

**Oregon Telecommunications Coordinating Council**  
**Minutes**  
**March 26, 2009**

**Attendees:**

Council Members: Onno Husing, Art Hill, John Irwin, Pam Berrian, Curt Pederson, Phil Barker representing Marlyn Schafer, Michael Weidman, Paul Zastrow and Kim Hoffman.

Staff: Chris Tamarin of the Oregon Economic and Community Development Department

**Council Business:**

Action Item

Paul Zastrow moved that the February 26, 2009 minutes be approved as distributed. Michael Weidman seconded the motion. The Council approved the minutes.

2009 Legislative Session

Chris Tamarin reviewed the status of telecommunications related Bills before the 2009 Legislative Assembly.

House Joint Resolution 6 - Expresses policy of state to improve broadband availability and to encourage utilization of broadband applications for benefit of Oregonians and Oregon communities. Referred to House Sustainability and Economic Development Committee with subsequent referral to Rules 1/12. A public hearing was held on 3/19 on HJR 6 and included an informational hearing on Broadband in Oregon and stimulus funding opportunities. Representative Riley and Ed Parker testified in favor of the Bill. Other speakers provided information on broadband in Oregon and testified to the value and importance of broadband to the state and its communities.

<http://landru.leg.state.or.us/09reg/measpdf/hjr1.dir/hjr0006.intro.pdf>

HB 2083 - Alters membership of Oregon Telecommunications Coordinating Council. Extends sunset date for council. Requires council to report to Legislative Assembly on certain date during each regular session of Legislative Assembly until 2017. Referred to House Sustainability and Economic Development Committee 1/16. No Hearing scheduled. There has been no change in status since the last ORTCC meeting.

<http://landru.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2083.intro.pdf>

HB 2096 - Prohibits telecommunications utility or competitive telecommunications provider from entering into exclusive agreement to provide local exchange telecommunications service in certain circumstances. Referred to House Agriculture, Natural Resources and Rural Communities Committee 1/16. A public hearing was held on 3/12.

<http://landru.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2096.intro.pdf>

HB 2097 - Provides that Public Utility Commission may exempt telecommunications utility, cooperative corporation, or municipality from carrier of last resort obligations if commission finds that other telecommunication utility or competitive telecommunications provider has entered into exclusive agreement to provide local exchange telecommunications service to four or more residences within territory allocated to telecommunications utility, cooperative corporation, or municipality. Referred to House Agriculture, Natural Resources and Rural Communities Committee 1/16. A public hearing was held on 3/12.

<http://landru.leg.state.or.us/09reg/measpdf/hb2000.dir/hb2097.intro.pdf>

HB 2253 - Requires consumer-owned utilities, telecommunications cooperatives and cable operators to pay to Public Utility Commission a fee in an amount to be determined annually in order to defray the expenses of hearings and oversight related to safety and reliability of consumer-owned utilities, telecommunications cooperatives and cable operators. Specifies allowable purposes for commission's expenditure of fees paid. Referred to House Sustainability and Economic Development Committee 1/20. No Hearing scheduled. There has been no change in status since the last ORTCC meeting.

<http://landru.leg.state.or.us/09reg/measpdf/hb2200.dir/hb2253.intro.pdf>

HB 2405 - Prohibits department, agency, commission or political subdivision of state from regulating Voice over Internet Protocol service and Internet Protocol-enabled service. Referred to House Business and Labor Committee 1/27. A Hearing is scheduled on 2/27. <http://landru.leg.state.or.us/09reg/measpdf/hb2400.dir/hb2405.intro.pdf>

HB 3158 – Creates Oregon Broadband Advisory Council to apply for and oversee implementation of state and federally funded or mandated broadband programs. Sponsored by Representatives J SMITH, CLEM, DEMBROW and STIEGLER. Referred to Sustainability and Economic Development with subsequent referral to Ways and Means 3/12. An Informational meeting held 3/19. ORTCC support of the bill with amended language was discussed. ORTCC will work on amendment recommendations to be provided to the Bill's sponsors.

<http://www.leg.state.or.us/09reg/measpdf/hb3100.dir/hb3158.intro.pdf>

House Joint Memorial 6 – Urges the US Congress to set goals for universal and open access to the Internet. Sponsored by Rep. Brian Clem. Referred to Consumer Protection 2/3. No Hearing scheduled. There has been no change in status since the last ORTCC meeting.

<http://www.leg.state.or.us/09reg/measpdf/hjm1.dir/hjm0006.intro.pdf>

SB 24 - Requires health benefit plan to provide coverage of medically necessary, evidence-based telemedical health service that meets specified criteria if health service is otherwise covered by plan. Referred to Senate Health Care and Veterans' Affairs Committee 1/15. A Work Session was held this morning, March 26<sup>th</sup>. Kim Hoffman reported that the Bill with amendments was passed by the Committee and will be carried by Senator Monnes-Anderson to the Senate Floor.

<http://landru.leg.state.or.us/09reg/measpdf/sb0001.dir/sb0024.intro.pdf>

SB 468 - Requires health insurers, and Department of Human Services through state medical assistance program, to cover services performed using telemedicine. Requires Director of Department of Consumer and Business Services and Director of Human Services to adopt rules. Sponsored by Senator ATKINSON; Senator STARR (at the request of Dr. Norwood Knight-Richardson). Referred to Health Care and Veterans Affairs 02/13. No Hearing scheduled. There has been no change in status since the last ORTCC meeting.

<http://landru.leg.state.or.us/09reg/measures/sb0400.dir/sb0468.intro.html>

SB 747 - Provides state matching funds for the Oregon Health Network [ww.oregonhealthnet.org] to receive awards from the federal Universal Service Fund. The award / matching fund ratio is 85% / 15%. Sponsored by Senator David Nelson. Referred to Ways and Means, 3/12. The bill was assigned to Subcommittee On Transportation and Economic Development 3/18. No hearings scheduled.

<http://www.leg.state.or.us/09reg/measpdf/sb0700.dir/sb0747.intro.pdf>

#### American Recovery and Reinvestment Act of 2009 (ARRA)

Kim Hoffman reported that the ad hoc committee convened by the Governor's Office has met twice and she hasn't seen a lot of activity to date. Kim reported that she had a separate meeting with the Governor's Health Policy Advisor regarding telemedicine and healthcare IT opportunities in the stimulus package. Kim also indicated that the Oregon Health Network is looking at stimulus opportunities. Kim said that it appears that there will be a lot of proposal development activity across all sectors.

Chris Tamarin noted that the state has no standing in ARRA. According to the law, funds are to be distributed through National Telecommunications and Information Administration (NTIA) and US Department of Agriculture Rural Utilities Service (USDA RUS). The NTIA is directed to consult with states on identification of unserved and underserved areas in administering broadband grants, but the states are granted no authority. It is possible, however, that through rulemaking the federal agencies may choose to create a role for the states. The National Association of Regulatory Utility Commissioners is proposing that NTIA use the states as a channel for the distribution of a portion of the funds. The Governor has sent a letter to NTIA supporting that strategy and identifying Tele-health/Telemedicine, Distance Learning, Commerce/Economic Development, Public Safety and E-Government as key areas of priority for Oregon.

Chris reported that NTIA has been holding a series of public meeting requesting input. The meetings are available real time and after the fact to watch and listen to at

[www.ntia.doc.gov/broadbandgrants/meetings.html](http://www.ntia.doc.gov/broadbandgrants/meetings.html).

Chris reported that NTIA, USDA RUS and the FCC have indicated an aggressive timeline with all funds to be expended by September 2010

- The first notice of availability of funds in the April to June time period 2009
- Second notice of availability of funds in the October to December time period 2009

- Third notice of availability of funds in the April to June time period 2010  
There appears to be less opportunity for state involvement through USDA and more opportunity for state involvement through NTIA.

Michael Weidman reported that the Governor has sent out letters to telecommunications service providers requesting the identification of unserved and underserved areas and proposals to provide broadband service to those areas.

Chris reported that the FCC announced an Open Meeting on April 8<sup>th</sup> and a Notice of Inquiry on developing a National Broadband Plan as instructed by ARRA. The FCC has issued a Public Notice (DA 09-668) requesting comments on the definitions of “unserved area,” “underserved area,” and “broadband.” Comments are due to the FCC by April 13, 2009.

Michael Weidman noted that if telecommunications carriers complied with the rules for FCC Form 477 submission that includes census track data, valuable information on broadband availability should be available for reference in a GIS format within several months. The Form 477 Reporting process collects data on local telephone and broadband Internet access lines from providers on a semi-annual basis. John Irwin added that researching and mapping *demand* is just as important as mapping infrastructure.

Michael observed that key anchor tenants in any community include libraries, K-12 schools, higher education and health care providers. These groups have defined the amount of bandwidth they need. Schools for example may require a minimum of 10 Mbps plus 10 Mbps for every thousand students. The Oregon Health Network has defined a minimum of 10 Mbps. This is a good basis for defining the requirements in a community. Distance education, e-government, public safety, telehealth and economic development then become applications that are served.

John Irwin added that the \$7.2 billion in broadband stimulus funds are actually a down payment on a broader policy. He noted that a National Broadband Plan is expected in about a year and that plan will further address broadband needs and solutions.

Art Hill reported that Senator Jeff Merkley and Senator Ron Wyden have prepared the Oregon Resource Guide to the American Recovery and Reinvestment Act of 2009 to help Oregonians understand and navigate the programs funded through the recently passed economic recovery package. The guide may be found at the following URL:

<http://merkley.senate.gov/OR%20Resource%20Guide%20to%20the%20ARRA.pdf>

John Irwin noted that it is interesting that there is no reference to the broadband funding in the document.

## **Reports**

*Oregon Health Network:* Kim Hoffman reported that OHN has officially received 501(c)(3) status. Chris added that Senate Bill 747 has been introduced for \$1.5 million in funding for OHN. Art Hill added that the vendor contracts for RFP #1 have been signed

and awaiting approval by USAC and FCC. Kim added that RFP #2 has also been submitted to USAC.

*Fiber South / Regional Fiber:* Pam Berrian reported that the Board is developing Broadband Stimulus proposals for NTIA funds. Pam also noted that the consortium is now operating “in the black.”

*Oregon Coastal Zone Management Association:* Onno Husing reported he expects to see a proposal for the Demand Aggregation and Mapping of Oregon circulated in the near future and that he is still working on organizing a branding workshop to be held on the coast.

*Telehealth Alliance of Oregon:* Kim Hoffman reported that TAO’s current primary focus is on the passage of SB24.

*Oregon Connections Telecommunications Conference:* Chris Tamarin reported that the first broadcast e-mail message will be going out in the next week and that the Planning Committee is still seeking a keynote speaker. He said to watch for the 2009 update to the website [www.oregonconnections.info](http://www.oregonconnections.info). The conference is scheduled for Thursday and Friday, October 29 and 30 in Newport.

**Other Business:**

Curt Pederson reported that Sprint-Clearwire is planning to bring WiMAX to Corvallis with potentially favorable rates for students.

Curt also reported that on July 1<sup>st</sup>, he will no longer be CIO for the Oregon University System. Curt will focus full time on Oregon State University beginning July 1<sup>st</sup>. Curt also indicated that June this year will be his last meeting as a member of ORTCC.

**Meeting Schedule:**

The next council meeting will be on Thursday, April 23, 2009 in the Mt. Neahkahnie Conference Room, 1225 Ferry Street SE, Salem, Oregon 97301. Meeting information will be updated and posted on the Council website at [www.ortcc.org](http://www.ortcc.org).

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