) Regulators created that subsidy in the monopoly era to keep local rates artificially low by using higher than cost long distance rates to subsidize local service. Now, wireless providers and Internet providers are taking long distance traffic (and revenues) from the public switched wireline network, reducing total revenues and thereby putting further pressure on universal service subsidy funds. Large urban-based carriers propose a "bill and keep" regime that would do away with per minute

terminating access charges. As a result, smaller rural carriers are at serious risk. Both federal and state universal service funds are already under pressure and may be unable to take up the slack.

We need to plan ahead to avoid disaster in rural communities. In principle, it would be a good idea to have both Federal and Oregon Universal Service Fund support for broadband services. In practice, it may not be fiscally prudent at this time to expand the obligations of funds that may not be sufficient to meet current obligations to support expensive special-purpose telephone technology. Instead we need to rethink how best to facilitate the transition to lower cost digital technology that can support multiple applications.

[Note: careful attention to federal approaches is required on this topic.]

Virtual School District created by SB1071

Oregon is among a dozen or more states to offer a statewide virtual school district. Senate Bill 1071, passed during the recent legislative session, creates a virtual district that provides an administrative umbrella for access to classes, training, supplemental programming, and content partnerships. The results will be expanded education opportunities for all Oregonians. The inaugural version of the Oregon Virtual School District (OVSD) will be available for the Oregon K-12 students at the start of the 2006-07 school year.

Though some people have expressed concern that the OVSD is an attempt to replace teachers and classrooms, this is not the case. The OVSD will supplement available resources for local students around the state. Students in brick and mortar classrooms throughout Oregon will now have comprehensive access to:

- Credit recovery options
- Dual credit programs
- Accelerated learning tracks
- Advanced placement content
- Core content tutorials
- Instructional options for infirm and incarcerated students
- Courses that might be in conflict with local district schedules
- Supplemental resources like virtual field trips and guest speakers

The result is a landmark education system that does not compete with existing high-quality local programs. Rather, students now have more opportunities than ever before to access all of the resources they need to fulfill a rigorous education plan.

Over the coming months, the Oregon Department of Education and its partners will design and implement a virtual access strategy that incorporates online classes, two-way interactive video programs, cable access, web-based instruction, digital communities, and an array of choices for students to enrich existing curriculum. Through the use of technology, students and teachers won't have to leave their home district to access the Oregon Virtual School District.

The virtual school concept does not end with the school facilities. Therefore the need for ubiquitous last “yard” broadband becomes critical to meeting student needs. This is yet another example of why we’re not through with broadband deployment in Oregon.

Federal topics

Federal telecommunications policy and legislation proposals

Oregon does not exist in a vacuum and we have to ensure that any Oregon policy will persist under federal law. Tracking and analyzing federal policy developments will be critical for any Oregon policy recommendations brought forward by the ORTCC. Additionally, the advice of ORTCC is now being sought by the governor's office on federal legislative matters.

Network neutrality

The economic growth of the past ten years has been the result of the entrepreneurs, who have taken advantage of the fact that the Internet has been open to all without any party censoring the content or restricting the development of new applications. The success of the entrepreneurs and the success of the US economy are now threatened by the telephone and cable companies. By winning legislative approval to control the content and applications that run on their broadband networks they can prevent any entrepreneurial activity from threatening their core businesses and allow them to extract oligopoly profits from the applications they do permit. If they succeed, expect their shareholders to benefit, but also expect US economic growth to stall back to the level of other countries that inhibit entrepreneurship.

Tribal Provisions for the next Telecommunications Act

Tribal recommendations to Congress include:

- Amend Section 214(e) of the Act to include the following definition: An unserved area is defined as service penetration 15% below the nationwide penetration rate for any communications service, or 5% below the national rural penetration rate for any communications service whichever rate is higher
- Amend Section 214(e)6 to include Tribes and Native Alaskans
- Acknowledge Tribal regulatory authority
- Provide mechanisms, with enforcement powers, for ensuring equitable, affordable and sustainable access to communications services an emerging technologies in Indian Country
- Support Tribal access and options for ownership of spectrum on Tribal lands
- Provide mechanisms to promote cooperation between Tribes and state public utility commissions and the FCC
- Provide public financing to Tribal communities that are unserved
- Preserve and protect the Universal Service Fund

Continue use of committees

In order to maximize efficiency and work efforts, and to provide opportunity to include more Oregonians in ORTCC processes, the major study work of the ORTCC should be delegated to Committees. Establish the committees at the first meeting of in 2006 and others as the need develops. Committees could include: Legislation, Economic Development, Public/Private Partnerships; Government; Education; Healthcare; Healthcare/Education; Public Safety and others as deemed necessary and relevant by the Council.

2004 – 2005 Council Membership

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