

Oregon Telecommunications Coordinating Council
Minutes
October 13, 2004

Attendees:

Council Members: John Irwin, Dan Bartlett, Lylla Gaebel, Agnes Box, Ed Parker, Rob Myers, Curt Pederson, Link Shadley, Andrew Spreadborough, Sal Sahme, and Kim Hoffman.

Staff: Chris Tamarin Oregon Economic and Community Development Department, Bill Penhollow of Oregon Association of Counties.

Others: Onno Husing of Oregon Coastal Zone Management Association (OCZMA), Art Hill of Blue Mountain Community College (BMCC), Larry Harker of Association of Oregon Counties, Jim Rose Director Oregon Public Education Network, and Judge Terry Tallman of Morrow County.

Public Input:

Art Hill noted the success of the EZ Wireless in Hermiston and the national press coverage that it has received. He noted that it is a successful model that could be replicated and should be noted as an example in the Council's report. Link Shadley expressed a concern regarding public access to the new wireless network. There are conflicting messages as to whether the network will be available for use by the public or not. The issue will be investigated further. An overview of EZ Wireless may be found at the following URL: <http://www.ezwireless.us/html/about.html>

Jim Rose reported a \$100,000 gift in software to Portland Public Schools for student use by Gobe Productive www.gobe.com. Jim described the software as an all-in-one office suite that includes word processing, spreadsheet, graphic design, image processing, and presentation programs in one package. It will enable the schools to develop student word processing and spreadsheet skills. A Tribune news article may be found at the following URL: <http://www.gobe.com/index.php?category=9>

Onno Husing reported that the OCZMA telecommunications strategic planning project is underway. Onno noted that he is spending more time on infrastructure technology issues than he anticipated. Meetings have already been held in several coastal communities and infrastructure projects are being developed. He is very excited by the tremendous potential that new wireless technologies hold for small communities.

John Irwin reported that the state of Kentucky is implementing a "Broadband Authority" approach to achieve continued deployment of telecommunications infrastructure, and that this would be well worth examining as a possible model for Oregon. Kentucky Governor Fletcher's prescription for innovation is a comprehensive broadband deployment and adoption plan that will leverage state, federal and private investment in high-speed

Internet access. The initiative will encourage citizen use of computers and the Internet, and provide every Kentucky community with an online presence for improving citizen services and promoting economic development. More information is available at the following URL: <http://www.connectkentucky.org/>

John Irwin recommended that Council members review a report from the US Chamber of Commerce, "Sending the Right Signals: Promoting Competition Through Telecommunications Reform." Telecommunications has been referred to as the central nervous system of the American economy. It allows citizens, businesses, charitable groups, the educational community, and virtually every entity in the United States to communicate with one another instantaneously. Through telecommunications, millions of organizations are able to transmit vast amounts of data that run their day-to-day operations and provide economic value to every citizen. The U.S. Chamber of Commerce commissioned a comprehensive independent study-Sending the Right Signals: Promoting Competition Through Telecommunications Reform-because the telecommunications industry is in a depressed economic condition and is not recovering along with the rest of the economy. The report may be found at the following URL: <http://www.uschamber.com/broadband/041006telecommstudy.htm>

Sal Sahme reported that the Affiliated Tribes of Northwest Indians has developed a set of guidelines for tribal telecommunications public policy discourse. Sal noted that much of the foundation for these guidelines was based on the work of the ORTCC and Sal wanted to publicly thank ORTCC for its contributions. Sal also reported that the FCC and the Affiliated Tribes of Northwest Indians will host an Indian Telecommunications Initiatives Regional Workshop and Roundtable Planning Session on November 9, 10, 2004 on the Coeur D'Alene Reservation. The tribes are interested in moving to an agenda of policy, legislation, and appropriations. Link Shadley added that five attendees from the FCC are expected to attend. Sal added that the Native Networking Policy Center in Phoenix is also providing support to the process. He also noted that the Intergovernmental Advisory Committee, of which he is a member, will be meeting in Washington, DC just before the Coeur D'Alene conference.

Committee Reports:

Conference Planning Committee

Andrew Spreadborough reported on planning activities for the 2004 Oregon Connections Telecommunications Conference scheduled for October 14 and 15 at the Mount Bachelor Village in Bend. All preparations have been completed and the conference begins tomorrow. This year's conference will include video conferencing with several speakers participating from remote locations. Registration is expected to hit 125 attendees. Darryl Cooper from the FCC in Washington, DC will be attending representing the Wireline Competition Bureau. Public Utility Commissioner Ray Baum and PUC staff will also be participating. Conference program information may be found at the following URL: www.cotel.org/conf2004.htm

Old Business:

Action Item:

It was moved by Andrew Spreadborough that the September 23, 2004 minutes be approved as distributed. Agnes Box seconded the motion. The Council approved the minutes.

John Irwin reviewed the Council's legislative concepts in the Draft Report of the Oregon Telecommunications Coordinating Council to be presented to the Joint Legislative Committee on Information Management and Technology on November 16, 2004. The draft report may be viewed on the Reports page of the Council website: www.ortcc.org. Public comment is invited.

The Council's legislative recommendations are to

- Expand the number of eligible Electronic Commerce Enterprise Zones.
- Fix the Advanced Telecommunications Facilities Tax Credit.
- Provide new authority for the Public Utility Commission (PUC) to include consideration of the impact of regulatory decisions on the Oregon economy and to facilitate public-private partnerships.

It was noted that in the September 23 meeting, the Council decided not to put forward this new authority for the PUC.

Action Item:

It was moved by Ed Parker that the proposal to provide new authority for the Public Utility Commission (PUC) to include consideration of the impact of regulatory decisions on the Oregon economy and to facilitate public-private partnerships be included in the Council's recommendations. Lylla Gaebel seconded the motion. During discussion of the question, Bill Penhollow suggested that it might be appropriate for telecommunications legislation to have its own chapter in the Oregon Revised Statutes. Bill will explore this concept further with legislative council. Ed Parker liked this concept and observed that the Council will need a legislative vehicle to pursue this and for that reason, this recommendation needs to be put forward. The Council approved the motion.

- Provide new authority for the Public Utility Commission (PUC) to use universal service funds to support broadband services.

It was noted that in the September 23 meeting, the Council decided not to put forward this new authority for the PUC's use of the Universal Service Fund.

Action Item:

It was moved by Ed Parker that the proposal to provide new authority for the Public Utility Commission (PUC) to use universal service funds to support broadband services. Lylla Gaebel seconded the motion. Ed Parker noted that this proposal would give the PUC *permissive* authority and is not a mandate. Bill Penhollow noted that there is a mechanism for other carriers such as wireless carriers to be added to the Universal Service Fund (USF) already in the law. Bill Penhollow would like to see broadband service providers added to the group of other carriers that may pay into the USF and receive funds. USF issues merit examination and discussion, and this proposal can be a vehicle for that discussion in Oregon. The debate is already going on in other states and at the national level. The Council approved the motion.

- Extend Public Utility Commission (PUC) Reporting:
 - Establish benchmarks for evaluating broadband
 - Extend the sunset date for a reporting requirement to ensure consistency with the federal Telecommunications Act of 1996 to enhance fair competition and to promote deregulation of the telecommunications industry

Action Item:

Link Shadley moved that the Council reaffirm its recommendation that the PUC establish benchmarks to measure the availability and usage of broadband, cost of broadband to users, and backbone network route diversity. Curt Pederson seconded the motion. Bill Penhollow noted that it is important that these terms be adequately defined for legislative council. He also noted that this recommendation will produce two bills, one to establish benchmarks with definitions and one to extend the sunset date. The Council approved the motion.

- Extend the Telecommunication Coordinating Council’s sunset date.

Bill Penhollow noted that legislative council will be drafting these bills in their own form and style and that it will be incumbent on ORTCC to closely proof read the resulting language to be sure that the bills correctly represent the ORTCC’s recommendations.

John Irwin reviewed the opportunities for collaboration noted in the report.

- The need to establish an Oregon Tier 1 Internet Peering Point
- Continued improvement in route diversity and the network reliability for the benefit of commerce, education, government, healthcare, and public safety.
- Create an “Oregon Broadband Authority”

- Complete and Implement the Network Sharing Plan for Distance Learning for Healthcare and Education.
- Continue Pursuit of Public-private Partnerships.
- Collaborate to Resolve Rights of Way (ROW) Issues.
- Implement statewide Extended Area of Service (EAS).

Ed Parker noted that the ORTCC should put itself on record as supporting broadband initiatives from wherever they may originate. As other organizations or individuals develop proposals that are consistent with ORTCC's objectives, the Council should support those proposals. The concept of an "Oregon Broadband Authority" is an excellent example and one he feels the Council should support.

Chris Tamarin suggested that the report present ORTCC's legislative concepts that will sponsored as Bills by ORTCC in one section, then a second section of recommendations and concepts that ORTCC supports and would like to see developed further.

Lylla Gaebel suggested that some of these issues could be presented in the Community Development Forum so that telecommunications would be included. Bill Penhollow indicated that a Transportation Multi-Model Bill was discussed at the last forum and it might make sense to include telecommunications with transportation or submit amendments to other related bills where it makes sense. Bill added that the Counties may object to the transportation bill if regional economic development funds are not restored. Onno Husing observed that the Regional Investment Boards would be an excellent channel for funds to support community telecommunications studies and projects.

John Irwin noted the demands of the calendar. The Council's report is due to the Joint Legislative Committee on Information Management and Technology two weeks prior to its November 16 meeting. There are still many excellent ideas to be developed. The report will need to identify these undeveloped ideas so that they may be readdressed with the legislature in the future, perhaps in January. Agnes Box liked the concept of building a framework that permits the Council to address and incorporate new issues as they emerge such as the impact of VoIP. Link Shadley suggested that Rights-of-Way issues include the need to provide for open access to facilities. John asked to receive any additional input by next week.

Action Item:

Ed Parker moved that the final report include legislative concepts developed by the Council that it will sponsor as Bills and that it also include ideas that require further development, e.g., the Oregon Broadband Authority concept, that are of interest to and supported by the Council. Lylla Gaebel seconded the motion. The Council approved the motion.

New Business

Lylla Gaebel reported that ORTCC's November 18 meeting conflicts with the Oregon Association of Counties annual conference. John Irwin asked that the November 18 meeting date be changed to November 19, 11:00 AM to 2:00 PM if conference sites can be found to avoid conflict with the Oregon Association of Counties annual conference. Jim Rose offered his facility in Tigard for those attending the AOC conference and others in the Portland area. Chris Tamarin will check on the Salem Video Conference room availability.

Suggested presenters for future meetings: Link Shadley recommended Scott McMullen Director of the Oregon Fisherman's Cable Committee. Curt Pederson recommended a speaker from OPAN. John Irwin recommended a Professor from Portland State University to deliver a presentation on Oregon Demographics. Bill Penhollow recommended a speaker on telecommunications from ODOT. John Irwin asked that he be provided contact information for these individuals.

John Irwin presented a certificate of appreciation to Chris Tamarin for his staff support of the Council.

John Irwin asked that the Council members submit information on their hours and expenses provided as in-kind contributions to the ORTCC.

Open Seat Status

Bill Penhollow reported that the nomination of Art Hill representing Education – Community Colleges is still pending receipt of the necessary paperwork in the Governor's office. Bill noted that Art's and other submissions appear to be missing. Bill asked that documents be sent directly to him so that he can hand carry and deliver the paperwork to the Governor's office. Other nominees have withdrawn their names. Bill recommended that Terry Tallman become an ex-officio member pending appointment of an eastern Oregon County representative.

Action Item:

Lylla Gaebel moved Terry Tallman be made an ex-officio member of ORTCC pending appointment of an eastern Oregon County representative. Ed Parker seconded the motion. The Council approved the motion.

Meeting Schedule:

The next meeting of ORTCC is scheduled on Friday, November 19, 2004 in Salem.

John Irwin adjourned the Oregon Telecommunications Coordinating Council meeting at 4:10 PM.

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