

IDAHO TRANSPORTATION DEPARTMENT'S
NEGOTIATED RULEMAKING PUBLIC MEETING
REGARDING RULES GOVERNING UTILITIES ON
STATE HIGHWAY RIGHT OF WAY
(BROADBAND AND SMALL CELL)

MODERATOR: RAMON HOBDEY-SANCHEZ

JUNE 15, 2021

3:00 P.M. - 7:00 P.M.

TRANSCRIBED BY:

VICTORIA HILLES

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1 (Begin transcription of audio file.)
 2 THE MODERATOR: Good afternoon, everyone. It's
 3 right at 3:00. We'll give a couple more minutes to
 4 see if some more folks jump online and come into the
 5 room here and then get started.
 6 All right. Good afternoon, everyone.
 7 Welcome. My name is Ramon Hobdey-Sanchez and I work
 8 in the Office of Governmental Affairs at the Idaho
 9 Transportation Department, and one of my particular
 10 roles is the Department's administrative rules
 11 officer.
 12 First of all, we want to welcome everyone
 13 for joining us this afternoon for the negotiated
 14 rulemaking meeting regarding broadband and
 15 specifically as it relates to broadband in the State's
 16 right-of-way.
 17 The Department's really excited for those
 18 that are here with us. We're broadcasting live from
 19 the auditorium here at HQ. We've got folks on the
 20 phones and Webex as well.
 21 For the four-hour duration that we'll be
 22 here for today, I will be acting as today's
 23 facilitator, but I'm also fortunate to be accompanied
 24 by some colleagues.
 25 To my left and your right is our chief

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1 engineer, Mr. Blake Rindlisbacher. Also accompanied
 2 by Lisa Hoag here to my right, your left, and she's
 3 going to be helping keep the Webex kind of smooth and
 4 make sure we're staying on track. And then at the far
 5 end we have Mr. Robert Beachler, and he is the
 6 Department's Broadband Program manager.
 7 So I'll go through a couple -- couple more
 8 topics here, and then we'll give Mr. Rindlisbacher an
 9 opportunity to make some opening comments.
 10 Also want to just thank everyone for their
 11 patience as we are doing the both live and virtual
 12 option. Got some good practice in, but you never know
 13 when little technical hiccups can pop up. So I
 14 appreciate your patience in advance.
 15 We truly do look forward to hearing from
 16 everyone today. And this is something you're going to
 17 hear repeated several times throughout folks'
 18 presentations and comments. What this isn't going to
 19 be is the Idaho Transportation Department or the Board
 20 or the Governor coming out and saying, "This is how
 21 we're going to do X, Y, Z."
 22 No. What we really want is full-on
 23 engagement from our stakeholders and interested
 24 parties. We're here to listen. And I think the key
 25 here is with good, healthy engagement, we can create a

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1 partnership on this joint project to really get us
 2 where we want to go.
 3 As for some additional context as it
 4 relates to broadband specifically, Mr. Beachler will
 5 be giving a presentation shortly, but I did want to
 6 take a couple moments to hit on some of the rulemaking
 7 process and our path kind of moving forward in terms
 8 of timelines.
 9 So this is the first of two scheduled,
 10 negotiated rulemaking meetings to cover IDAPA
 11 39.03.43, Rules Governing Utilities in the State
 12 Rights of Way. For those that may have had a chance
 13 to review the chapter already, you'll have noticed
 14 that it's less than one page, but what it does, is it
 15 incorporates by reference the Department's Utility
 16 Accommodation Policy, which is also connected to the
 17 Department's Guide for Utility Management.
 18 So these are really the documents and the
 19 policies that we want feedback and input on as we
 20 update the information and make sure they reflect
 21 broadband and conduit when it comes to utilities in
 22 the State's right-of-way.
 23 For those not familiar with the
 24 administrative rulemaking process here in the State,
 25 the "negotiated" phase is the informal phase.

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1 So staff will be focused on taking
 2 comments and suggestions today and then again during
 3 the next meeting which is Thursday the 24th, same
 4 time, 3:00 to 7:00 p.m. Our physical location will be
 5 here at Headquarters, but in the east annex, so that's
 6 the only one little difference. And then we'll take
 7 this feedback and incorporate it into both of these
 8 documents -- again, the Guide for Utility Management
 9 and/or the Utility Accommodation Policy.
 10 Stakeholders and participants, interested
 11 parties are also encouraged to submit written comments
 12 directly to me, and we'll share some of that contact
 13 information.
 14 And we really encourage folks to visit the
 15 Department's rulemaking web page. So for those that
 16 are looking at a screen or here presently, I'll kind
 17 of walk you through. It's really simple. It's
 18 "itd.idaho.gov/rulemaking." But for those that maybe
 19 just are at the home page, I'll kind of show you on
 20 the screen how to get in here, and it is just a couple
 21 clicks.
 22 So if you'll see, here's our home page on
 23 the screen. Scroll down. The bottom right box, the
 24 red box. "Inside ITD." "Click for more Topics." And
 25 it's the second one down: "2021-2022 Rulemaking."

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1 And this is where we keep all the
2 educational materials, legal notices, meeting
3 information. And so this is a prime place that we
4 want to make sure everyone is make -- taking an
5 opportunity to visit.
6 You scroll down here specifically, and
7 you'll see this "Utility Accommodation (Broadband)
8 Rulemaking" ribbon. And open -- and if you open it
9 up, it's got a lot of these documents that I've kind
10 of referenced. And we've -- we'll get into these in a
11 little bit more detail.
12 But just real quick, we've got our Concept
13 Sheet, which is also a handout here in the auditorium;
14 we've got the "DRAFT Guide for Utility Management;"
15 we've got the current "Utility Accommodation Policy;"
16 the current "Guide for Utility Management;" a "Board
17 Agenda Item and Resolution" from this past May; our
18 "Negotiated Rulemaking Notice;" a link to "Governor
19 Little's Broadband Taskforce" from 2019; and then,
20 also, a link to the newly created "Idaho Broadband
21 Advisory Board." So again, I really encourage folks
22 to visit the website.
23 So the goal for staff will be to present
24 drafts to the Idaho Transportation Board at the
25 regularly scheduled July Board meeting.

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1 And so essentially what we -- again what
2 we'll be doing between now and the beginning of July
3 is soliciting comments both during the meetings. Or
4 if you want to submit them specifically to any of us
5 that are here today, we can also -- we can also take
6 comments all the way through June 30th. And so
7 that's -- that's identified on a couple of documents,
8 but the comment period will run until June 30th.
9 Then the next phase -- what would happen
10 after the July Board meeting and drafts are presented,
11 we would enter the formal rulemaking State process,
12 which is known as "proposed rulemaking." This would
13 be another opportunity for interested stakeholders and
14 parties to comment on the drafts that are approved and
15 reviewed by the Board.
16 We continue to work through late summer
17 early fall with the goal of getting the documents a
18 little bit more finalized, a little bit more firmed
19 up, as, essentially, we want to be prepared to present
20 to the 2022 Idaho Legislature. So in order to do so,
21 we have to have certain publications and certain
22 approvals completed prior to the end of the year.
23 So with that, I'd be happy to stand for
24 any questions if there are any here in the auditorium
25 or for those folks that are online, we've got the

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1 raise your hand button for those that are familiar.
2 If none at this time, I'd like to hand
3 over to Mr. Rindlisbacher, our chief engineer, for a
4 few comments on broadband and get -- start getting
5 into a little bit more of the details.
6 Thank you.
7 Blake.
8 MR. RINDLISBACHER: I'll get started.
9 And thank you for joining us. There's a
10 few people here in the auditorium. It's always nice
11 to have a face to look at, so I'll try to engage you
12 as we go.
13 As Ramon has outlined, this whole subject
14 of utility accommodation has been on our mind for the
15 last couple of years. As noted, the Governor had a
16 Taskforce in 2019, brought together broadband
17 companies, and that was a big discussion item for how
18 do we do this. And so I wanted to acknowledge that.
19 We've also had several conversations with
20 legislators that are interested, we've been engaged
21 with the Department of Commerce in recent months and
22 their new work, and we've had conversations off and on
23 with the Idaho Transportation Board for the last
24 couple of years on this same topic. And that's kind
25 of what brings us to this rulemaking process today.

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1 ITD understands that the existing State
2 Highway System right-of-way can and does play a big
3 role in connecting Idaho, connecting our communities,
4 connecting businesses, and connecting individual
5 citizens through the expansion of broadband and other
6 new technologies across our state.
7 As Ramon mentioned, our current policies,
8 our Guide for Utility Management and Utility
9 Accommodation Policy, don't adequately or specifically
10 address broadband, small cell, and other new, emerging
11 technologies. And as a result, we're here today
12 proposing to update these existing policies in order
13 to include these new technologies in the process.
14 ITD's interest is to manage the
15 right-of-way to preserve the integrity, safe operation
16 and function of the State Highway System. We are also
17 interested in the orderly management of the
18 right-of-way as a shared space, as many utilities rely
19 upon the State Highway System right-of-way as they
20 serve the citizens and communities of Idaho.
21 A partial list of utilities currently
22 occupying the highway right-of-way include water,
23 sewer, power, gas, telephone, broadband exists in some
24 locations, and we even have a few instances of small
25 cell. I don't know that that's an exhaustive list,

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1 but that gives you an idea of the competition for this
 2 very limited resource. Because the right-of-way is a
 3 resource that's limited, ITD encourages the concept of
 4 "Dig Once."
 5 We also desire to coordinate with utility
 6 companies as we work on our major, ground-disturbing
 7 capital-improvement projects. Those projects are
 8 typically known as our ITIP, our Idaho Transportation
 9 Investment Program projects. We're all over the
 10 state, and we're doing work every year. As we work,
 11 it's our desire and interest to coordinate with
 12 utility companies so that we can gain [unintelligible]
 13 and only be out there one time and include those
 14 utilities in the work that we do.
 15 As we begin this rulemaking process, I
 16 would like to thank you for your interest, your
 17 partnership, and your willingness to engage with us.
 18 And thank you for those that are online or have come
 19 here together to be with us today.
 20 Together, I'm confident that we can find
 21 solutions that will balance the many demands facing
 22 the limited space available in the State Highway
 23 System right-of-way.
 24 I would invite you to share your thoughts
 25 with us on draft documents and share ideas that you

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1 may have that we don't talk about. Share those with
 2 us as we work through this process.
 3 So thank you, again, for joining us, and I
 4 look forward to the engagement and further discussion.
 5 Thank you.
 6 THE MODERATOR: Thank you, Mr. Rindlisbacher.
 7 Appreciate those comments.
 8 And then, folks, what we're going to jump
 9 into now is Mr. Beachler's presentation on broadband
 10 in general. So let me go ahead and pull that up.
 11 MR. BEACHLER: All right. Thank you, Ramon.
 12 Again, my name is Robert Beachler. I am
 13 the Broadband Program manager with ITD in the
 14 Division's Highways Planning Services section. And
 15 today, we're going to present to you Utility
 16 Accommodation Rulemaking in regards to broadband
 17 facilities.
 18 Next slide, please.
 19 Okay. We've had our introductions. We're
 20 going to discuss the scope of Utility Accommodation
 21 Rulemaking.
 22 Some of our goals and objectives for this
 23 rulemaking discuss our Guide for Utility Management
 24 and how it relates to a new chapter in our Guide for
 25 Utility Management for broadband infrastructure. And

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1 then we're really seeking the input and comments from
 2 the industry on how to best support each other in the
 3 expansion of broadband across Idaho.
 4 So as previously mentioned in IDAPA
 5 39.03.43, the Rules for Governing Utilities within the
 6 State highway right-of-way, that rule focuses on the
 7 regulation of the location, design, methods for
 8 installing, relocating, adjusting, and maintaining
 9 utilities within the State right-of-way. And then
 10 that Code also references our 2003 Utility
 11 Accommodation Policy that is contained in our internal
 12 ITD manual, Guide for Utility Management, as Appendix
 13 8.
 14 So again, as we noted, the rulemaking is
 15 focused on alternative uses of the highway
 16 right-of-way for nonpublic utilities such as
 17 broadband. These technologies require updates to our
 18 Guidance -- so our Guide for Utility Management, our
 19 Utility Accommodation Policy, and IDAPA Rules.
 20 In this we establish requirements for
 21 permitting broadband and Small Wireless Facilities.
 22 And we want to ensure that we're in compliance with
 23 both State and Federal regulations.
 24 So next section. We're going to talk
 25 about the goals and the objectives of our negotiated

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1 rulemaking. And, again, as our chief engineer
 2 highlighted, we're very interested in the orderly use
 3 of the -- this limited resource of our highway
 4 right-of-way, especially -- or including non-public
 5 utilities.
 6 "Dig Once" is one of our goals. And one
 7 of the largest elements in the deployment of broadband
 8 is burying of fiber optic cables and conduits
 9 underground. And coordinating construction projects
 10 with the installation of broadband facilities saves
 11 them the cost incurred by repeated excavations. This
 12 will help us manage our current and future demands on
 13 the right-of-way space by our outreach efforts and
 14 coordination with providers.
 15 I think we'll be serving the greatest
 16 public interest through the colocation and other
 17 space-saving practices that we hope to engage the
 18 industry with and get comments on.
 19 ITD also has broadband requirements. We
 20 want to leverage the right-of-way to connect current
 21 and future ITD facilities and roadside devices. And
 22 these may include maintenance sheds, automated traffic
 23 recorders, weigh and motion systems, dynamic message
 24 boards. And with the emergence of autonomous
 25 vehicles, we could see future demands placed upon the

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1 Department to design highway facilities to accommodate
2 those types of vehicles.
3 We also want to ensure that we're doing
4 this in a competitively neutral environment that is
5 unbiased in the treatment of utility providers. And
6 in regards to broadband, we want to focus on the
7 exchange of facilities and services rather than the
8 collection of fees or other financial transactions.
9 And whenever feasible, we want to support strategic
10 deployment of broadband infrastructure across the
11 state of Idaho.
12 Updating our Utility Accommodation Policy
13 in regards to broadband infrastructure and our
14 internal Guide for Utility Management will help
15 provide a framework for managing broadband facilities
16 within the right-of-way or State properties.
17 Developing these policies and procedures and
18 accommodating and managing access for broadband
19 infrastructure is pivotal.
20 We want to manage the right-of-way, again,
21 in a competitively neutral and nondiscriminatory
22 bias -- or excuse me -- basis.
23 So we'll get to the main content of
24 this -- that's our Utility Accommodation Policy. As
25 noted, it was -- our current one was developed in

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1 2003. So it's time to do an update on that document.
2 And what a Utility Accommodation Policy
3 is, is the State's policy outlines the procedures,
4 criteria, and standards to evaluate and approve
5 applications for permits of utility facilities within
6 the right-of-way.
7 Most importantly, in determining whether a
8 proposed installation is a utility or not, the most
9 important consideration is how the State DOT views it
10 under its own State laws and regulations.
11 So there's -- I want to touch on a few
12 utility definitions. In IDAPA 40.2010, a utility can
13 be comprised of any person, a private company, public
14 entity, or cooperative owning or operating facility.
15 Our next definition of a utility -- we'll
16 look to the Idaho Statute 61-129, and "A public
17 utility is subject to the jurisdiction, control, and
18 regulation by the Idaho Public Utilities Commission."
19 At this time, the Idaho Transportation Department is
20 considering a utility that is not regulated by the
21 Idaho Public -- PUC as a nonpublic utility.
22 And we're hoping that this rulemaking
23 process will help define what are the utilities,
24 including public and nonpublic utilities.
25 So as I mentioned before, the Guide for

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1 Utility Management is one of ITD's manuals that staff
2 used in managing utilities through transportation
3 projects -- improvement projects or utility permits,
4 and our current guide was published in 2012. Our new,
5 updated one has included a new chapter on Broadband
6 Infrastructure.
7 And again, the Guide for Utility
8 Management provides information on how -- and guidance
9 on how to coordinate and administer right-of-way
10 permittees and utility facilities. It
11 covers -- different chapters in it cover the
12 installation, relocation, and adjustment of facilities
13 within the right-of-way; it outlines permit activities
14 and requirements; discusses utility agreements between
15 ITD and utility providers; and again it contains our
16 Utility Accommodation Policy as Appendix A.
17 So new to the Guide for Utility Management
18 is our Chapter 6 on Broadband Infrastructure. At the
19 beginning of it, it covers State and Federal
20 regulations in regards to utilities and accommodating
21 them. It has a discussion on the difference between
22 public and nonpublic utilities.
23 And in order for ITD to effectively manage
24 a limited public right-of-way resource for both public
25 and nonpublic utilities, we included this new chapter.

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1 So we're going to break it down in about two major
2 categories. We have broadband fiber optic utilities.
3 Next slide, please.
4 And we're hoping to engage with our
5 stakeholders to effectively plan for the accommodation
6 of current and future broadband capacity.
7 We're looking for your input and guidance
8 to utilize space-saving measures, such as smart
9 corridors, the colocation of facilities, installation
10 of conduit banks, conduit banks with micro-ducts that
11 can be used by multiple providers. We're even looking
12 at using, potentially, micro-trenching to place
13 conduits in hard-to-construct areas, and we want to
14 coordinate with our providers to identify corridors
15 that would expand services across Idaho and
16 underserved areas.
17 So in regards to fiber-optic placement of
18 broadband facilities, ITD and providers have engaged
19 in Shared Resources Agreements. And what these are,
20 are public-private agreements allowing conditional use
21 of State right-of-way or State facilities such as
22 conduits and vaults in exchange for service,
23 infrastructure, and/or capacity from providers.
24 These Shared Resources Agreements describe
25 and contain mutually agreed upon exchanges of services

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1 that are both fair and equitable for both parties.
 2 They can include access to State facilities such as
 3 conduits and vaults in exchange for dedicated fiber
 4 use for ITD that can be in the form of dark or lit
 5 fiber. It can be placed on a dedicated cable for ITD
 6 or we'll -- or shared fiber resources on a provider's
 7 cable.
 8 We're also looking at the installation of
 9 additional conduits for future users and/or broadband
 10 services to ITD facilities. Again, we have a need for
 11 broadband to support our mission.
 12 Important to note that Shared Resources
 13 Agreements are not required for crossings of State
 14 highway right-of-ways. That can be accomplished
 15 through our normal utility permitting process. We're
 16 really more geared towards long, longitudinal builds
 17 along the Highway System that engage providers and
 18 Shared Resources Agreements.
 19 The second major area we're going to talk
 20 about in regards to broadband is Small Wireless
 21 Facilities. This is new to ITD. We were engaged by
 22 several providers looking to bring next-generation 5G
 23 facilities onto the State highway right-of-way.
 24 So how we're outlining this -- this is new
 25 to us, and what we are proposing is that the provider

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1 enter into a Master License Agreement with the
 2 Division of Highways. And the Master License
 3 Agreement sets forth the terms and conditions for
 4 authorizing the use of the specified right-of-ways for
 5 the purpose of installing, placing, mounting,
 6 operating, modifying, maintaining, upgrading, and
 7 replacing, and removing Small Wireless Facilities.
 8 Those are all provided in the terms of the Master
 9 License Agreement.
 10 Following the initiation of that, permits
 11 are issued by the ITD Districts. So once the Master
 12 License Agreement is in place, you would -- in
 13 whatever market you are working in, you would permit
 14 those facilities through the local ITD Districts.
 15 In regards to compensation for
 16 right-of-way access and attachment to State
 17 facilities, ITD is recommending that we adopt the
 18 Federal Communications Commission's Declaratory Ruling
 19 for presumptive fee structures for Small Wireless
 20 Facilities.
 21 So I'm going to briefly talk about utility
 22 infrastructure location. And we want to highlight
 23 that all utilities should be as far away from the
 24 roadway as possible and in accessible locations so
 25 they're less likely to become a roadside hazard or be

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1 struck by errant vehicles.
 2 We also want to ensure that the placement
 3 of these facilities do not impact pedestrian
 4 facilities or access. So if you're proposing to
 5 place, let's say, a dedicated Small Wireless pole in a
 6 sidewalk in an urban area, we might want to ensure
 7 that those don't impact pedestrian facilities.
 8 And we also want to, through this process,
 9 identify the locations of all mounts to existing
 10 poles, structures, and/or aerial cables on both
 11 private and public utilities and/or where you would
 12 want to seek to place them on ITD facilities.
 13 Next slide, please.
 14 So one of the more -- areas that cause
 15 additional review is installation of broadband
 16 facilities within the Interstate right-of-way. This
 17 is a controlled-access area. And any installation of
 18 broadband infrastructure along the Interstate
 19 right-of-way will require approval by both ITD and the
 20 Federal Highways Division administrator. So the ITD
 21 program manager will coordinate the review and
 22 approval of any of these installation requests along
 23 the Interstate right-of-way.
 24 We also want to note that both ITD and
 25 Federal Highways administration discourage the

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1 installation of utilities within the median.
 2 Next, I would like to talk about as-built
 3 requirements. We're also proposing that -- and to
 4 help us effectively manage these facilities -- that if
 5 we were requesting that all as-built drawings be
 6 including supporting infrastructures -- so that can
 7 include power drops or fiber from another
 8 provider -- all those facilities would be provided to
 9 ITD in a GIS format. It's an industry standard that
 10 will help us effectively manage all the competing
 11 utilities for the right-of-way.
 12 And those would be due -- just like
 13 standard As-Built drawings, those will be due within
 14 30 days of completion of work.
 15 Next, I'd like to talk about outreach and
 16 coordination. In February of this year, we sent out
 17 our second annual letter to -- for permittees and
 18 broadband providers showing the locations of our
 19 fiscal years 2021 to 2027 Idaho Transportation
 20 Investment Program projects. So these are major
 21 ground disturbance and [unintelligible] placement-type
 22 projects. And this is a seven-year planning horizon
 23 that ITD uses to develop its projects and construct
 24 them.
 25 And what this letter had in it, again, was

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1 a link to a web-mapping application that's depicted on
 2 the upper right of the slide there, and that allows
 3 you to see the locations of these proposed -- or these
 4 projects that are in the program. They're not
 5 proposed. And so that allows broadband providers to
 6 proactively look at where these State projects are and
 7 to help facilitate their capital investment and
 8 planning and broadband expansion, see how those
 9 coincide with ITD's projects.

10 Through expanded coordination with the
 11 Department of Commerce Broadband Team, they have also,
 12 again, resent this letter out to those folks on their
 13 contact lists to help expand the distribution of this
 14 coordination effort from ITD.

15 And also we also want to coordinate with
 16 statewide broadband plans to minimize repeated
 17 excavations, again, getting back to our goal of "Dig
 18 Once".

19 Now these -- these outreach efforts done
 20 by ITD are not part of this rulemaking. It's just
 21 something we wanted, you know, providers to be aware
 22 of. And if there's any additional information on how
 23 to look up these types of projects, feel free to
 24 contact me, and I can help walk you through how to use
 25 the web-mapping application, providing more

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1 information on those projects.

2 Okay. Now the reason why you're all here.
 3 We're -- ITD is seeking your -- our stakeholder
 4 engagement to help us manage this limited right-of-way
 5 space. I'll review our permit conditions and, again,
 6 minimize utility excavations and destruction to the
 7 travelling public. And we're also seeking to
 8 effectively manage this key public resource.

9 This is a participatory process where ITD
 10 has presented some concepts to initiate discussions
 11 with providers.

12 And in conclusion, again, we need -- ITD
 13 has identified the need to update guidance policy and
 14 administrative rules to address an ever-increasing
 15 demand by utilities to be accommodated and seeking
 16 access to the State highway right-of-way.

17 And as Ramon demonstrated earlier, you can
 18 go -- for more information, you can go to our website
 19 on rulemaking, "itd.idaho.gov/rulemaking," and then
 20 scroll down, at the broad -- Utility Accommodation
 21 Rulemaking Broadband tab and provide to you all the
 22 documents that he showed you earlier.

23 And again, you can reach out to Ramon
 24 Hobdey-Sanchez in our Office of Government Affairs.
 25 Feel free to contact me, Robert Beachler, the Planning

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1 Services section. Our contact information is located
 2 on this slide.

3 And at this point, we'd like to open it up
 4 to stakeholder inputs and comments in regards to our
 5 Utility Accommodation Policy and our Guide for Utility
 6 Management. We touched on some of those topics. We
 7 can take questions on that, entertain other comments
 8 that you might have, items of discussion. And it's an
 9 open period for providers and stakeholders to talk to
 10 us now.

11 THE MODERATOR: Thank you very much for that,
 12 Robert.

13 So for -- yeah -- those that are listening
 14 in, obviously, it's a lot of information. It's
 15 complex. There's some complicated pieces to this.
 16 And there is just a lot of just information overall.

17 But what we really want to know is if
 18 there's people either online or here with us in person
 19 that have any questions, thoughts, or comments as it
 20 relates to some of our goals and objectives. I
 21 thought maybe I can bounce back to a couple of those
 22 slides Rob specifically went over when it comes to
 23 what we're trying to accomplish here and what we
 24 really want in terms of feedback from stakeholders and
 25 industry.

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1 So if -- we do have -- just for keeping
 2 things orderly, we've got quite a few people online
 3 and on Webex. We've got everyone automatically muted
 4 just so we don't have a lot of feedback here with the
 5 technology, but are happy to get anyone engaged that
 6 would like to do so.

7 We've got the chat function that we're
 8 monitoring and then, also, the raise your hand. If
 9 you use that function, we can easily un-mute you
 10 online.

11 But I'd also to like to open it for our
 12 partners and stakeholders here at the auditorium if
 13 there's any comments or questions for any of the
 14 staff.

15 UNIDENTIFIED SPEAKER: [Unintelligible].

16 THE MODERATOR: If there aren't any comments at
 17 this time, we can continue to go -- further go into
 18 detail as far as the materials we have on the website,
 19 but it would really be most advantageous if we got
 20 some kind of feedback in terms of thoughts, comments,
 21 as it relates to, again, some of these particular
 22 goals and objectives, thoughts on how we manage the
 23 use of the right-of-way, the "Dig Once" you've heard
 24 emphasized multiple times.

25 And then, I think, one thing that's just

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1 good for us to keep in mind is, you know, we're trying
 2 to do the best we can on behalf of the taxpayers and
 3 the citizens of the state of Idaho, but the
 4 right-of-way space is limited. You know, it's not
 5 limitless. And so we do want feedback in terms of
 6 some of these different thoughts that Robert had
 7 mentioned as far as colocation or some of those Shared
 8 Resources Agreements.
 9 So, again, I open it up to comments either
 10 here in the auditorium or anyone online that would
 11 like to either ask a question or provide any insight
 12 from your perspective.
 13 Yeah. Please if you wouldn't
 14 mind -- yeah, just up to the podium there. And then
 15 state your name and who you represent.
 16 JERRY PIPER: My name is Jerry Piper. I'm with
 17 Cambridge Telephone Company in Cambridge, Idaho.
 18 A couple [unintelligible] I had as you
 19 went through the presentation, the number one thing
 20 that came to mind was, are we going into competition
 21 with the State for the broadband deployment?
 22 MR. BEACHLER: Absolutely not. We're just there
 23 to help facilitate the expansion of broadband across
 24 the state.
 25 JERRY PIPER: Okay.

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1 MR. BEACHLER: So we are not in the conduit
 2 business, we're not in the fiber business, broadband
 3 business. We're just here to help these utilities if
 4 they're seeking access to the State highway
 5 right-of-way.
 6 How can we help facilitate that?
 7 JERRY PIPER: One of the challenges that we have
 8 in delivering broadband is the fact that we deliver
 9 broadband to an area with one person per square mile.
 10 So the highway is our -- typically our
 11 backhaul to the next -- next point or next provider.
 12 We just kind of meet together and get the traffic flow
 13 that way.
 14 But -- and thank you for that answer.
 15 That's what I expected. But thank you.
 16 The conduits. The number of conduits.
 17 You said you put the conduits in and then you would
 18 ask for those conduits -- are you asking for
 19 those -- to manage those conduits or would that be our
 20 conduits? Would we -- are we opening the door to
 21 competition by having extra conduits in there or would
 22 we own the conduits?
 23 MR. BEACHLER: So under -- so there's -- like if
 24 you are -- your company was to place conduits, you
 25 would still own those.

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1 In support of our "Dig Once" goal, so if
 2 it's -- if we could place additional conduits at the
 3 same time and then through a Shared Resources
 4 Agreement identify those costs that you incurred by
 5 the provider -- then if a subsequent provider came in
 6 and was seeking access to spare conduits -- either
 7 State or another provider's
 8 conduits -- that -- then that -- those price -- prices
 9 would be outlined in the Shared Resources Agreement.
 10 So it would cost you, let's say, \$8 a foot
 11 or something like that. Whatever the cost may be, you
 12 know, those would -- those costs would be recovered by
 13 the initial installer of the additional conduits.
 14 JERRY PIPER: So I'm just going to read that
 15 back the way I heard it.
 16 We're going to put in five conduits. We
 17 use one. There are four more left. Then that allows
 18 somebody to come in and buy the conduit and compete
 19 with me.
 20 MR. BEACHLER: Well, we want to -- we want to
 21 really facilitate the placement of current and
 22 projected capacity.
 23 So if another provider -- we have to be
 24 unbiased, so if we grant access for these long,
 25 longitudinal builds to install conduits, either State

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1 or private, you know, how would we not create any
 2 barriers to competition from other providers?
 3 So we're not singling out, "Hey. I really
 4 like Cambridge" -- you know -- "so I'm going to, you
 5 know, just let them have those conduits."
 6 We want to make sure we're
 7 presenting and -- you know, non-biased policy so other
 8 people can enter markets.
 9 JERRY PIPER: And I appreciate that, but one of
 10 the challenges that we deal with is, you know,
 11 we've -- we take federal money to be able to deliver
 12 fiber currently.
 13 And when you're competing for that one
 14 customer per square mile what ends up happening is
 15 somebody will take the hole of the donut and deliver
 16 service to those customers and then -- not out in the
 17 hinterlands, if you will, and -- which is what we do.
 18 But if they take away that portion of the
 19 hole, if you will, it makes it really hard for us to
 20 continue to compete and deliver that service out in
 21 the -- outside that where -- in some cases, where
 22 we're terrain-challenged, that doesn't -- wireless is
 23 not an option for those folks.
 24 So it's a concern that you probably don't
 25 have in a more urban area of Idaho. And so it's just

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1 something that, you know, I wanted to speak to as you
 2 build out this rulemaking, that you don't forget what
 3 it takes to actually deliver that and then take away
 4 our business in the process.
 5 So...
 6 MR. RINDLISBACHER: Is it Jerry?
 7 JERRY PIPER: Jerry. Yeah.
 8 MR. RINDLISBACHER: Jerry, I'm not sure that we
 9 know the detail of how this whole thing works, but
 10 what we do know is there's only so much right-of-way,
 11 and we'd like to, you know, get in, place conduits
 12 that we would need for now and the future, and then go
 13 away, but we don't know how best to sort this out.
 14 So do you have an idea for us that would
 15 be a good way for us to do this?
 16 I mean, Rob pointed out that one plan
 17 would be for the company to install extra conduits,
 18 establish the price, and then that would be the price
 19 that you could sell or lease those to a competitor.
 20 Do you have another model that we should
 21 be looking at?
 22 JERRY PIPER: I guess I don't really have a good
 23 answer for that. It's just the concern that we -- the
 24 service that we deliver today, we're taking federal
 25 funds for -- to deliver those services. And that's

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1 what it takes to deliver service out in the rural
 2 areas. Without that, they wouldn't have the service
 3 that they do today, and it wouldn't be expanding.
 4 Under the current administration, there's
 5 quite a bit of money that's available for us to go and
 6 then expand what we have today into that.
 7 But in our area we've never had a problem
 8 working with ITD and putting extra conduits in, but
 9 they -- but we own those conduits. We don't give
 10 them -- or we don't share those with anybody else.
 11 And then so -- in that sense, I guess we
 12 become the gatekeeper, if you will, for what goes up
 13 and down there, but that has not been a problem in the
 14 past for when ITD needed services or the County or
 15 State needed services up there.
 16 Typically in our area, you don't have the
 17 issue of not enough fiber. So I'm speaking to you
 18 from kind of a foreign language that most people would
 19 in the Ada county or Canyon county areas or like Idaho
 20 Falls, Pocatello -- so...
 21 MR. RINDLISBACHER: A perspective that I'd like
 22 to share with you -- and you'd probably understand
 23 this -- is every corridor's unique, and every
 24 corridor's different. Some corridors, there's no
 25 place to put anything else.

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1 JERRY PIPER: I can show you some of them.
 2 MR. RINDLISBACHER: Right?
 3 And then other corridors are wide open.
 4 UNIDENTIFIED SPEAKER: Yeah.
 5 MR. RINDLISBACHER: So you could have two or
 6 three or four longitudinal installations, but as the
 7 state grows, as the demand grows, as new technologies
 8 come on board, we're interested in creating an
 9 environment where we can accommodate as many utilities
 10 as possible in that corridor. We recognize that
 11 that's a valuable asset for utility companies.
 12 I mean, land prices are expensive and
 13 leases are expensive, and our interest is providing
 14 service to Idahoans and communities. So we recognize
 15 that our corridors are quite attractive, but
 16 we're -- we want to give as much as we can, but we
 17 don't want to overbuild either, so that's what we're
 18 trying to figure out in this process is --
 19 JERRY PIPER: Right.
 20 MR. RINDLISBACHER: -- [unintelligible].
 21 JERRY PIPER: I appreciate that. I mean, it
 22 seems like your goal is my goal. You want to get
 23 broadband to all Idahoans, and I want to get them
 24 to all in my area; right?
 25 I mean, we've been doing it for over

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1 100 years now. And one of the things that I -- you
 2 know, that has always been a question in my mind is,
 3 What does ITD do to make sure they've contacted all of
 4 the utility owners in an area before they go in and
 5 make any changes because I think that's -- that
 6 accommodates both of our challenges.
 7 MR. RINDLISBACHER: Are you talking about on a
 8 construction project?
 9 JERRY PIPER: Right. Right.
 10 MR. RINDLISBACHER: Yeah. Our typical process
 11 for construction -- you know, if we got a major
 12 expansion, we will pull our As-Built drawings, we'll
 13 look to see who's there.
 14 We'll contact every utility company and
 15 reach out to them and say, "We've got a project
 16 coming. We're going to go from here to here. We
 17 understand you have a utility. Let's look at our
 18 plans. Let's look at your installation. Let's have a
 19 conversation to see if there's a conflict, if your
 20 utility can stay where it currently is and that works
 21 or if there's a need to move that."
 22 So on a project-by-project basis, we would
 23 reach out to you when we have a project coming.
 24 JERRY PIPER: So there's what's called the
 25 "incumbent carrier" for that area. Have you ever

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1 reached out to an incumbent carrier that didn't want
2 to put facilities in the ground?
3 Okay. And having said that, if that's the
4 case and the answer is "yes," then have you -- what's
5 your next step to reach out for like a statewide
6 network or somebody that has the ability to maybe fill
7 that in? Do you have -- do you make sure that
8 they're -- that you get a hold of somebody so that you
9 do only have to dig once?
10 MR. RINDLISBACHER: I'm not sure I'm
11 understanding exactly what you're saying, but I
12 think --
13 JERRY PIPER: So let me rephrase it.
14 MR. RINDLISBACHER: -- I have a response. I
15 mean, well, let me respond --
16 JERRY PIPER: Yeah.
17 MR. RINDLISBACHER: -- and maybe I've got -- Rob
18 mentioned that for two years now for our -- our ITIP,
19 our capital improvement program, we've looked at that
20 and we've said, "Okay. Where do we have major
21 projects that are going to dig things up and would
22 start over or have some major expansion?"
23 And we've mapped those, and we've sent a
24 letter to all the utility companies that we've done
25 business with and said, "These are areas where ITD

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1 plans to have major, ground-disturbing activity." And
2 we tell you the year, and we tell you the mile-post,
3 and we tell you the route.
4 And we're trying to reach out to all the
5 utility companies to say, "If you're interested in
6 coming, now would be a great time to come because we
7 intend to tear things up and we'll have a trench or
8 things will be open, and it would be easiest to
9 accommodate you at that time."
10 And I don't know if I've answered the
11 question about -- what did you call it? Incumbent?
12 JERRY PIPER: Yeah.
13 MR. RINDLISBACHER: -- carriers?
14 JERRY PIPER: [Unintelligible].
15 MR. RINDLISBACHER: I'm not sure what that is,
16 but...
17 JERRY PIPER: Well, you have the certificate of
18 the convenience...
19 MR. RINDLISBACHER: Right, from the PUC.
20 JERRY PIPER: So that's -- Cambridge Telephone
21 has that certificate. So we have -- we have that, and
22 we are the incumbent carrier for that area.
23 MR. RINDLISBACHER: Okay.
24 JERRY PIPER: So my question was, if whoever is
25 the incumbent carrier or broadband provider in that

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1 area -- because a lot of places, there's only one
2 fiber or in-the-ground, if you will, provider. There
3 are wireless attempts to cover all of the areas, but
4 Idaho's challenge -- terrain challenge makes that kind
5 of difficult.
6 If there is somebody in that area and you
7 don't get a response from them, what's your next step?
8 Do you put the conduit in yourself or do you just not
9 put it in?
10 MR. RINDLISBACHER: That is a great question.
11 I'm not sure I have the answer to that.
12 If we had a reason to put conduit in for
13 ITD purposes, we might put a conduit in. And as Rob
14 mentioned, we've got variable message boards, we've
15 got maintenance sheds, sometimes we're connecting
16 signals, traffic counters.
17 There might be a transportation reason for
18 us to put a conduit in. And our thought was if ITD
19 puts a conduit in for our purposes, we would probably
20 put an extra one or two in just in case somebody else
21 needed that or was to come along.
22 UNIDENTIFIED SPEAKER: Mm-hmm.
23 MR. RINDLISBACHER: But if we don't have an
24 interest and the utility companies, either public or
25 private, don't have an interest, then we may or may

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1 not put a conduit in. But we're trying to sort that
2 out.
3 UNIDENTIFIED SPEAKER: Rob, were you going to
4 say something?
5 MR. BEACHLER: Well, I was going to say, "Feel
6 free to catch up with me offline. I'll run a demo on
7 our web-mapping application showing that seven-year
8 planning horizon." And again, that was to really get
9 the information out to providers to look at where ITD
10 has got projects programmed.
11 And then, also, in the letter, there's
12 points of contact with the district planning and
13 scoping teams, so you can reach out directly to the
14 planning staff. And we want to get your requirements
15 identified early in the planning and scoping phases of
16 our projects, see if we can accommodate the placement
17 of additional conduits early in the planning process
18 and through construction.
19 So I'm happy to meet with you offline and
20 do a demo on how you use that web app.
21 And it also allows you to load up KMZs
22 [phonetic] or shade files of your network so you can
23 see if there's any synergy or overlap between where
24 your market or your supporting services are provided
25 and where these projects would overlap.

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1 And so then that's how we're trying to be
2 a little more proactive in getting this information
3 out instead of having you react to projects that are
4 farther along in the process.
5 JERRY PIPER: Okay. Well, I've monopolized this
6 long enough.
7 Thank you very much for your time.
8 THE MODERATOR: Thank you. Really appreciate
9 those comments, Jerry. And that's exactly the kind of
10 feedback we want to have, discussion we want to have.
11 I think Blake hit on it a couple times
12 too. We don't necessarily have all the answers up
13 here. There are definitely a lot of concepts.
14 There's different ways that you can manage a lot of
15 this stuff. And so we appreciate your comments today,
16 Jerry.
17 Is there anyone else here in the
18 auditorium that would like to step up?
19 Yeah, please. Go ahead.
20 We'll work through a couple folks here in
21 the auditorium, and then we'll jump online here.
22 So if you could please just identify
23 yourself and who you represent.
24 BRETT MCKINNEY: Hi. Brett McKinney. Lumen
25 Technologies.

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1 I'd like to second the thought that was
2 relayed with the colocation and other space. I think
3 that that -- the immediate thought that I had in my
4 head is, Okay. Who's placing it, where does the cost
5 go, and then where's the revenue stream and who
6 manages it; right? Those are all the questions. I
7 think they're significant questions.
8 And the follow-up then is, who spends the
9 money to create competition?
10 And I agree that I'm not sure -- is
11 something that probably any of us in the room are
12 jumping up and down and saying, "Hey. Pick me."
13 On the exact opposite side of that, I
14 don't see anything on the board about cost saving. So
15 everything that is proposed is about how do we expand.
16 I think all of us have budgets, and we all have
17 limited resources to be able to put as much in as is
18 possible. So my question is how do we put more in
19 cheaper?
20 I think sharing a trench during a road
21 project should definitely be considered. There is a
22 management piece of that; right? From a timing
23 perspective, it's not easy. I don't think it saves
24 you money up front, but I do know that together, it
25 saves us all money. I mean, all of us. So I'd like

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1 to at least have that be considered; okay?
2 And then the second, you know,
3 the -- that's, for me, a big deal.
4 And then I would definitely say when we're
5 working with bridges, there's other municipalities
6 that do that more efficiently; okay? I can speak for
7 out-of-state, regional -- that can definitely be done
8 in the same venue more efficiently for all of us from
9 a financial perspective.
10 Same idea; right? Doesn't matter who pays
11 for it up front. Get all the conduits in the first
12 time, and then let us come and finish instead of
13 individually taking the time to move dirt; okay?
14 Any questions about that?
15 MR. RINDLISBACHER: Yeah. I'm curious when you
16 commented about bridges and getting across.
17 BRETT MCKINNEY: Yeah, so sometimes --
18 MR. RINDLISBACHER: Well, what do you like?
19 What works good?
20 BRETT MCKINNEY: Right. Somebody -- sometimes
21 the time schedule is set up, from my perspective, more
22 specifically, and the conduits, the timelines are more
23 specific. And the projects are segmented in a way
24 that we can actually build to them.
25 So for instance, you know, I'm going to

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1 use Nampa as an example just because it's close, and I
2 know I've got representation from other companies that
3 represent Nampa here.
4 So when all of the broadband providers
5 have their hub in or around downtown Nampa, building
6 from north to south toward Nampa doesn't help any of
7 us; right? We have to build in the path of our
8 network. So that's creating additional work and
9 additional time when the conduits come over the bridge
10 and we don't have anything to connect to them because
11 that part of the job hasn't been done yet.
12 And fortunately, in this case, I can speak
13 for water, I can speak for Lumen, I can speak for --
14 you know, I guess I can't speak for anyone else, but I
15 know that was the case; right?
16 Simply the direction of build would have
17 made a big different for everyone. That's an example;
18 right?
19 But the bigger part is, let's make sure
20 that we've got that coordination up front. All of the
21 conduits are placed at the same time whether it's on a
22 bridge or in a trench. Whether it's conduits or not,
23 it doesn't matter; right? It could be direct-buried
24 facilities. I really -- that's not really my deal. I
25 mean, it is for my company, but for everyone else, I

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1 don't care.
 2 But what I can say is that all of this
 3 that's proposed is about, how do we build more instead
 4 of how do we build cheaper so that we can build more.
 5 I think the better question is, how do we
 6 build cheaper so we can build more.
 7 MR. RINDLISBACHER: Any ideas for us to consider
 8 on doing that?
 9 I like the ideas of being efficient
 10 and cheaper.
 11 BRETT MCKINNEY: My initial proposal is, have
 12 the road -- the road construction contractor, the
 13 general, be responsible for opening the trench and
 14 responsible for coordination of effort for the
 15 municipalities -- for the utilities to follow in that
 16 trench. You know, water -- you know, gas, water,
 17 power. I mean, they're different -- a couple of them
 18 are different sides of the road, but it's the same
 19 idea; right?
 20 Go in by depth, go in by height,
 21 coordinate the time, and one contractor's responsible
 22 for moving dirt, everybody else just places their
 23 facilities.
 24 You want to talk about being more
 25 efficient and space -- more space-efficient? Now

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1 you've got one trench deeper. Fill it in. Next.
 2 Fill it in. Next. Fill it in. Done.
 3 MR. BEACHLER: Would you see multiple
 4 providers -- any issues with multiple providers all
 5 going in there that -- you presented that Nampa case
 6 where you have everybody building out of a hub.
 7 BRETT MCKINNEY: So I know you've got at least
 8 two people here that do it all the time, every day.
 9 Well, not every day. There's days when
 10 it's too soupy; right? There's days when it's too
 11 frozen, but just about year-round.
 12 So, no, I don't see an issue.
 13 MR. BEACHLER: So part of our outreach effort
 14 and what we would seek in coordination with providers
 15 is -- you know, you were saying you're building from
 16 your network. So --
 17 BRETT MCKINNEY: Yeah.
 18 MR. BEACHLER: -- you know, coordinate.
 19 If we can get people to continue to
 20 coordinate, again, with our early notification of
 21 projects -- "Hey, man. I need like a duct, a bank, or
 22 I need one or two." And you can coordinate early in
 23 our project development, get those requirements in,
 24 then I think we can work towards facilitating, placing
 25 all those in there.

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1 And so, well, we kind of talked about a
 2 traveling lane. So we've got northbound, southbound
 3 lanes. We want to make sure we have lanes set up for
 4 broadband facilities so we don't have a provider
 5 coming over here, and he's on this side -- on the west
 6 side, and this one's on the east side, and someone
 7 else comes behind him a year or two later. And I'm
 8 not going to let him plow over your pipe, so I've got
 9 to offset them 5 feet, and now we're losing more
 10 space.
 11 So we're really hoping that through
 12 expanding coordination we get those requirements and
 13 help facilitate those placements.
 14 BRETT MCKINNEY: I'm going to ask kind of a
 15 silly question, but it's on purpose. So does that
 16 mean that the building permits are only going to be on
 17 one side of the street too?
 18 Keep in mind we have customers on both
 19 sides of the road. So I appreciate what you're
 20 saying. Our customers didn't only buy on the east or
 21 the west or the north or the south side of the road.
 22 I'd love to think that that's in our control. It's
 23 not.
 24 So to say -- I'm going to use Cole Road as
 25 an example; right? That one was rough. I think

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1 everybody knows it was rough. It was rough because
 2 there's a lot of customers on both sides of the road;
 3 right? And it's rough for everybody that way, and not
 4 just me.
 5 So you're going down the road. You pick a
 6 quadrant to work in. We got to cross the road every
 7 time you hit a customer -- not every time, but, you
 8 know, maybe three -- three times a mile. And that's
 9 real. That's not going to change. There's still
 10 going to be customers.
 11 So I appreciate what you're saying.
 12 That's not the realty. We don't just get to be on one
 13 side of the road because our customers aren't just on
 14 one side of the road.
 15 MR. RINDLISBACHER: Yeah. I appreciate that.
 16 We have the same issue with every utility. Water
 17 lines have the same thing. Sewer has the same thing.
 18 Drainage, you've got to cover both.
 19 BRETT MCKINNEY: Yeah. And if we want to make
 20 select corridors -- right? -- and say, "Okay. Every
 21 third of a mile we're going to make that the crossing
 22 location," we can accommodate. I don't have an issue
 23 with that.
 24 But I do have an issue when you say, "No.
 25 I need you to be on the" -- you know -- "the west side

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1 of the road." That's not realistic. That's -- that's
2 not --
3 MR. BEACHLER: I'm not trying to --
4 BRETT MCKINNEY: -- an option. No, that's okay.
5 MR. BEACHLER: I'm not stipulating that. I'm
6 just saying if we -- you know, and this maybe applies
7 more on, you know, a long-haul or big-mile-type
8 deployments where we have those corridors, more rural
9 areas.
10 When you get into urban -- it's -- again,
11 totally different.
12 BRETT MCKINNEY: And I understand. And I don't
13 disagree with you; right?
14 I mean, but that is real; right? And even
15 in rural environments, you know, we still have to
16 cross the road for those customers. And it does
17 create a slow-down; right? It does create a problem.
18 But I do think that there's an opportunity
19 that if, upfront, you set up and say, "Okay. We're
20 going to have a shared trench across the road every
21 third of a mile, and this is when we're doing Shared
22 Trench 1, this is when we're doing Shared Trench 2,
23 this is when we're doing Shared Trench 3."
24 It actually makes your job easier to
25 manage in the future because then you'd know where the

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1 slow-down points are going to be, and they're going to
2 be consistent.
3 Water's going to be going from east to
4 west; data's going to be going west to east, but if
5 it's in the same trench -- I'm not saying it's
6 perfect, but it reduces the cost for all of the
7 competitors. A little bit different way of thinking
8 about it. Instead of how do we build more, how do we
9 spend less on what we build so we can build more.
10 MR. RINDLISBACHER: How does that work, Brett,
11 when you have facilities that are in place and then
12 ITD comes in with a project? You've already got a
13 facility there and your interest is just, "Leave me
14 alone. Don't touch me because it costs money to move
15 stuff?"
16 BRETT MCKINNEY: Absolutely.
17 MR. RINDLISBACHER: So if we're coming in with a
18 project and we do a trench, yet anybody that wants to
19 come in that's not there would go in the trench, but
20 everybody that's already there -- if we can avoid
21 impacting, then our goal would be to not impact --
22 BRETT MCKINNEY: Right.
23 MR. RINDLISBACHER: -- because then that doesn't
24 cost anybody money; right?
25 BRETT MCKINNEY: Agreed. And if we limit the

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1 crossings, which I'm admitting we haven't always done;
2 right? We're doing it better now, but we haven't
3 always done it. If we limit those crossings, it has
4 less of an impact.
5 Because the chances of you actually going
6 right on top of the existing facilities when you have
7 prenotification and can adjust 3 feet, you're probably
8 going to adjust 3 feet; right?
9 MR. RINDLISBACHER: Mm-hmm.
10 BRETT MCKINNEY: Make it easier.
11 And then even if you do have a
12 crossing -- let's say we've got -- you know, I'm going
13 to make something up. You know, maybe we've got, you
14 know, a 24-fiber or a 200-pair of cable. It doesn't
15 matter; right? The cost of me rerouting a third of a
16 mile and making use of a shared trench to go back to
17 where I was on the other side of the road helps you
18 get to that long-term, that -- whatever ideal looks
19 like; right?
20 Do we cross for every -- you know, four
21 times a mile? Do we cross three times a mile?
22 Whatever. But if you can make it consistent, it makes
23 it easier for you to design too -- right? -- in the
24 future, makes it way easier for you to estimate
25 timelines --

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1 MR. RINDLISBACHER: Mm-hmm.
2 BRETT MCKINNEY: -- not just me; right?
3 Power, gas, water.
4 MR. RINDLISBACHER: So talk to me about this.
5 If you are coming in and you need to make a crossing,
6 one of the things we've talked about is trying to put
7 more capacity than you might need so that somebody
8 else can then occupy -- you know, you put a sleeve and
9 people could put the conduits through or whatever --
10 BRETT MCKINNEY: [Unintelligible] I'm a for --
11 MR. RINDLISBACHER: -- and that's efficient from
12 our perspective, but I --
13 BRETT MCKINNEY: I'm a for --
14 MR. RINDLISBACHER: -- appreciate the
15 perspective of --
16 BRETT MCKINNEY: I'm a for-profit -- I'm a
17 for-profit company, you know? I've got -- I've got,
18 you know, two major
19 responsibilities -- right? -- shareholders and
20 customers. Those switch back and forth. I'm really
21 not sure which one's paramount today; right?
22 MR. RINDLISBACHER: Mm-hmm.
23 BRETT MCKINNEY: They're both important.
24 MR. RINDLISBACHER: And so -- and I appreciate
25 that.

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1 BRETT MCKINNEY: Yeah.
 2 MR. RINDLISBACHER: So what I'm trying to figure
 3 out is --
 4 BRETT MCKINNEY: We're not in Cambridge, but --
 5 MR. RINDLISBACHER: -- in the name of
 6 efficiency --
 7 BRETT MCKINNEY: -- his customers don't care
 8 about me.
 9 MR. RINDLISBACHER: In the name of efficiency,
 10 how do we do it cheaper?
 11 The first one in is going to pay a
 12 premium. But if somebody's going to be first in every
 13 corridor -- and I'm assuming that it's going to
 14 balance out somehow. If you're first in a corridor
 15 and then he's first in another corridor, does
 16 that -- does that balance out in the end somehow
 17 because otherwise every utility company comes in and
 18 says, "No. I just want more --"
 19 BRETT MCKINNEY: I -- I --
 20 MR. RINDLISBACHER: [Unintelligible]."
 21 BRETT MCKINNEY: -- I actually don't think it
 22 does balance out in the end. I -- probably not what
 23 you want to hear, but first in generally wins.
 24 Period. I mean, our current marketing strategy is to
 25 be first in and own it; right? And I'll be in

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1 everywhere.
 2 So when the question was asked -- Rob, I
 3 think -- or I'm sorry -- you asked the question if an
 4 incumbent ever says, "No."
 5 We do. We say, "No." And the reason we've
 6 said "No" is because we don't have any customers. We
 7 don't have any customers out there, and we're not
 8 going to spend the money.
 9 MR. RINDLISBACHER: Mm-hmm.
 10 BRETT MCKINNEY: You know, is it good for the
 11 customers? Is it good for the shareholders?
 12 Both of those were "No." That's a pretty
 13 easy solution. "No." Awfully simple; right? Really
 14 simple way of thinking of it.
 15 MR. RINDLISBACHER: Yeah. This whole thing gets
 16 complicated, as we've talked -- with a limited space
 17 with lots of different kinds of utilities, and we'd
 18 like to create a space for all of them. There's
 19 a -- the finite number of longitudinal and transverse
 20 crossings --
 21 BRETT MCKINNEY: Right.
 22 MR. RINDLISBACHER: -- that you can do. So how
 23 do we gain some efficiency that helps everybody in the
 24 long run?
 25 BRETT MCKINNEY: My --

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1 MR. RINDLISBACHER: That's kind of what we're
 2 wrestling with.
 3 BRETT MCKINNEY: Yeah. My recommendation is
 4 move less dirt. Really. That's where all the money
 5 is; right? Move less dirt. How do you move less
 6 dirt?
 7 Move it once. Don't move it three times.
 8 Don't move it four times. I don't move it. They
 9 don't move it. They don't move it. You move it. We
 10 go in. You fill it. You move the dirt once.
 11 MR. RINDLISBACHER: Mm-hmm.
 12 BRETT MCKINNEY: From my perspective, that's how
 13 you save money. If you can save me money, I can
 14 invest more money. I think everybody probably feels
 15 the same way.
 16 MR. RINDLISBACHER: Thank you.
 17 BRETT MCKINNEY: You bet.
 18 Thank you, guys.
 19 MR. RINDLISBACHER: Good comments.
 20 THE MODERATOR: Thank you very much,
 21 Mr. McKinney, for stepping up to the podium there and
 22 sharing with us. I think that was a great discussion
 23 that kind of highlights a lot of the stuff we are
 24 wrestling with.
 25 You know, there's rural versus urban

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1 considerations; we've got local jurisdictions; the
 2 State right-of-way, which is specifically what we're
 3 focused on this afternoon. I thought the discussion
 4 about location on what side of the road, that's
 5 exactly the kind of feedback we want to hear.
 6 So really appreciate that, Mr. McKinney.
 7 So I'm going to go ahead and just jump on
 8 and see our participants, if we've got anyone that's
 9 got hands raised or anyone that would like to voice
 10 any comments, suggestions, thoughts. Again, we've got
 11 everyone online automatically muted, but if you raise
 12 your hand -- and it looks like I've got a couple here,
 13 so I'm going to start with Jane Whang.
 14 Go ahead and -- un-muted you right now.
 15 And welcome to the meeting. And happy to hear your
 16 thoughts and considerations today.
 17 JANE WHANG: Hi. I'm Jane Whang, and I'm
 18 regulatory counsel for Verizon. And there's actually
 19 a local State Government Affairs rep who is in Idaho,
 20 who, I think, wanted to speak first. He's also with
 21 Verizon. And then I would speak after him, Jason
 22 Verduzco.
 23 THE MODERATOR: Thank you very much, Jane. Yep.
 24 I see him on here. And so why don't I go ahead -- and
 25 he's freed up, and we'll put you on mute.

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1 And, Jason. Yes. Welcome to the meeting.
 2 And go ahead.
 3 And you mentioned -- is it Verizon?
 4 JASON VERDUZCO: Correct. Yeah. So I'm local
 5 to the area. Unfortunately I'm unavailable to be in
 6 person here today. I can be there next week though.
 7 But, yeah. I just wanted to -- you know,
 8 as a former Caltrans right-of-way agent, I know how
 9 important the rights-of-way are. I've done lots of
 10 projects, you know, for Caltrans as a -- you know,
 11 over my career.
 12 But, yeah. I just wanted to kind of start
 13 off, I guess, as a local presence to, you know, just
 14 say, "Hey," you know, how important this work is. You
 15 know, obviously there's lots of, you know, realities,
 16 and, you know, shifting of the right-of-way usage,
 17 even -- you know, not even a traditional fiber
 18 broadband installation within the public right-of-way,
 19 but with small cells now.
 20 In Verizon's ultralight 5G, we've worked
 21 with ACHD and the City of Boise and Meridian and
 22 Garden City as we start to, you know, install small
 23 cells in the public rights of way, you know, on
 24 existing assets, you know, existing poles, whether it
 25 be Idaho Power or, you know, a different pole in

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1 our -- even ITD, you know, in the future. It's
 2 important to update this GUM manual for the
 3 technologies that are coming in the future.
 4 And I just wanted to let you
 5 know -- hey -- you know, that, you know, I'm here as a
 6 local representative to help in any way I can and be a
 7 support.
 8 THE MODERATOR: Thank you very much for those
 9 comments, Jason. We appreciate it.
 10 We'll go ahead and open it up here for
 11 Jane and -- if you had anything that you'd like to
 12 add, Jane.
 13 JANE WHANG: Yeah. And we just -- I again,
 14 wanted to express our support -- Verizon's support for
 15 the fact that ITD has started this rulemaking to adopt
 16 procedures for broadband and wireless facilities.
 17 We're looking forward to partnering with the ITD and
 18 the stakeholders.
 19 As the past year has demonstrated,
 20 broadband is more important than ever. And Verizon
 21 has been at the forefront in bringing broadband and
 22 high speed services to Idaho. In fact, we were the
 23 first wireless carrier to bring 5G to Boise, and Boise
 24 was one of our first 5G cities.
 25 So we very much appreciate ITD's taking

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1 this important step toward increasing broadband -- the
 2 deployment of broadband services in Idaho and look
 3 forward to engaging on these issues.
 4 I wanted to specifically support the goals
 5 that have been expressed and, in particular,
 6 the -- one of the goals to ensure that the procedures
 7 are consistent with the State and Federal rules.
 8 So that's it for now.
 9 Thank you.
 10 THE MODERATOR: Thank you very much, Jane.
 11 Any questions from the Panel for Verizon?
 12 All right. Appreciate it.
 13 Now, I've got another one here online
 14 we'll jump to.
 15 Benjamin, please let us know who you
 16 represent. And happy to hear any thoughts or
 17 suggestions.
 18 BENJAMIN ARON: Sure. I'm Benjamin Aron. I'm
 19 assistant vice president with CTIA. We are the trade
 20 association for the wireless industry.
 21 Our members include -- not only Verizon
 22 who just spoke, but AT&T, T-Mobile, UScellular, other
 23 smaller regional carriers, and resellers, as well as
 24 facilities-based network carriers like Verizon and
 25 others that are building in the state of Idaho.

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1 And like Verizon, we're very happy to hear
 2 that the ITD is examining its rules and processes for
 3 siting in the right-of-way. It's incredibly important
 4 to us, as an industry, to have access to the rights of
 5 way.
 6 We're building out our 5G networks, and
 7 right-of-way access is going to be incredibly
 8 important to continuing to have that construction go
 9 forward unimpeded and facilitate the best possible
 10 construction and build -- network build that we can
 11 deploy.
 12 Just to give you an idea of what we're
 13 doing as an industry in 2019 -- so 2 years ago, the
 14 last year in which we got data for it, our carriers
 15 invested 2.9 -- I'm sorry -- \$29.1 billion in their
 16 networks and 5G deployment. And since 2020 -- 2001,
 17 that number is actually 571 billion.
 18 So it's an incredible amount of money that
 19 we're putting out there to invest. And the economics
 20 of that in Idaho are tremendous. This will be an
 21 economic driver for the state. We're anticipating
 22 this is going to be about 17,500 jobs created in Idaho
 23 over the course of time. Our research tells us that
 24 it would also be just shy of \$5 billion in growing
 25 Idaho's GDP over the next 10 years from 5G deployment.

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1 So all of this is incredibly -- you know,
 2 it's an incredible opportunity for the state. It's an
 3 incredible opportunity for us, and we're really as
 4 pleased as could be that you're opening this
 5 rulemaking to facilitate access to the rights of way.
 6 Like Verizon said -- like Jane said, we
 7 really like -- we're encouraged to hear that you're
 8 using the Federal rules as a starting point, trying to
 9 align your rules and procedures with that starting
 10 point. I couldn't agree more that that is the best
 11 spot to start at.
 12 I do think that we'll have to take a look
 13 at the contracts -- or maybe it was the permitting
 14 that you'd indicated you guys are using. I guess it's
 15 the encroachment form. So I think there's probably
 16 some details we'll need to work out.
 17 We're very familiar with the Public
 18 Utility Commission. Commissioner Scholander
 19 [phonetic] and Anderson, I know them very well. We
 20 are not public utilities, to the best of my knowledge,
 21 under Idaho Law. We're not subject to the PUC's
 22 jurisdiction generally, I don't believe. So we could
 23 look at the statute again to make sure that we're
 24 understanding that well.
 25 But one of the things, I think, we'll need

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1 to make sure that we're all seeing eye-to-eye on is
 2 how we're defined and how we make sure that that
 3 doesn't become the basis for an exclusion. So that's
 4 something that I think we'll be commenting on.
 5 One thing I was wondering if you could
 6 help me out with is -- on one of the earlier slides I
 7 did see the e-mails listed for Mr. Hobdey-Sanchez and
 8 the other gentleman who's been speaking. I believe it
 9 was Robert. I would love to have those e-mails. If
 10 there's any way you could just park those on the
 11 screen, and I'll type them in when we're done.
 12 I see you flipping slides. I appreciate
 13 it.
 14 So I'll probably stop there.
 15 The only other question I had, and it's
 16 sort of a nuts-and-bolts question is -- I did hear you
 17 say that the process is you will receive comments from
 18 now through the end of June. I think you'd said that
 19 those would go to Mr. Hobdey-Sanchez. So I'll talk
 20 with our members. I'll see if we're going to submit
 21 them, and we'd e-mail them to him.
 22 And then there'd be a formal rulemaking
 23 opened later. So I -- you know, we'll work through
 24 the process, and I'll -- like I said, I'm going to
 25 start typing now to get those e-mails in so I've got

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1 those.
 2 If we have any other questions, I'll go
 3 ahead and ask them.
 4 But really excited that you guys have
 5 opened the rulemaking. Excited to engage with you to
 6 get a good set of rules together. And look forward to
 7 the next few months, getting these rules.
 8 Thank you.
 9 THE MODERATOR: Thanks a lot, Benjamin. Really
 10 appreciate that. And great suggestion. Got the
 11 contact screen up there.
 12 Also, strongly, again, encourage everyone
 13 to visit the web page, "itd.idaho.gov/rulemaking."
 14 It's got contact information as well as all our
 15 educational materials.
 16 So again really, really appreciate your
 17 comments there, Benjamin.
 18 Now, I will say, since I do kind of have
 19 you here, I'm curious since -- if I heard you
 20 correctly, representing an association. Do you have
 21 any members or folks that have any concerns or have
 22 met any problems or challenges when it comes to
 23 working with the Department and working within our
 24 right-of-way?
 25 BENJAMIN ARON: I can't say that anybody's

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1 expressed anything in particular. As Jane said,
 2 Verizon was an early leader in getting 5G built out.
 3 I know Boise was one of their early launch cities. I
 4 know that T-Mobile has been -- and AT&T both have been
 5 using low-band spectrum to deploy a national 5G
 6 network that is not small-cell based.
 7 So I think one of the things that we'll
 8 definitely be interested in working with you on
 9 is -- not only just small cells, but making sure that
 10 access for macro towers is something that gets
 11 considered. Whether those go in the rights of way or
 12 not, you know, I'm sure that's debatable.
 13 I know there's some highways across the
 14 land where I've seen macro towers. There's certainly
 15 some people we've talked to at DOTs across the country
 16 that don't really like the idea of anything that tall
 17 that could topple across the road.
 18 So I understand we'll have some
 19 give-and-take there, but -- I guess, no. Directly, to
 20 answer your question, no. Nobody's complained about
 21 working with the Department of Transportation. Quite
 22 the opposite, a good experience so far. We're looking
 23 forward to continuing that outreach.
 24 And then more specifically, like I said,
 25 we'll want to make sure that we've got access for

<p style="text-align: right;">Page 62</p> <p>1 small cells and not to ignore the need for macros as 2 well, especially in rural areas where broader coverage 3 is really going to be a macro tower. 4 So it's just something that we'll want to 5 work with you guys on. 6 THE MODERATOR: Well, thanks again, Benjamin. 7 Really appreciate that and look forward to continued 8 conversation with you and your folks. 9 So again, looking here, we've got quite a 10 few online. Don't necessarily have anyone that has 11 their hand raised at this time. 12 So I'd like to open it back up to anyone 13 here in the auditorium that would like to take the 14 podium. 15 And again, either suggestions, comments as 16 it relates to broadband conduit in the right-of-way. 17 I think we've had some great discussion so far. 18 Let's see. Well, it looks like we've got 19 a few chats here if we can work through those. Let's 20 see. Okay. That's [unintelligible] facilities... 21 So this is from -- let's see -- Eric 22 Barnes. If you don't mind, I'll just go ahead and 23 un-mute you, Mr. Barnes. And it looks like you had an 24 inquiry. 25 Go ahead. You're live.</p>	<p style="text-align: right;">Page 64</p> <p>1 to come in, and you've got a new company that comes 2 in, you know, a year or two down the road. You've got 3 new technologies. How do we accommodate the new 4 people that want to get into that same space? 5 Are they going to be restricted, do you 6 think, in the future or is that going to still be 7 open, just trying to follow the same kind of 8 guidelines? 9 MR. RINDLISBACHER: Yeah, Eric. Maybe I'll try 10 to respond to that. 11 We've been speaking a little bit to that 12 as we began. Because there's competition for the 13 right-of-way, we're interested. As we dig and as we 14 build things, whether it's ITD or whether it's another 15 company, we're interested in building more capacity 16 than we currently need to accommodate future 17 technologies or future installations. 18 I heard very well from some of the other 19 folks that testified here that that flies in the face 20 of being efficient and creates competition that maybe 21 is a concern. If you invest to come in first and then 22 somebody comes behind you, maybe there's an advantage. 23 And so we're trying to sort that all out. 24 One of the concepts that we've been 25 kicking around -- and I'm not sure we've talked a lot</p>
<p style="text-align: right;">Page 63</p> <p>1 ERIC BARNES: Good afternoon. Yes. 2 One of the questions that we have -- since 3 we're not a broadband provider, this is for Avista 4 Utilities. You know, we provide communications that 5 support the electric and gas facilities that we have. 6 How do we see this proposal maybe 7 affecting us? I know we're under the PUC. So does 8 anything that -- is this rulemaking going to affect 9 our current circuits that we deliver or proposed 10 future circuits, do you think? 11 MR. BEACHLER: Thank you for your question, 12 Eric. 13 We do not anticipate any impacts to, you 14 know, your traditional utility providers such as 15 Avista. You know, if you have providers that 16 are -- that you will be providing pole space for, you 17 know, that's -- that's still a standard permitting 18 process for that. 19 ERIC BARNES: Okay. Thank you. 20 Oh, and I really -- I do appreciate -- I 21 like the idea of the joint trenching and trying to 22 coordinate that. If we can get in there as a group, I 23 think that's a great idea. 24 I am kind of curious on what happens. We 25 dig once. We get everybody in the ground that wants</p>	<p style="text-align: right;">Page 65</p> <p>1 about it here -- is the first one in might provide 2 the -- for the additional conduits, and then the 3 second one in then somehow leases the conduits back 4 from the first, is the idea that we're toying with. 5 But I'm not sure we have the details of that sorted 6 out. 7 But I really like the idea of dig once, 8 accommodate everyone that we know about and a few that 9 we don't know about so that we don't have to dig 10 again. 11 ERIC BARNES: That's an excellent idea. 12 MR. RINDLISBACHER: That's easy to say, but it's 13 hard to do. So that's the challenge is -- 14 ERIC BARNES: Very, very true. 15 MR. RINDLISBACHER: -- we're faced with the 16 hard-to-do part. And anyway, that's the struggle that 17 we're wrestling with right now. 18 But thank you for your comment. 19 THE MODERATOR: Thank you, Blake. 20 Thank you, Eric. Appreciate that. 21 Again, go ahead. An opportunity for 22 anyone that's online, for questions or comments. If 23 desired, we could also go into additional materials 24 for those that hopefully have gotten to the website by 25 now. One of the very first documents on that list is</p>

<p style="text-align: right;">Page 66</p> <p>1 our concept paper. It really kind of highlights 2 high-level messages on what we are trying to 3 accomplish and what some of the goals particularly 4 are. 5 I think also, to kind of just repeat what 6 we've heard, is the Department at this point is still 7 in the preliminary concept stage. So whether, you 8 know, there's money exchanging, financial 9 implications, whether it's a trading of resources, 10 trading of the utilization of the particular conduit, 11 all these things are on the table. 12 We want to hear if there's a strong 13 preference one way or the other, but again, 14 recognizing that there's a lot to be balanced, a lot 15 of different players and different impacted parties. 16 Again, anyone here in the auditorium have 17 anything to add or wish to take the podium at this 18 time? 19 If not -- and I'm not seeing any 20 hands -- what I'm going to go ahead and do -- and I'll 21 go ahead and pull up this concept sheet that I 22 referenced. Again, it's on our main web page 23 "itd.idaho.gov/rulemaking." 24 And let's see. [Unintelligible]. I've 25 still got -- it looks like I've still got the</p>	<p style="text-align: right;">Page 68</p> <p>1 gives you an opportunity to review those materials, 2 develop additional questions, comments, you could cite 3 those different sections within those documents, make 4 notes. It'd give you another opportunity to provide 5 input and comments to ITD. 6 THE MODERATOR: Yeah. Thanks, Rob. I 7 appreciate you bringing that up again. 8 Written comments, formal letters to the 9 Department are definitely a good avenue for folks to 10 go. But again, it's really an important goal of the 11 Department to work on this project hand-in hand with 12 stakeholders, interested parties. 13 So again, we definitely want folks to take 14 the time, review the materials, and provide any input. 15 That way, when we do go to the Board in July, we're 16 able to incorporate those suggestions and comments 17 directly into the policies as we move forward through 18 the process. 19 What do you think, Rob? Do you want to go 20 through the -- we can go through the concept sheet 21 or -- I don't know if there's been many that have 22 joined since we got started. We also have the 23 PowerPoint presentation that Mr. Robert Beachler went 24 through. 25 Let's see. Share.</p>
<p style="text-align: right;">Page 67</p> <p>1 PowerPoint. 2 Is that what you're seeing, Lisa? 3 LISA HOAG: [Unintelligible]. 4 THE MODERATOR: Hmm. 5 LISA HOAG: [Unintelligible]. 6 THE MODERATOR: My apologies. Just a 7 little -- it's wanting to catch up. 8 LISA HOAG: [Unintelligible]. 9 THE MODERATOR: And again, for those that are at 10 home: "itd.idaho.gov/rulemaking." And then we've got 11 this "Utility Accommodation (Broadband) Rulemaking" 12 ribbon. It's got all of our materials in it. 13 My computer's currently spinning right 14 now. 15 [Unintelligible]. So while I'm waiting 16 for that, again, opportunity right now for any folks 17 that are online to engage. Thoughts? Comments? 18 MR. BEACHLER: One thing to note while we're 19 working through some technical difficulties. Again, 20 at that web -- on our rulemaking website there, 21 there's a lot of material on there. So, you know, we 22 understand it's a lot for people to digest and think 23 about questions. 24 So, you know, we have another meeting 25 scheduled for next Thursday, the 24th, same time. It</p>	<p style="text-align: right;">Page 69</p> <p>1 No. And I don't see any names yet. 2 Okay. All right. See that concept sheet 3 there on the Webex, Lisa? 4 LISA HOAG: [Unintelligible]. 5 THE MODERATOR: Yeah. 6 Thanks, Josh [phonetic]. 7 He's our IT expert, and we appreciate him 8 being here with us tonight. 9 So for those that are here in the 10 auditorium, you guys have a hard copy of this. 11 But, Robert, if you wanted to maybe just 12 walk through a little bit of this. This is our 13 concept sheet. It's a one-pager. Again, it's online. 14 And you're not seeing it. 15 MR. BEACHLER: So real quickly, we drafted a 16 concept sheet. I'm trying to encapsulate some of our 17 ideas that we're trying to address, broadband issues. 18 And again, as we noted, we're here to 19 update our Utility Accommodation Policy to address 20 broadband facilities and -- with the goal of, whenever 21 feasible -- that supports the strategic deployment of 22 broadband infrastructure across the state of Idaho 23 within the State right-of-way. 24 We need to make sure that we are in 25 compliance with those State and Federal regulations.</p>

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1 So we have our State Statutes, Administrative
 2 Code -- we're also subject to Federal Highways
 3 Administration rules regarding accommodating
 4 utilities. And most recently, we've been reviewing
 5 FCC guidance in regards to Small Wireless Facilities.
 6 So lots of regulations to -- and
 7 requirements that we are looking at trying to address.
 8 We identified these in our documents, so these help
 9 provide guidance to our staff on whatever regulations
 10 we are trying to be compliant with. And this will
 11 help us develop our policies and procedures for
 12 accommodating and managing access to the right-of-way
 13 for broadband infrastructure.
 14 We also want to ensure that we're planning
 15 for future requirements, and we will be -- with the
 16 addition of Small Wireless Facilities, we've created a
 17 new utility encroachment permit form that's very
 18 similar to our primary utility encroachment permit
 19 form, but it has some specific items related to those
 20 numbers of facilities that will be placed under a
 21 designated permit application.
 22 With all the coordination with the
 23 Department of Commerce, CARES Act [phonetic] funding,
 24 network development by providers, we really want to
 25 coordinate with the providers and the future

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1 development of broadband plans so the Idaho Broadband
 2 Advisory Board, in coordination with the Department of
 3 Commerce, will be developing and updating broadband
 4 plans for the State of Idaho. The Department, ITD,
 5 will be reviewing those and see how we can support
 6 those plans.
 7 And again, we want to emphasize, as we've
 8 done multiple times today, the concept of "Dig Once"
 9 and colocating of facilities as much as possible. We
 10 got some good comments on how that can be difficult in
 11 rural areas and maybe more applicable in urban
 12 settings. So those were good comments we received
 13 today.
 14 And, you know, some of the things we want
 15 to touch on is ITD's requirements for broadband. We
 16 have a lot of facilities and equipment across the
 17 state, and we are a consumer of broadband services.
 18 So we see the need to increase our capacity to manage
 19 our data.
 20 Our snowplow trucks collect positional
 21 information and also the amount of sand or salt or
 22 brine that is put out on the road during storm events,
 23 and those vehicles collect big data.
 24 And at the end of the shift, those data
 25 sets need to be downloaded. And we've faced

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1 significant challenges, especially in rural areas,
 2 being able to download this information off the
 3 vehicles because we use that in storm debriefings. So
 4 our Maintenance and Operations staff depend on that
 5 data to help them better support storm events in
 6 keeping our roads safe and clear.
 7 And one of the things we -- I also noted
 8 from some of our commenters today was, how do we be a
 9 competitively neutral environment and unbiased in the
 10 treatment of all the utilities -- not just broadband,
 11 but all of these utilities seeking access to the
 12 right-of-way.
 13 And, again, ITD is not here to be
 14 generating large fees or doing complex financial
 15 transactions. We want to support the expansion of
 16 broadband through an exchange -- a mutually agreed
 17 upon exchange of facilities and services.
 18 THE MODERATOR: Thank you very much for that,
 19 Robert.
 20 So that's kind of what I'm interested in
 21 is, if there are thoughts or suggestions as it relates
 22 to that exchange of services or conduit. I'm assuming
 23 there are probably a few that would have an opinion on
 24 that one way or the other, and we'd be happy to hear
 25 if there is either support for an option like that or

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1 a different avenue.
 2 MR. BEACHLER: During this year's response to
 3 our outreach, I wanted to note an area where we had a
 4 series of projects in north central Idaho in our
 5 District 2 region.
 6 We're -- we were doing a number of phase
 7 projects over about six years, and this is in a
 8 very-difficult-to-construct area, Culdesac Canyon
 9 area. And it's challenging because we have limited
 10 right-of-way, the -- we have a rock wall on one side,
 11 the road, guardrail, and the river on -- in many
 12 segments of this. So it's a
 13 very-difficult-to-construct area.
 14 We have no ITD Intelligent Transportation
 15 System requirements in this area, but we knew that it
 16 was -- being such a difficult area to construct, that
 17 we would, you know, plan for and place broadband
 18 conduit for future use. We didn't know who that was
 19 going to be. It's a very rural area.
 20 We did not think we were spending a
 21 significant amount of money to incorporate this
 22 conduit into these projects. We weren't planning on
 23 doing it, but we knew that we were disturbing this
 24 ground, and it's going to be very difficult for
 25 anybody to come back after we're done.

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1 And so through our outreach efforts and
 2 coordination with the Department of Commerce, I
 3 received over six inquiries from different providers
 4 seeking potential access to these conduits.
 5 And so we were -- you know, one of the
 6 things we're seeking is how -- how do you -- how does
 7 industry help -- you know, coordinate amongst
 8 themselves?
 9 Again, this will be a limited number of
 10 conduits in a very-difficult-to-construct area. So
 11 we'd be interested in how different competing
 12 providers or cooperatively long-haul and
 13 last-mile-type providers, mid-mile providers, could
 14 coordinate their networks and how to do that.
 15 You know, again, we're not in the fiber
 16 business. We're not in broadband. We just want to
 17 support these initiatives. And so now, in a rural
 18 area where we didn't think anybody wanted into it, we
 19 had six different parties that are interested.
 20 So through our coordination efforts, you
 21 know, the outreach letter, we would -- and these were
 22 nontraditional-type providers that we're not used to
 23 dealing with. We -- you know, it could be a port, a
 24 tribe, a small regional cellular provider, you know, a
 25 traditional Telco [phonetic] with a designated service

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1 area.
 2 And we, through those discussions, noted
 3 that there was a significant need for north-south
 4 capacity. So that type of information can be provided
 5 to us. That'll help us understand what those current
 6 and future requirements are. So we're really looking
 7 forward to any input from that.
 8 I think we'll see a lot more coming out of
 9 the Idaho Broadband Advisory Board and some future
 10 plans. But again, that coordination which was
 11 held -- facilitated by Commerce really helped us
 12 identify some of these providers in the area. Again,
 13 weren't used to some of these folks. We hadn't
 14 permitted with them before, but they were interested
 15 through these outreach efforts.
 16 So encourage you folks out there to
 17 contact the Department. We're glad to schedule any
 18 breakout sessions on how do you -- "Where are these
 19 ITD projects I'm hearing about? How do I see where
 20 you guys are doing these big projects?"
 21 We're there to help facilitate that.
 22 THE MODERATOR: Thank you very much, Robert.
 23 Appreciate it.
 24 Still doesn't look like we have anyone
 25 online at this time. I'm going to go ahead and jump

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1 over -- I briefly mentioned -- so this was our concept
 2 page there on the web page.
 3 And then, also, want to reference this
 4 short chapter. So again, it's IDAPA 39.03.43, Rules
 5 Governing Utilities on the State Highway Right-of-Way.
 6 And so -- again, really, really short chapter. But
 7 again, this area right here is really where our focus
 8 is, this incorporation by reference of the "Utility
 9 Accommodation Policy" which, also, is related to our
 10 Guide on Utility Management. So that's kind of the
 11 impetus and trigger for how we got to the rulemaking.
 12 I appreciate the -- going over the concept
 13 sheet. I'm wondering if maybe we want to jump into
 14 the Draft GUM.
 15 UNIDENTIFIED SPEAKER: Sure.
 16 THE MODERATOR: I'll pull that up.
 17 And so, again, we've got our draft and
 18 also the current online.
 19 And so Robert did a good job of kind of
 20 highlighting the significant changes and new
 21 information in Chapter 6, but why don't we
 22 just -- since we don't have any questions or comments
 23 at this time unless -- are any folks interested in
 24 comments or questions at this time?
 25 And it doesn't look like online either.

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1 So real quick, the Table of Contents here,
 2 some folks may be familiar with this. Again, Guide on
 3 Utility Management. Section 100.00, "General
 4 Information;" Section 200.00, "Right-of-Way
 5 Encroachment for Utilities;" Section 300.00,
 6 "Installation and Maintenance;" 400.00, "ITIP Project
 7 Development." You heard Mr. Rindlisbacher talk a
 8 little bit about that in terms of our seven-year
 9 program plan for projects. And so that's a big
 10 instrumental tool that we use when it comes to our
 11 "Dig Once" goal.
 12 "ITD/Local Construction." We've heard
 13 some comments directly related to that. We've got
 14 both the State right-of-way and local jurisdictional
 15 right-of-way that directly relates to broadband
 16 connectivity.
 17 And then Section 600.00, and
 18 that's -- that's really kind of the new -- the new
 19 meat and potatoes of the GUM.
 20 So I think if you're all right, Rob, I'll
 21 just jump to 600.
 22 MR. BEACHLER: Sure.
 23 THE MODERATOR: Does that work for you?
 24 Again, this is where the majority of the
 25 new information is that directly relates to broadband.

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1 And so this is the language that we would want
 2 comments on and suggestions in terms of the direction
 3 we're going, the terminology, the phrases, things like
 4 that.
 5 So for those that are following along,
 6 it's page 26 of 57 in the Draft GUM, and we've got it
 7 up here on the screen.
 8 MR. BEACHLER: Thank you, Ramon.
 9 So our current edition is 2012 vintage,
 10 and we're updating this with the new chapter,
 11 Chapter 6, "Broadband Infrastructure."
 12 I'll note at the beginning of Chapter 1 in
 13 Section 110.00 is definitions and terms and acronyms.
 14 So this -- we added quite a bit of new
 15 broadband-related terminology to that section of terms
 16 and acronyms, and so those are at the front end of the
 17 document.
 18 And we'll just go over real quick here
 19 Chapter 600.00. And so, again, we touched on this.
 20 The purpose of this is to help us manage the
 21 right-of-way in regards to -- in compliance with all
 22 the State and Federal regulations that support
 23 broadband.
 24 And again, we've touched on this, the
 25 "orderly use of highway right-of-way." "Dig Once."

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1 We want to know what those future demands on the
 2 right-of-way space may be from providers. "Serving
 3 the greatest public interest" through the colocation
 4 of facilities and "other space-saving practices."
 5 Again, "leverage the highway right-of-way"
 6 to connect ITD facilities and devices. "Create a
 7 competitively neutral environment." Rely upon "the
 8 exchange of facilities and services" rather than
 9 financial transactions. And again, support "strategic
 10 deployment of broadband infrastructure across the
 11 state."
 12 And then the next section we will go on to
 13 discuss is 615.00. This is where we did -- when we
 14 were doing all our research and when we were
 15 up -- adding this chapter to the Guide for Utility
 16 Management. So we've researched all the applicable
 17 State Administrative Code, State Statutes, what is a
 18 "public" versus a "nonpublic" utility, and what
 19 guidance those State requirements are -- or
 20 regulations.
 21 Then we go on to United States Code. And
 22 so this was new for us, researching what were the
 23 applicable telecommunications-related regulations that
 24 we would be subject to compliance with. So we are
 25 citing some of these Codes in regards to the

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1 Telecommunications Act, Section 47 of the U.S. Code.
 2 And then in addition -- excuse me -- in
 3 addition to the U.S. Code, there is also the Code of
 4 Federal Regulation. So we've highlighted those
 5 sections of the Code that are applicable to us in
 6 regards to broadband infrastructure.
 7 And then, again, we are to be in
 8 compliance with Federal Highways Administration
 9 Regulations. And they have quite a bit of information
 10 and discussion in regards to exemptions to -- in this
 11 case, of what is fair market value for the disposal of
 12 real property interests, and there's exemptions to
 13 these so we noted those.
 14 And they're primarily for, you know,
 15 public utilities, railroads, bikeway and pedestrian
 16 facilities, public transportation. And, you know, we
 17 received those funds to purchase right-of-way under a
 18 section of this -- of Title 23. And so we need to
 19 make sure that we're following those if we should be
 20 charging fair market value when we release those
 21 interests in those publicly-acquired assets.
 22 We also touched on right-of-way use
 23 agreements, so that's kind of what we were touching on
 24 with Shared Resources Agreements. And, you know,
 25 having those agreements in place to allow

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1 these -- right-of-way use by -- for non-highway-use
 2 interests by public and private parties.
 3 So all this was part of our background
 4 information and research on how do we address
 5 broadband in Idaho.
 6 There's also been some recent guidance
 7 provided by Federal Highways where they are looking at
 8 "State DOTs are not required to charge fair market"
 9 value, but those fees can be "set at the discretion of
 10 the State."
 11 So we're collecting all this background
 12 information and finding out what those -- what
 13 regulations that we need to be in compliance with.
 14 And something new to us, too, as we looked
 15 at the Federal Regulations from the Federal
 16 Communications Commission -- there was a Declaratory
 17 Ruling 18-133 which was based -- it was in regards to
 18 barriers to entry of "deployment of next generation
 19 wireless services."
 20 So we use that as a guidance document on
 21 what is a Small Wireless facility? How do you -- you
 22 know, how are they -- what are the technologies? It
 23 provides guidance on the background, framework for
 24 deployment, fee structures, and permitting.
 25 There's a different -- they have shot

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1 clocks in regards to the permit application and review
 2 and approval process. So that is new guidance that we
 3 were seeking to be in compliance with.
 4 Section 620.00 is "Agreements, Licensing,
 5 and Permits." So we broke this down, again, in some
 6 of the slides you saw earlier -- the "Broadband Fiber
 7 Optic Telecommunications" and "Broadband Wireless
 8 Telecommunications."
 9 And we just kind of touched on some of the
 10 stuff we've done in the past which includes Shared
 11 Resources Agreements. We've done these with providers
 12 where we provided access along Interstate and U.S. and
 13 State highways for longitudinal builds along those
 14 highway right-of-ways.
 15 And what -- these Shared Resources
 16 Agreements are used "in lieu of fees or other
 17 financial transactions" with providers, and it
 18 provides our District Engineers and Division
 19 Administrators the ability to enter into these
 20 agreements, and they provide all the terms and
 21 conditions.
 22 This provides long-term access to the
 23 right-of-way and, in many cases, State facilities such
 24 as conduits and vaults along corridors. And what
 25 the -- what ITD and the providers come up -- was a

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1 "mutually agreed upon" exchange of facilities and
 2 services.
 3 So in many cases when we're doing a
 4 project where we have an intelligent transportation
 5 system requirement -- so let's say we have a corridor.
 6 We have signals that we need to interconnect. And so
 7 we may place additional spare conduits in those
 8 projects, and those can be utilized in a Shared
 9 Resources Agreement where we would provide access to
 10 one of those spares in exchange for dark or lit fiber.
 11 Some of the other things that could be
 12 negotiated out in those Shared Resources Agreements,
 13 which are -- again, we want to be fair and equitable
 14 to both parties -- is the "installation of additional
 15 conduits" for the State of Idaho or ITD use. And that
 16 could be made available to other providers in the
 17 future.
 18 So those costs can be identified in the
 19 Shared Resources Agreement. So if there's a follow-on
 20 provider, let's say, in an urban corridor where we
 21 don't want to -- have very limited right-of-way space,
 22 we place these conduits -- or a provider has placed
 23 them. Those prices, you know, for purchase by the
 24 State or another provider, those can be stipulated in
 25 the Shared Resources Agreement.

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1 The "fair market value requirement" for
 2 relinquishment of real property interest acquired
 3 through Title 23, those can -- that "fair market value
 4 requirement" can be satisfied by the installation of
 5 additional conduits.
 6 And then we can also negotiate out
 7 services. Again, as I noted earlier, ITD facilities
 8 and devices need broadband too. The terms of these
 9 can be -- start at 20 years and with multiple
 10 follow-on renewal terms. So it provides long-term
 11 stability to providers in regards to access to State
 12 facilities and right-of-way.
 13 THE MODERATOR: Thank you, Robert.
 14 Just -- if I could just jump in here. I
 15 think this is a really good discussion point, are the
 16 Shared Resources Agreements.
 17 And you heard a little bit about that
 18 earlier and throughout the presentation today. And
 19 specifically on this section, Section 3
 20 here -- Subpart 3, "The fair market value requirement
 21 for broadband is satisfied when the public benefit is
 22 advanced; and the public benefit is advanced when
 23 additional conduit or services are provided" to ITD.
 24 I'm curious -- for the folks specifically
 25 online listening in, if the Department were to ask,

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1 "Would you prefer fair market value when we assess
 2 fees based on your urban or rural location, or would
 3 you prefer entering into a Shared Resources
 4 Agreement?", what would be the opinions on those two
 5 options specifically?
 6 Not seeing anything.
 7 I would assume there's probably a
 8 preference for one or the other, but that's exactly
 9 the kind of information we really want to try to find
 10 out. And so if you're just not comfortable speaking
 11 up this at this time, that's exactly what we would
 12 want submitted in your written comments to the
 13 Department.
 14 Again, just trying to brainstorm what
 15 concept would really work for the providers, vendors
 16 in Idaho, and then, also, the Department and the
 17 citizens.
 18 Thanks, Robert.
 19 MR. BEACHLER: So the next section, again, as
 20 we -- it was -- is in regards to "Broadband Wireless
 21 Telecommunications." And this is, again, new to us.
 22 We don't allow large towers in the right-of-way, but
 23 the deployment of 5G or the next-generation wireless
 24 technologies required ITD to incorporate that as a new
 25 item for us to work with.

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1 And so what we've -- similar to Shared
2 Resources Agreements, what we would do with broadband
3 Small Wireless Facilities is enter into what we're
4 proposing as entering a Master License Agreement. And
5 again, this sets forth the terms and conditions for
6 accessing the right-of-way for the installation and
7 operations of Small Wireless Facilities.
8 And so we have developed an additional new
9 Right-of-Way Encroachment Application and Permit for
10 Small Wireless Facilities because we recognize, based
11 on the FCC guidance, you know, that they had their
12 presumptive fee structure identified in there and how
13 many Small Wireless Facilities could be placed under a
14 permit and what that would cost.
15 So we wanted to create a new permit form
16 for that -- allows the District permitting staff to
17 calculate the number of facilities that are being
18 proposed in the permit application to calculate the
19 fee structure for that individual permit. But prior
20 to that permitting, Division of Highways and the
21 provider would enter into a Master License Agreement.
22 Important to note that with these
23 facilities being placed, ITD would request, you know,
24 engineering specifications on the proposed equipment,
25 especially when you're attaching to State facilities

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1 like signal structures, bridges, luminaries, you know,
2 what type of equipment is on there, are you proposing
3 to attach to these facilities, you know, so we know
4 what those specifications are, like how much weight is
5 it.
6 Our internal review with our structural
7 engineers can look at those for wind load, static
8 loads, so that -- that is being requested within those
9 permit applications.
10 Identification of any new structures. So
11 if you're not attaching to State facilities, such as
12 luminaries, signals, bridges, you know, and you're
13 proposing a place -- a stand-alone, dedicated Small
14 Wireless Facility pole, you know, where are those
15 going to be? Where are you proposing to locate those?
16 So we make sure that they're not impacting
17 other facilities, in particular any impacts to
18 pedestrian access or facilities.
19 And again, anything that happens within
20 the Interstate right-of-way requires approval by ITD
21 and the Federal Highways Division administrator.
22 Can we go to -- oh, go back up to -- I'm
23 almost done with that. Let's see, we're on page 605.
24 Okay. Go up just a little bit more.
25 Okay. So "Compensation" -- again -- "for

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1 Right of Way Access and Attachments to State
2 Facilities." Again, we're recommending that we adopt
3 the FCC Declaratory Ruling in regards to the
4 presumptive fee structures. Those are
5 well-established.
6 And, you know, I think most industry folks
7 will not, you know, recognize that as a standard, and
8 that makes it a little bit easier for calculating
9 permitting versus actual cost recovery for review and
10 permitting. So -- and we want to reserve the right to
11 adjust these compensations whenever we receive new
12 guidance from FCC or Federal Highways Administration
13 or in agreement renewal cycles.
14 I asked several providers, you know, "What
15 other terms are you looking for? What is your return
16 on investment for these types of facilities?"
17 And so we, you know, kind of came
18 around -- the most common number was, you know, a
19 10-year term with a 10-year renewal, so that's what
20 we're proposing here.
21 And then we'll go down to "Location
22 Criteria." And, again, on a previous slide we
23 highlighted these are important siting criteria for
24 all utilities within the right-of-way.
25 And these facilities propose broadband.

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1 Small Wireless Facilities should be in a location
2 that's approved by the District since they're doing
3 the permitting. It's not like our Headquarters
4 section is going to dictate where these facilities
5 will be, you know, allowed to be placed.
6 So that will be accomplished and approved
7 at the District level, and The Broadband Program
8 manager will help facilitate any of that. They will
9 obtain the permits from -- the Small Wireless Facility
10 Permits will be issued at the District level.
11 We want these facilities and all utilities
12 to be placed as far away from the roadway as possible
13 so they do not become a hazard for "errant vehicles"
14 or have any "safety impacts" or -- being a roadside
15 hazard.
16 So we want to ensure that there's adequate
17 site distance and the facilities are "located outside
18 the clear zone." So the "clear zone" is a zone within
19 the roadway prism where errant -- you know, we want to
20 make sure there's not non-frangible facilities that
21 are placed there that could cause accidents if a
22 vehicle hit it, any type of serious accidents.
23 So -- and we want to ensure
24 that -- especially -- I noted earlier if we're placing
25 any standalone facilities that they don't impact

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1 pedestrian accessibility or facilities such as ramps.
 2 And we also want to note that in these
 3 applications that we want to "identify the location of
 4 all mounts" including on existing poles or maybe
 5 building structures or aerial cables. It's possible
 6 to place wireless facilities on existing cables. And
 7 if there's -- where they'll be placed on either
 8 private, public, or ITD facilities.
 9 Installation within the right-of-way.
 10 We've got a section of the Code of Federal Regulations
 11 we need to be in compliance with for these. And any
 12 installation of broadband infrastructure in the
 13 Interstate right-of-way will require review and
 14 approval by ITD and the Federal Highways
 15 Administration.
 16 Both ITD and the Federal Highways
 17 Administration "discourage median installations." And
 18 so we will -- in some instances they could be approved
 19 if they were supporting some Intelligent
 20 Transportation System requirements, but that would be
 21 worked out between ITD and FHWA. And, again, we want
 22 to minimize the risk for safety.
 23 Last section in Chapter 6 is in regards to
 24 "As-Built Plans" and "Deliverables." So as part of
 25 the permitting process, we're requesting As-Built

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1 plans in a digital GIS format, and this will show the
 2 location of all facilities and supporting
 3 infrastructure.
 4 "So I'm going to place -- or I'm attached
 5 to your signal structure here. We're going to have
 6 fiber run to a junction box over here."
 7 We want to see where all those facilities
 8 are so we can help identify and -- those locations.
 9 And so GIS format is easy for the Department to manage
 10 that information.
 11 And then just with all standard permitting
 12 requirements, As-Built are due within 30 days of
 13 completion of work.
 14 THE MODERATOR: Thank you, Robert.
 15 So again, quite a bit of information. I
 16 want to emphasize this is on the Draft Guide for
 17 Utility Management. Specifically we went over
 18 Section 600 which is all brand-new material.
 19 And so as we approach the 5 o'clock hour
 20 here I just want to give one more opportunity for
 21 those that are online or on the phone. If you would
 22 like to make any comments or ask any questions, please
 23 raise your hand.
 24 Same with the folks here in the
 25 auditorium.

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1 We will be making ourselves available
 2 until 7:00 p.m. Mountain Time, 6:00 p.m. Pacific Time.
 3 But if there are no comments or questions at this
 4 time, we're probably going to take a 10, 15-minute
 5 break. And then we can reconvene and see if there are
 6 any thoughts that have been generated maybe after
 7 you've done some review.
 8 And before we do so, it does look like we
 9 have a few comments.
 10 So please -- welcome. Come on up to the
 11 podium. And if you could please spell out your name
 12 for us and who you represent.
 13 CHERYL GOETTSCHE: Thank you.
 14 My name is Cheryl Goettsche. I'm the
 15 general manager for Sparklight in western Idaho. And
 16 I really just had one concern with the term "utility"
 17 in the beginning of the proposal.
 18 I think we need to use a broader term than
 19 "utility." As a broadband provider and ISP, we are
 20 actually not considered a "utility" under Idaho Law.
 21 So I would just hate for there to be some un -- you
 22 know, consequences that we are not included in this
 23 for some reason, just based on the term "utility."
 24 So thank you.
 25 UNIDENTIFIED SPEAKER: So, Cheryl, what are you

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1 considered? If you're not a utility, what is it?
 2 CHERYL GOETTSCHE: Broadband provider --
 3 UNIDENTIFIED SPEAKER: Just...
 4 CHERYL GOETTSCHE: -- ISP. Yeah. Internet
 5 provider --
 6 UNIDENTIFIED SPEAKER: So there's...
 7 CHERYL GOETTSCHE: Fiber...
 8 UNIDENTIFIED SPEAKER: Is there -- is there
 9 Idaho Code that distinguishes that difference or is it
 10 not addressed in Idaho Code either?
 11 CHERYL GOETTSCHE: I'll have to check on that to
 12 see if it's specifically excluded or if we are just
 13 not included under the definition of a "utility."
 14 Since we are Telco, like some of the other companies
 15 in here --
 16 UNIDENTIFIED SPEAKER: Uh-huh.
 17 CHERYL GOETTSCHE: -- we are not regulated by
 18 the PUC, and we're not considered a "utility."
 19 UNIDENTIFIED SPEAKER: Okay. Thank you.
 20 CHERYL GOETTSCHE: Thank you.
 21 RON WILLIAMS: Can I -- this is Ron Williams.
 22 Can I add some comments to that as well?
 23 THE MODERATOR: Sure. Go ahead. And if you
 24 could please, again, identify yourself and who you
 25 represent.

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1 RON WILLIAMS: My name is Ron Williams. I'm the
2 executive director of the Idaho Cable Broadband
3 Association.
4 And I -- I've not been able to attend all
5 of what's gone on today, but I've been on in the last
6 hour. I haven't had a chance to really review much of
7 anything that you've been presenting. And so even
8 though you -- you generously continue to ask for
9 comments on things, our association -- which includes
10 Cheryl and Sparklight -- is not able to, at this
11 point, make substantive comments, but we will in the
12 future.
13 On the utility question, "utility" is a
14 defined term under Title 61 of Idaho Code that relates
15 to public utilities regulation by the Public Utilities
16 Commission, and specifically broadband providers are
17 not regulated by the Public Utilities Commission.
18 There is statutory definitions of "utilities" -- of
19 "utility" in Idaho in that.
20 And so I think Cheryl's point is just
21 don't trip on the word "utility" as it is otherwise
22 used in Idaho Law and Idaho Code when you're talking
23 about broadband providers wanting to be in your rights
24 of way because the world of broadband providers is
25 bigger than the definition of a "utility."

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1 Historically, telephone utilities are the
2 ones that are regulated by the PUC, but even most of
3 those now have exempted out from at least significant
4 portions of PUC regulation.
5 So I think we could come together for a
6 better definition of broadband providers being in
7 the -- in your rights of way, and I can work with you
8 on that.
9 THE MODERATOR: Thank you very much, Ron. We
10 appreciate those comments.
11 And I know a few of us are feverishly
12 taking notes on that.
13 So thank you.
14 RON WILLIAMS: You bet.
15 THE MODERATOR: Was there someone else here in
16 the audience that had comments or suggestions,
17 questions before we do take a 10, 15-minute break or
18 anyone else online?
19 MR. RINDLISBACHER: Ramon, before we take a
20 break, maybe we ought to just kind of go over some of
21 the things that I've heard and some of the discussions
22 we've had --
23 THE MODERATOR: Sounds great. Absolutely.
24 MR. RINDLISBACHER: -- because I don't know
25 whether people are going to stay or go or whatnot.

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1 So a couple things that have struck me.
2 You know, ITD started us out, and we talked about our
3 desire to maintain the highway system and provide the
4 utility that the road network has. We also recognize
5 that the rights of way that we use for our roads are
6 an important asset for others -- not just ITD and
7 roads, including power, sewer, water, telephone,
8 broadband, fiber -- all of this stuff.
9 And because of that, we have a real
10 interest in making sure that we can efficiently
11 utilize that shared space.
12 And I recognize that there are competing
13 interests. We have utilities that are governed by the
14 Public Utilities Commission that kind of have certain
15 criteria. They work under their other utilities that
16 are more of a for-profit that are also wanting to be
17 in that same space.
18 We're trying to accommodate everyone, and
19 so that's what makes this a little bit challenging for
20 us with this rulemaking process is our desire to make
21 sure that when we dig and -- we dig once and we
22 coordinate. That's very important to us.
23 We also recognize that the first one in
24 may have the burden of some additional costs. And we
25 recognize that if ITD says, "If you come, we'd like

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1 you to provide future capacity," there's a burden.
2 There's a financial burden associated with that, and
3 so we're wrestling with this idea of how do we not
4 make that so burdensome, and yet at the same time, how
5 do we accommodate for future use in the future?
6 We certainly don't want to do anything
7 that's going to force small companies to go out of
8 business because a larger firm comes in and competes
9 and can outmuscle you. And so we're sensitive to
10 that.
11 Somehow we've got to figure that out. And
12 we're hopeful that we can share ideas and -- don't be
13 bashful. If you've got other things that you want to
14 share with us, let's talk over the next little while.
15 You -- e-mail Ramon and Rob with some suggestions.
16 I really like the idea of "let's be
17 efficient," regardless of who we are. Let's be
18 efficient when we're digging, only move the dirt one
19 time. If we can figure out how to do that, I think
20 that would save everybody money, and it would preserve
21 space for the corridor. So that was a great idea that
22 I picked up.
23 The -- I think it was Eric that
24 represented electric and gas asked a question about,
25 does this rulemaking affect them. And the answer was

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1 "not directly." But indirectly, I think it does.
 2 This rulemaking affects every utility because of the
 3 shared space. Because we're all competing for the
 4 same right-of-way, it really does affect everyone that
 5 wants to utilize this space.
 6 And so while we've got Chapter 6 that is
 7 for broadband and we've got some mention of small
 8 cell, really, all of the other utility companies have
 9 an interest in this rulemaking too because this will
 10 protect their statutory right to utilize those
 11 utilities as well.
 12 So we appreciate your comments, the input
 13 that you've given.
 14 We'll study on this idea of a "utility"
 15 versus a "broadband." And I think the language we've
 16 used is "public utility" and "nonpublic utility."
 17 We're thinking everybody that's not a "public utility"
 18 is the "nonpublic utility" side. So I don't know if
 19 we're going to get hung up on that definition. But
 20 really, if you're not governed by PUC, you're
 21 something else. And we're really trying to wrestle
 22 with the "something else" in -- with this rulemaking.
 23 So thank you for that clarification.
 24 That's a summary of the things that I have
 25 heard.

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1 And so thank you very much for being with
 2 us. Thank you for spending some time.
 3 We'll take a break.
 4 As Ramon mentioned, we'll come back.
 5 You're welcome to stay. Very likely, if
 6 we don't have any more comments, we just may rewind
 7 and go through this whole thing again.
 8 And so -- but thank you.
 9 As Ramon has pointed out, there are some
 10 materials that we would invite you to read and become
 11 familiar with that are on the website. Send us your
 12 comments in. And if nothing else, if we don't -- if
 13 you don't stay for the rest of our meeting, hopefully
 14 we'll see you again in about a week after you've had
 15 the time to chew on this and digest a little bit more.
 16 THE MODERATOR: Thank you, Blake. That was very
 17 well said.
 18 And so, yeah. Before we take that break,
 19 I just want to let those that are maybe on the phone
 20 but not on Webex, since we do have everyone
 21 automatically muted just to kind of manage the
 22 traffic -- we do have quite a few signed up
 23 today -- you can go ahead and just push "Star, 6."
 24 So I don't know if there's anyone
 25 particularly that's on a phone -- not Webex -- that

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1 would like to make a comment or two before we take a
 2 break, but to get off mute, it'd be "Star, 6" for
 3 those on the phone.
 4 So if not, we'll go ahead and, as
 5 mentioned, take a 10, 15-minute break and we'll come
 6 back on. Again, we will be live here in Boise until
 7 7:00, 6:00 Pacific Time.
 8 Thank you.
 9 (Recess taken from 2:09:45 to 2:10:45 of
 10 audio file.)
 11 THE MODERATOR: All right, folks. Ramon here
 12 again. And thanks for your patience.
 13 Took a little bit of an extended break and
 14 were able to touch base with some folks here, use the
 15 facilities.
 16 We do still have some folks on the line
 17 both on the phone and via Webex, but I'm not seeing
 18 anyone new, particularly.
 19 So just curious if there's an interest in
 20 any comments at this time or wondering if we could get
 21 a show of hands on how many people think Robert should
 22 do his presentation again. I know that's where my
 23 vote is.
 24 But, yeah. Again, just really appreciate
 25 everyone engaging and participating tonight.

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1 We know the four-hour block is kind of a
 2 long one. We don't necessarily expect everyone to
 3 stay the whole time. Really just like to provide
 4 opportunity for those that may be attending as part of
 5 their job or profession.
 6 So we -- I'll offer some hours during the
 7 working day and then we hold -- these next couple
 8 hours are from here until 7:00, 6:00 Pacific, just so
 9 the general public has an opportunity to engage after
 10 hours as well.
 11 So, again, really just want to thank
 12 everyone for participating.
 13 For those that may have missed the opening
 14 remarks, my name's Ramon Hobdey-Sanchez. I'm in the
 15 Office of Governmental Affairs at the Idaho
 16 Transportation Department, and one of my roles is the
 17 Department's administrative rules officer.
 18 So essentially, we are here soliciting
 19 comments, thoughts, suggestions on broadband conduit
 20 and the use of facilities in our right-of-way. It's
 21 obviously an emerging technology that's come a long
 22 ways very quickly, and we've got several documents
 23 that relate to the installation and management of
 24 those utilities in the Broadway -- broadband area and,
 25 specifically, our right-of-way.

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1 So just kind of jumping around. Again, it
 2 seems that most of the folks here have heard most of
 3 this, but looking at IDAPA 39.03.43, Rules Governing
 4 Utilities on the State Highway Right-of-Way and,
 5 specifically, the document that's incorporated by
 6 reference, the Utility Accommodation Policy, and -- is
 7 also part of an appendix to our Guide for Utility
 8 Management. So those are really the main documents
 9 that we're soliciting input and comments on.
 10 Again, highly encourage everyone to visit
 11 the web page which has all of our educational
 12 materials and drafts ready for review,
 13 "itd.idaho.gov/rulemaking." Or if you're at our home
 14 page, you just go to the bottom right corner, "Inside
 15 ITD," click "More Topics," and it's the second one
 16 down, "2021-2022 Rulemaking."
 17 Essentially, our goal will be to work with
 18 the general public, vendors, stakeholders between now
 19 and the end of the month, at which time we will
 20 combine all the comments and input received into draft
 21 documents -- again, draft documents of the Utility
 22 Accommodation Policy and a draft of the Guide for
 23 Utility Management which is already posted
 24 online -- have that presented to the Board at their
 25 regularly scheduled July Board meeting.

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1 And with their review and approval, the
 2 next stage would be the formal rulemaking process,
 3 which is proposed rulemaking.
 4 At that time, we'll have a little bit more
 5 of a solid ground on our drafts. Hopefully, at that
 6 point we will have been able to incorporate -- the
 7 comments and suggestions submitted will have been
 8 reviewed, and we'll have engagement by the Idaho
 9 Transportation Board.
 10 And then at the very beginning of that
 11 formal rulemaking process, we will, again, have open
 12 public comment periods to solicit input and ideas and
 13 thoughts.
 14 So unless there's anything
 15 particular -- for the folks that are online, I
 16 definitely -- I don't -- I definitely don't know that
 17 we necessarily need to repeat everything that was
 18 said, but we would be happy to do so or cover any
 19 particular topics if there was anyone that maybe
 20 didn't join us right at the 3 o'clock hour.
 21 So we'll go ahead and stand by. We're
 22 currently empty here in the auditorium with the
 23 exception of staff here on stage.
 24 So we'll just kind of keep an eye on the
 25 phones and Webex and see if we get any newcomers or if

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1 anyone that's online would like to ask any questions
 2 or provide any comments.
 3 Thank you.
 4 All righty, folks. We are approaching the
 5 7 o'clock hour down here in Boise, 6:00 p.m. up there
 6 in north Idaho, and that will be bringing a conclusion
 7 to today's negotiated rulemaking meeting regarding
 8 utility accommodation and specifically broadband and
 9 broadband conduit within the State's right-of-way.
 10 We really appreciate the participants and
 11 those that engaged today. We had about 35 or so folks
 12 on the phones and Webex and another 8 or so here in
 13 the audience with us. Had some really good discussion
 14 early on.
 15 Our Broadband Program manager, Mr. Robert
 16 Beachler, was able to walk through the majority of our
 17 materials including his PowerPoint presentation, our
 18 concept sheet, and we even got into the Guide on
 19 Utility Management and, specifically, Chapter 6 which
 20 is the new material.
 21 Moving forward, we'll continue to take
 22 comments until the end of the month, specifically
 23 June 30th. We also have a second negotiated
 24 rulemaking meeting for this topic scheduled for next
 25 Thursday, June 24th, from 3:00 to 7:00 p.m. Mountain.

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1 The physical location will be here at the Headquarters
 2 in Boise, but the room will be the east annex -- not
 3 the auditorium, so that's the only one slight change.
 4 Again, just really appreciate everyone's
 5 engagement on the negotiated rulemaking for IDAPA
 6 39.03.43 Rules Governing Utilities on State Highway
 7 Right-of-Way.
 8 Thanks again.
 9 Have a good night.
 10 (End transcription at 2:49:10 of audio
 11 file.)
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TRANSCRIPTIONIST'S CERTIFICATE

I, VICTORIA HILLES, transcriptionist, certify:

That the audio recording of the proceedings
was transcribed by me or under my direction.

That the foregoing is a true and correct
transcription of all testimony given, to the best of
my ability.

I further certify that I am not a relative or
employee of any attorney or party, nor am I
financially interested in the matter.

IN WITNESS WHEREOF, I set my hand and seal
this 24th day of June, 2021.



VICTORIA HILLES
POST OFFICE BOX 2636
Boise, Idaho 83701-2636