

MINUTES OF THE CC COMMUNICATIONS MANAGEMENT

**155 N. Taylor St., Fallon, NV 89406
September 1, 2022**

Call to Order:

PRESENT: Commissioner Justin Heath
Commissioner Gregory Koenig
General Manager Mark Feest
Chief Financial Officer Jamie Hyde
Administrative Assistant Shelly Bunyard
ABSENT: Commissioner H. Peter Olsen, Jr.

Public Comment:

Chairman Gregory Koenig asked if there was any public comment but there was none.

Verification of Posting of Agenda:

It was verified by Shelly Bunyard, Administrative Assistant, that the Agenda for this meeting was posted on the 26th day of August 2022 between the hours of 1 pm and 5 pm at all of the locations listed on the Agenda, in accordance with NRS 241.

Consideration and possible action re: Approval of Agenda as submitted or revised:

Commissioner Justin Heath made a motion to approve the revised agenda by withdrawing Item 6B from the Agenda. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

Consideration and possible action re: Approval of Minutes of the meeting held on:

A- July 7, 2022

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on July 7, 2022 as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: dispute with K7 Construction pertaining to the building located at 899 S. Maine Street.

Mark Feest, CC Communications. We have been working with Deputy District Attorney, Joe Sanford on this issue for quite a period of time. We have provided documentation to K-7. We are seeking a reduction in the final payment owed to them. We believe that is appropriate due to construction delays and liquidated damages provisions. Through, Deputy District Attorney Joe Sanford, negotiations are continuing with respect to agreeing on a specific date that CC Communications could have moved into the building. They believe because when we did move in, in one portion and we could have moved in in the entire portion. We have a lot of video and photo evidence showing we were not able to move in entirely. We have withheld a portion of the final payment based on our good faith calculation of contractor caused delays in the liquidated damages provision. This item is just to ensure that the board is aware of an ongoing dispute. If the board would like to have a more detailed discussion, that would need to be held under a

litigation meeting. That way we can let you know more detailed information and it won't be stated in public. It is likely that we will come to a reasonable concession on the part of the contractor. I am just looking for a motion to authorize the General Manager in consultation with the District Attorney's Office to make a final determination regarding agreement with K7 for final payment. There is always the alternative to have a litigation meeting or to be more involved in the parameters of any agreement that we have reached on the final payment.

Commissioner Gregory Koenig. What kind of timeline are you looking on that?

Mark Feest, CC Communications. I think that question is best answer by Deputy District Attorney, Joe Sanford.

Joseph Sanford, Deputy District Attorney. I have been speaking with their counsel this week. We spoke with the architect yesterday and we have a planned call for tomorrow. We will either know if we are going to have a resolution within the next week or two or if we will proceed to further litigation.

Mark Feest, CC Communications. To give you a little bit of background, we have given them a number and they have given us a number. We both know what our first number was, and I think that's where Joe is trying to get with presenting our evidence of when we were able to actually move in. We are hoping we get to a place where we don't have to get into deeper litigation or conflict.

Chairman Gregory Koenig asked if there was any public comment but there was none. Commissioner Justin Heath made a motion to authorize the general manager, in consultation with the District Attorney's Office, to make a final determination regarding agreement with K7 for final payment. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

WITHDRAWN B- Consideration and possible action re: Motion to transfer remaining cash and assets related to CAP Fund Operations from TEL and Broadband Fund to CAP Fund.

Consent Items:

A- Consideration and possible action re: PO#18867 Walker & Associates, Inc., \$145,928.24 for prepaid Support/Maintenance Contract for BTI/Juniper equipment to Las Vegas Link. NRS 332.115 (1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

B- Consideration and possible action re: PO#18881 Dell Marketing LP c/o Dell USA \$171,693.02 for New Storage Area Network. Hard drives for all of the servers in the Internet Service Provider (ISP) network. Job#MCBB 23-3350. NRS 332.115 (1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

C- Consideration and possible action re: PO#18882 National Rural Telecommunications (NRTC), \$189,909.00 for call center support, CrowdFiber, Email and Tech Home Office

Suite products. NRS 332.115 (1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

D- Consideration and possible action re: PO#18889 Dell Marketing LP c/o Dell USA, \$103,025.37 for New Storage Area Network. Hard drives for all of the servers in the Corporate IT Network. Job#TEL 23-3351. NRS 332.115(1)(a).

Commissioner Justin Heath made a motion to approve the consent item as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

E- Consideration and possible action re: PO#18892 Power & Telephone Co., \$52,415.00 Micro Fiber for Elko. NRS 332.115(1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

F- Consideration and possible action re: PO#18893 Power & Telephone Co., \$58,848.00 Drop Fiber for Elko. NRS 332.115(1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

G- Consideration and possible action re: PO#18823 IT Dynamix LTD., \$80,220.74 for Forcepoint maintenance agreements for IT and ISPO Firewalls. NRS 332.115(1)(a).

Commissioner Justin Heath made a motion to approve consent item as submitted Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

H- Consideration and possible action re: PO#18898 VertiGIS, LLC, dba Mapcom \$82,447.40 M4 Maintenance for Mapcom software. NRS 332.115(1)(a).

Commissioner Justin Heath made a motion to approve the consent item as submitted. Commissioner Gregory Koenig seconded the motion, which carried by unanimous vote.

General Managers Report:

1. Grants

a. SCA

i. Awarded

ii. At State SHPO review – SHPO response due September 6th.

1. Every time SHPO says something is incorrect, SHPO has 45 days from the time we submit the change. This has happened one time, and our response was essentially: “There is confusion regarding the subject land on the map. Here is a new map with clarification.”

- a. NTIA’s environmental, as well as our consultant agreed with this response.

b. Te-Moak Elko Band

i. Awarded 8/26/2022

- c. Yerington Paiute
 - i. Awarded 8/26/2022
- d. WRPT
 - i. There are conflicting reports on this application. Possible outcomes:
 - 1. Denied and WRPT gets \$500,000 for adoption and technology center only
 - 2. Denied, and WRPT gets to apply in the next round
 - 3. Awarded (which is what WRPT believes they were told)
- e. FPST
 - i. There are conflicting reports on this application. Likely outcome:
 - 1. Denied and FPST will have the opportunity to apply in next round.
- f. Upcoming Grant Opportunities
 - i. Met with 4 Counties regarding BEAD Partnership
 - 1. Each provides strategic value both in the end-users and long-term Statewide network goals.
 - ii. Scheduled to meet with 3 more (these counties reached out to us)
 - 1. Each provides the opportunity to spread fixed operating expenses across additional customers.
 - iii. Met with one tribe in addition to those we are already partnered with (this tribe reached out to us)
- 2. End-User Broadband
 - a. National Industry Overview
 - i. Telcos & Cable Modem
 - 1. First time in over a decade that national providers had a net loss of Internet customers for a quarter.
 - 2. The loss of non-fiber passed customers to FWA outstripped the fiber passed customer gains
 - ii. FWA
 - 1. Fixed Wireless Access = Fixed 5g and Starlink
 - a. FWA is the product that took non-fiber passed customers from national telco and cable industry

b. CC Communications

- i. Despite the significant FTTH passed in Fallon, and our Elko locations being all FTTH passed, FWA has the potential to create downward pricing expectations, especially from low volume users that are not impacted by data caps or increased latency.
- ii. In both markets CC Communications already has Cable Modem or FTTH competition to some extent.

3. Vehicles transferred to Churchill County

2000	Ford	F-250 Utility Truck
1997	Ford	F-350 Truck
2004	Ford	Expedition F-350 Bucket
2000	Ford	Truck

4. Employees

- a. Service Delivery Manager provided notice of resignation effective September 10, 2022.
- b. Four employees from a single department have provided soft notice that they intend to retire between 3 and 18 months. These employees have between 15 and 25 years with the company, and the retirement requirements would be met in each case.
- c. Two employees from a single department have provided soft notice of their intention to retire within 12 months. In both cases the retirement requirements will be met.
- d. An additional four employees are eligible to retire at any time with an unreduced benefit.

5. Construction

a. Churchill

- i. Trento II
 - 1. Start 3rd Quarter
- ii. Strasdin
 - 1. In progress
- iii. Future
 - 1. BEAD opportunities?

b. Fernley

- i. Mark IV Victory Park permitted

Affidavit of Posting:

Public Comment:

Chairman Gregory Koenig asked if there was any public comment but there was none.

Adjournment:


The meeting was adjourned at 1:59 p.m.

APPROVED: 
Greg Koenig, Chairman

APPROVED: 
H. Peter Olsen, Jr., Vice Chairman

APPROVED: 
Justin Heath, Commissioner


Shelly Bunyard, Administrative Assistant


Mark Feest, General Manager/CEO