

MINUTES OF THE CC COMMUNICATIONS MANAGEMENT

155 N. Taylor St., Fallon, NV 89406

April 6, 2023

Call to Order:

The regular meeting of the CC Communications was called to order at 1:45 PM on April 6, 2023.

PRESENT: Planning Commissioner Myles Getto
 Commissioner Justin Heath
 General Manager Mark Feest
 Chief Financial Officer Jamie Hyde
 Administrative Assistant Shelly Bunyard

ABSENT: Commissioner Harry Scharmann

Public Comment:

Chairman Myles Getto 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 31st day of March, 2023 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 agenda as submitted. Planning Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

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

A- March 2, 2023

Commissioner Justin Heath made a motion to approve the Minutes of the meeting held on March 2, 2023 as submitted. Planning Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

New Business:

A- Consideration and possible action re: support for SB 384, together with appropriate amendments that ensure CC Communications qualifies to apply for funds.

Mark Feest, CC Communications. There are two telecom related bills currently at both the Senate and Assembly. One is SB 384, that was requested by the Communications Workers of America. It is a bill that directs specifically, the Office of Science Innovation and Technology (OSIT) to have some sort of standards when making a selection of a company for those pass-through monies. It's unfortunate now that OSIT's phase I out of their 2 phase distribution of ARPA and then BEAD money has already taken place to a large degree. The Union is currently wanting in the body of the bill right now is to ensure safety and employment standards. Due to OSIT outcome to Phase I, we thought it might be helpful to add something to that bill, if they are willing to amend it. That will address concerns with us and multiple other carriers. Currently, OSIT has designed Phase I with a \$2.5 billion dollar program called BEAD. The BEAD money has been appropriated but hasn't been handed to the states yet. The design of the program is the FCC completed a broadband map that determines every location in the United States that does

not receive 25 MBS and every location that receives between 25 and 100 MBS. If it's a location that's 25 MBS or less, is deemed unserved. If it's a location the receives between 25 and 100 MBS, it's deemed underserved. Once they have established that map, money can be directed towards building out to anyone who is receiving under 25 MBS. If there is an area that has under 25 MBS, you can also then use that money for adjacent underserved, only if there is money leftover before they give out \$42.5 billion. There are 50 states, if Nevada had 1/50th of that money, then they would get 1/50th of the \$42.5 Billion dollars. The money would be handed to OSIT which is designated as a broadband office. They would then go through a process where the carrier would have to meet with the City or County in the given area where a location is found. For example, the location for Churchill County might be in the Stillwaters. There are 10 locations in Stillwaters that are unserved. Any carrier that would want to collect that money would have to meet with Churchill County. Churchill County would then have to designate them as a partner and then they would apply for the money. That's actually the same way NTIA did with both tribal and the County and City. They designed this High-Speed Nevada program phase I and phase II to go hand in hand. Phase I was distribution of roughly \$200 million plus in AARP money. In Phase I, they are trying to direct money by listing locations in every county that were government or state local or school. After completing and sending their application to them by each of the 10 regions, they either selected or didn't select. It's unclear at this point, where exactly this program is. There is no information on their website. If you contact them to ask questions, they will say they can't talk to you. They started sending out emails to providers that had applied in a given region. CC Communications applied in region 3. We received an email that stated a Notice of Intent to Award is attached. The attachment read. This is a Notice of Intent to Award and then there was a box which listed the name of the carrier. The carrier listed was not CC Communications. It goes on to say this won't include E-rate money. The schools and libraries that you had to bid on will not be awarded as part of this. Any inquiry on that process is met with a response of we will not discuss this until it's completed.

We did not apply either as the primary or a partner for Washoe County, Region 1, because you can go as a consortium with other carriers. We applied for a couple of locations in Region 2, however, someone else was the primary carrier. We applied for Region 3 as the primary carrier with four other companies listed as secondary. The locations were split about 50/50. We had 50% of the locations because they were all in Elko proper and 50% that were in the outlying areas, we had partnered with a company that covers Wendover and Jackpot areas. We tried to design something where everyone had facilities close by to keep the costs down and create a good bid. We received notice for region 3 that a company named Zito Media from Pennsylvania has received the Notice of Intent to award. We were not the primary company for regions 2 and 4 but Commnet has been noticed that Zito Media has also won those regions too. Region 5 is Churchill County; we have not heard anything yet for region 5. There are two applicants and we do not know who the other applicant is. Four out of the Five of the locations are already our customers on our network, which is the same as in Elko. We received notice for regions 6 and 7, a company called Sky Fiber, which is a wireless internet provider has been designated for those regions as Notice of Intent to Award. We didn't apply for region 8. There was only one applicant, and that applicant has been noticed. Only one applicant had applied for region 9 which is in Lincoln County. I have not heard if they received Notice of Intent of Award yet but am assuming they have since they were the only applicant. I don't know who has received Notice of Intent to Award for Region 10 which is Las Vegas proper.

High Speed Nevada, Phase I and Phase II are supposed to work hand in hand. When you receive the Phase I money, you pay for the costs and then they reimburse you. Then you will have built the middle mile to that community. If that community has associated BEAD money, because they are found to be un-served or under served, then you will be in good standing to apply. The application will then not have to include the middle mile money, because it's already been received in High-Speed Nevada Phase I. It makes it impossible at this point to win BEAD money in a region other than Churchill County for CC Communications. Especially, if you are in a region that you didn't win phase I, because your application will not have middle mile in it. The other party that won will have the middle mile. I would imagine their prices will be quite a bit lower.

I also want to correct something I said earlier, region 4 has not been announced. Region 4 is Austin and Ely. We are a secondary carrier on that application.

This puts us in a position when it comes to BEAD money other than in Churchill County and possible in Elko County. We wouldn't have a great opportunity to produce a successful application in BEAD after having not won anything in High-Speed Nevada Phase I. Winning High-Speed Nevada Phase I in Churchill County won't make a difference because we are there already.

As a group we have been discussing. The group is the carriers that we have partnered with in those four regions who were selected. We were the ones who won all of the NTIA BIP Tribal money. We thought we were the dream team and apparently, we were not. As a group we have been talking about how we can still have an opportunity in BEAD. We have come up with a concept because they are spending federal dollars that are passed through to the state. Similar to CWA that has put forth this bill 384, they have concerns when you are spending state and federal money, that you should have some assurances of how it is put in and there is a public interest in it. We think there is another public interest. When a trench is opened for 36 miles, you can drop in another conduit at a very low incremental cost. Since the state is paying the bill to open a trench for 36 miles here and 20 miles there, it's in the public's interest that the trench that has been opened with public money should allow any carrier that wants to drop in conduit for future use to create competition or opportunity of more than one carrier in these unserved areas. It wouldn't cost the state a dollar to allow additional carriers to come in and pay the incremental costs of additional conduit. We think they should allow us to do that.

We are late in the game with the legislative process. We were looking for a bill that is in the general neighborhood of what we are talking about that can be amended to serve this purpose. We identified SB 384 as having that potential. Before CC Communications start negotiating with someone on amending a bill and advocating for that bill, we wanted to bring this before the commissioners and explain why we want to do that, if that opportunity becomes available. We are looking for guidance or approval for us supporting an amendment to SB 384 or any other bill that there might be that opportunity. It will require open access to telecommunications construction routes funded with State of Nevada funds including pass through federal dollars and ensure CC Communications will qualify for funding. This bill itself has a hearing tomorrow, which was just announced today. Once it moves on or comes over to the assembly and can have

amendments there, it may be too late to get an amendment. Also, we would have to get the agreement of the requester as well as the sponsor of the bill. Joe Sanford was on the call with the other carriers discussing this, he has had input and will continue to have input.

Joe Sanford, Chief Civil Deputy District Attorney. As far as getting this amended, we can propose a friendly bill. Unfortunately, if it's tomorrow, it's supposed to be at the legislature today at noon. They have relaxed that on occasion, but I don't know if they would in this case. It should have another chance to be amended when it goes over but again it just adds an extra step. The other bill was AB105 by the way.

Mark Feest, CC Communications. Thank you. I am not sure, since we are this late, if we can get an amendment. I didn't want to move forward with anything that looked like lobbying on this with other entities or making any sort of commitment or statement of our position without approval of the board. It's before you now.

Commissioner Justin Heath. Do we want to support AB 105 too?

Joe Sanford, Chief Civil Deputy District Attorney. With an amendment I think, because at it presently stands AB 105 is actually related to Google fiber. It's along the same lines but related more to private easements and was allowed to put conduit in easements that were not necessarily public, but public was included in it as well. If they are open to an amendment, I think you should add it.

Commissioner Myles Getto. Yes, we should add it because then that will give you an assembly route and a senate route.

Mark Feest, CC Communications. Thank you. When I wrote this agenda report, I had forgotten about AB 105. We were actually opposed to it. Nevada Telecommunications Association was opposed to it and almost everyone who is a member of NTA, actually was a partner in Region 3 on our High Speed Nevada bid as well as several of them are other winners of NTIA BIP Tribal. They have opposed AB 105, but I believe if we can get it amended to get something that is help to us, that might change.

Commissioner Justin Heath made a motion to approve CC Communications Management to support SB 384 and AB105 together with the appropriate amendments to ensure CC Communications would qualify for funding. Planning Commissioner Myles Getto seconded the motion, which carried by unanimous vote.

Reports: General Manager Report:

1. Grants

a. SCA

- i. All requirements of NTIA and Elko County have been met, and the project is administratively cleared for construction.

1. Continue to wait for ground to dry out

2. We will meet with NNE next week to discuss outlook
- b. Te-Moak Elko Band
 - i. Awarded 8/26/2022
 1. ITCN was unable to attend March meeting. A Service Provider contract was presented, however, the ITCN documents were not discussed.
 - a. The council expressed only a single concern regarding electronic equipment transfer at the end of the service provider agreement.
 - b. A gentleman from the public expressed objections to an agreement being entered between the Band and CC Communications, rather than the Tribe and CC Communications. We are looking to ITCN for assistance fleshing out this issue.
 - c. Yerington Paiute
 - i. Awarded 8/26/2022
 - ii. CC Communications anticipates entering the Service Agreement with Yerington council at their April meeting – This will be pushed out until May due to Te-Moak situation
 1. EAS
 2. 6-month plan
 3. BIA to provide authorization
 - d. WRPT and FPST
 - i. Awarded 11/30/22
 1. WRPT to provide agreement
 2. BIA to provide authorization
 - e. Upcoming Grant Opportunities
 - i. OSIT RFP Due December 19, 2022
 1. RFP's submitted
 - a. We believe 6 regions have received Intent to Award notifications. However, the awards, or Notice of Intents, are nowhere to be found in the public domain.
 - b. CC Communications, along with RFP partners, are discussing next steps. One of which was an agenda item today.

c. Awaiting final determination

2. Network

i. An RFP for transport gear has received responses from 4 vendors (one was non-responsive in breadth).

1. Vantage Point (an engineering firm) is helping us evaluate responses.

2. We have one last technical call to explain some functionality for one vendor.

3. Thereafter, we expect to select a vendor.

4. This CAPEX would be included in the upcoming budget.

ii. Churchill County FTTH projects for 2022-2023 are winding up. Splicing and drops are being worked now and all budgeted items will be complete by end of fiscal year.

1. CAPEX for 2023-2024 in Churchill County will focus on redundancy and capacity upgrades to systems from the CO, as well as equipment upgrades.

a. This is opposed to plant in the ground (ie, conduit, boxes, and fiber), which has been a large part of previous CAPEX in Churchill County.

3. Audits

a. USAC (USAC stated no additional information requests are anticipated. They are working on final report)

b. PERS (no new updates, but still open)

4. Human Resources

a. Senior Sales Engineer is retiring

1. New hire, Matt Ryan, began March 27, 2023

b. Zoom interviews set up for various positions

i. COO candidate has been invited in for live interview

ii. We are still seeking to fill a position in Broadband Engineering

c. I&R Supervisor will retire April 14th.

i. This position will be covered by the OSP supervisor for the time being as we evaluate the organization chart in those two workgroups.

1. Reduction of FTTH construction in Churchill County impacts workload in OSP Engineering, splicing, etc. It may be more efficient to roll I&R under the OSP

Supervisor permanently.

d. CWA Negotiations are upcoming on the issue of COLA

5. Flooding

a. OSP Supervisor is leading efforts to mitigate/protect equipment due to flooding.

b. He is coordinating with Chris Spross regarding County's EOC to ensure that remains up from a communications standpoint.

Affidavit of Posting:

Public Comment:

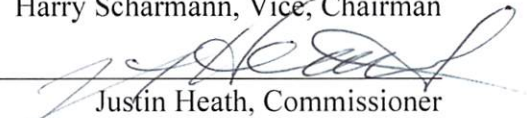
Chairman Myles Getto asked if there was any public comment but there was none.

Adjournment:

The meeting was adjourned at 2:20 p.m.

APPROVED:  5-4-23
Myles Getto, Chairman

APPROVED: ABSENT
Harry Scharmman, Vice, Chairman

APPROVED: 
Justin Heath, Commissioner


Shelly Bunyard, Administrative Assistant


Mark Feest, General Manager/CEO