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

MODERATOR: RAMON HOBDAY-SANCHEZ

JUNE 15, 2021
3:00 P.M. - 7:00 P.M.

TRANSCRIBED BY:
VICTORIA HILLES
### Negotiating Rulemaking Public Meeting

**June 15, 2021**

**Regarding Rules Governing Utilities On State Highway Right of Way**

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<td>1. <strong>THE MODERATOR:</strong> Good afternoon, everyone. It's right at 3:00. We'll give a couple more minutes to see if some more folks jump online and come into the room here and then get started. All right. Good afternoon, everyone. Welcome. My name is Ramon Hobdey-Sanchez and I work in the Office of Governmental Affairs at the Idaho Transportation Department, and one of my particular roles is the Department's administrative rules officer. First of all, we want to welcome everyone for joining us this afternoon for the negotiated rulemaking meeting regarding broadband and specifically as it relates to broadband in the State's right-of-way. The Department's really excited for those that are here with us. We're broadcasting live from the auditorium here at HQ. We've got folks on the phones and Webex as well. For the four-hour duration that we'll be here for today, I will be acting as today's facilitator, but I'm also fortunate to be accompanied by some colleagues. To my left and your right is our chief engineer, Mr. Blake Rindlisbacher. Also accompanied by Lisa Hoag here to my right, your left, and she's going to be helping keep the Webex kind of smooth and make sure we're staying on track. And then at the far end we have Mr. Robert Beachler, and he is the Department's Broadband Program manager. So I'll go through a couple -- couple more topics here, and then we'll give Mr. Rindlisbacher an opportunity to make some opening comments. Also want to just thank everyone for their patience as we are doing the both live and virtual option. Got some good practice in, but you never know when little technical hiccups can pop up. So I appreciate your patience in advance. We truly do look forward to hearing from everyone today. And this is something you're going to hear repeated several times throughout folks' presentations and comments. What this isn't going to be is the Idaho Transportation Department or the Board or the Governor coming out and saying, &quot;This is how we're going to do X, Y, Z.&quot; No. What we really want is full-on engagement from our stakeholders and interested parties. We're here to listen. And I think the key here is with good, healthy engagement, we can create a partnership on this joint project to really get us where we want to go. As for some additional context as it relates to broadband specifically, Mr. Beachler will be giving a presentation shortly, but I did want to take a couple moments to hit on some of the rulemaking process and our path kind of moving forward in terms of timelines. So this is the first of two scheduled, negotiated rulemaking meetings to cover IDAPA 39.03.43, Rules Governing Utilities in the State Rights of Way. For those that may have had a chance to review the chapter already, you'll have noticed that it's less than one page, but what it does, is it incorporates by reference the Department's Utility Accommodation Policy, which is also connected to the Department's Guide for Utility Management. So these are really the documents and the policies that we want feedback and input on as we update the information and make sure they reflect broadband and conduit when it comes to utilities in the State's right-of-way. For those not familiar with the administrative rulemaking process here in the State, the &quot;negotiated&quot; phase is the informal phase. So staff will be focused on taking comments and suggestions today and then again during the next meeting which is Thursday the 24th, same time, 3:00 to 7:00 p.m. Our physical location will be here at Headquarters, but in the east annex, so that's the only one little difference. And then we'll take this feedback and incorporate it into both of these documents -- again, the Guide for Utility Management and/or the Utility Accommodation Policy. Stakeholders and participants, interested parties are also encouraged to submit written comments directly to me, and we'll share some of that contact information. And we really encourage folks to visit the Department's rulemaking web page. So for those that are looking at a screen or here presently, I'll kind of walk you through. It's really simple. It's &quot;itd.idaho.gov/rulemaking.&quot; But for those that maybe just are at the home page, I'll kind of show you on the screen how to get in here, and it is just a couple clicks. So if you'll see, here's our home page on the screen. Scroll down. The bottom right box, the red box. &quot;Inside ITD.&quot; &quot;Click for more Topics.&quot; And it's the second one down: &quot;2021-2022 Rulemaking.&quot;</td>
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1. And this is where we keep all the
   educational materials, legal notices, meeting
   information. And so this is a prime place that we
   want to make sure everyone is make -- taking an
   opportunity to visit.

   2. You scroll down here specifically, and
   3. you'll see this "Utility Accommodation (Broadband)
   4. Rulemaking" ribbon. And open -- and if you open it
   5. up, it's got a lot of these documents that I've kind
   6. of referenced. And we've -- we'll get into these in a
   7. little bit more detail.

   8. But just real quick, we've got our Concept
   9. Sheet, which is also a handout here in the auditorium;
   10. we've got the "DRAFT Guide for Utility Management;"
   11. we've got the current "Utility Accommodation Policy;"
   12. the current "Guide for Utility Management;" a "Board
   13. Agenda Item and Resolution" from this past May; our
   14. "Negotiated Rulemaking Notice;" a link to "Governor
   15. Little's Broadband Taskforce" from 2019; and then,
   16. also, a link to the newly created "Idaho Broadband
   17. Advisory Board." So again, I really encourage folks
   18. to visit the website.

   19. So the goal for staff will be to present
   20. drafts to the Idaho Transportation Board at the
   21. regularly scheduled July Board meeting.

   22. And so essentially what we -- again what
   23. we'll be doing between now and the beginning of July
   24. is soliciting comments both during the meetings. Or
   25. if you want to submit them specifically to any of us
   26. that are here today, we can also -- we can also take
   27. comments all the way through June 30th. And so
   28. that's -- that's identified on a couple of documents,
   29. but the comment period will run until June 30th.

   30. Then the next phase -- what would happen
   31. after the July Board meeting and drafts are presented,
   32. we would enter the formal rulemaking State process,
   33. which is known as "proposed rulemaking." This would
   34. be another opportunity for interested stakeholders and
   35. parties to comment on the drafts that are approved and
   36. reviewed by the Board.

   37. We continue to work through late summer
   38. early fall with the goal of getting the documents a
   39. little bit more finalized, a little bit more firm
   40. up, as, essentially, we want to be prepared to present
   41. to the 2022 Idaho Legislature. So in order to do so,
   42. we have to have certain publications and certain
   43. approvals completed prior to the end of the year.

   44. So with that, I'd be happy to stand for
   45. any questions if there are any here in the auditorium
   46. or for those folks that are online, we've got the

   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.
   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.
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
24. I would invite you to share your thoughts
25. with us on draft documents and share ideas that you

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
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

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
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
With regard to the Utilities on State Highway Right of Way

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
26 2003. So it's time to do an update on that document.
27 And what a Utility Accommodation Policy
28 is, is the State's policy outlines the procedures,
29 criteria, and standards to evaluate and approve
30 applications for permits of utility facilities within
31 the right-of-way.
32 Most importantly, in determining whether a
33 proposed installation is a utility or not, the most
34 important consideration is how the State DOT views it
35 under its own State laws and regulations.
36 So there's -- I want to touch on a few
37 utility definitions. In IDAPA 40.2010, a utility can
38 be comprised of any person, a private company, public
39 entity, or cooperative owning or operating facility.
40 Our next definition of a utility -- well
41 look to the Idaho Statute 61-129, and "A public
42 utility is subject to the jurisdiction, control, and
43 regulation by the Idaho Public Utilities Commission."
44 At this time, the Idaho Transportation Department is
45 considering a utility that is not regulated by the
46 Idaho Public -- PUC as a nonpublic utility.
47 And we're hoping that this rulemaking
48 process will help define what are the utilities,
49 including public and nonpublic utilities.
50 So as I mentioned before, the Guide for

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.
26
27 1 So we're going to break it down in about two major
28 categories. We have broadband fiber optic utilities.
29 Next slide, please.
30 And we're hoping to engage with our
31 stakeholders to effectively plan for the accommodation
32 of current and future broadband capacity.
33 We're looking for your input and guidance
34 to utilize space-saving measures, such as smart
35 corridors, the colocation of facilities, installation
36 of conduit banks, conduit banks with micro-ducts that
37 can be used by multiple providers. We're even looking
38 at using, potentially, micro-trenching to place
39 conduits in hard-to-construct areas, and we want to
40 coordinate with our providers to identify corridors
41 that would expand services across Idaho and
42 underserved areas.
43 So in regards to fiber-optic placement of
44 broadband facilities, ITD and providers have engaged
45 in Shared Resources Agreements. And what these are,
46 are public-private agreements allowing conditional use
47 of State right-of-way or State facilities such as
48 conduits and vaults in exchange for service,
49 infrastructure, and/or capacity from providers.
50 These Shared Resources Agreements describe
51 and contain mutually agreed upon exchanges of services
1. that are both fair and equitable for both parties.
2. They can include access to State facilities such as conduits and vaults in exchange for dedicated fiber use for ITD that can be in the form of dark or lit fiber. It can be placed on a dedicated cable for ITD or we'll -- or shared fiber resources on a provider's cable.

We're also looking at the installation of additional conduits for future users and/or broadband services to ITD facilities. Again, we have a need for broadband to support our mission.

12. Important to note that Shared Resources Agreements are not required for crossings of State highway right-of-ways. That can be accomplished through our normal utility permitting process. We're really more geared towards long, longitudinal builds along the Highway System that engage providers and Shared Resources Agreements.

19. The second major area we're going to talk about in regards to broadband is Small Wireless Facilities. This is new to ITD. We were engaged by several providers looking to bring next-generation 5G facilities onto the State highway right-of-way.

24. So how we're outlining this -- this is new to us, and what we are proposing is that the provider enters into a Master License Agreement with the Division of Highways. And the Master License Agreement sets forth the terms and conditions for authorizing the use of the specified right-of-ways for the purpose of installing, placing, mounting, operating, modifying, maintaining, upgrading, and replacing, and removing Small Wireless Facilities. Those are all provided in the terms of the Master License Agreement.

Following the initiation of that, permits are issued by the ITD Districts. So once the Master License Agreement is in place, you would -- in whatever market you are working in, you would permit those facilities through the local ITD Districts.

In regards to compensation for right-of-way access and attachment to State facilities, ITD is recommending that we adopt the Federal Communications Commission's Declaratory Ruling for presumptive fee structures for Small Wireless Facilities.

21. So I'm going to briefly talk about utility infrastructure location. And we want to highlight that all utilities should be as far away from the roadway as possible and in accessible locations so they're less likely to become a roadside hazard or be struck by errant vehicles.

22. We also want to ensure that the placement of these facilities do not impact pedestrian facilities or access. So if you're proposing to place, let's say, a dedicated Small Wireless pole in a sidewalk in an urban area, we might want to ensure that those don't impact pedestrian facilities.

8. And we also want to, through this process, identify the locations of all mounts to existing poles, structures, and/or aerial cables on both private and public utilities and/or where you would want to seek to place them on ITD facilities.

Next slide, please.

24. We also want to note that both ITD and the Federal Highways Division administrator. So the ITD program manager will coordinate the review and approval of any of these installation requests along the Interstate right-of-way.

25. Federal Highways administration discourage the installation of utilities within the median.

Next, I would like to talk about as-built requirements. We're also proposing that -- and to help us effectively manage these facilities -- that if we were requesting that all as-built drawings be including supporting infrastructures -- so that can include power drops or fiber from another provider -- all those facilities would be provided to ITD in a GIS format. It's an industry standard that will help us effectively manage all the competing utilities for the right-of-way.

And those would be due -- just like standard As-Built drawings, those will be due within 30 days of completion of work.

Next, I'd like to talk about outreach and coordination. In February of this year, we sent out our second annual letter to -- for permittees and broadband providers showing the locations of our fiscal years 2021 to 2027 Idaho Transportation Investment Program projects. So these are major ground disturbance and [unintelligible] placement-type projects. And this is a seven-year planning horizon that ITD uses to develop its projects and construct them.
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1. a link to a web-mapping application that's depicted on the upper right of the slide there, and that allows you to see the locations of these proposed -- or these projects that are in the program. They're not proposed. And so that allows broadband providers to proactively look at where these State projects are and to help facilitate their capital investment and planning and broadband expansion, see how those coincide with ITD's projects.

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

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

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

1. Okay. Now the reason why you're all here.

2. We're -- ITD is seeking your -- our stakeholder engagement to help us manage this limited right-of-way space. I'll review our permit conditions and, again, minimize utility excavations and destruction to the travelling public. And we're also seeking to effectively manage this key public resource.

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

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

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

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

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

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

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

13. So for -- yeah -- those that are listening in, obviously, it's a lot of information. It's complex. There's some complicated pieces to this.

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

17. But I'd also like to open it for our partners and stakeholders here at the auditorium if there's any comments or questions for any of the Management. We touched on some of those topics. We can take questions on that, entertain other comments that you might have, items of discussion. And it's an open period for providers and stakeholders to talk to us now.

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

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

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 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

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
Paragraph 34...

Paragraph 35...

Paragraph 36...

Paragraph 37...
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1 And so then that's how we're trying to be a little more proactive in getting this information out instead of having you react to projects that are farther along in the process.
2 JERRY Piper: Okay. Well, I've monopolized this long enough.
3 Thank you very much for your time.
4 THE MODERATOR: Thank you. Really appreciate those comments, Jerry. And that's exactly the kind of feedback we want to have, discussion we want to have.
5 I think Blake hit on it a couple times too. We don't necessarily have all the answers up here. There are definitely a lot of concepts.
6 There's different ways that you can manage a lot of this stuff. And so we appreciate your comments today, Jerry.
7 Is there anyone else here in the auditorium that would like to step up?
8 Yeah, please. Go ahead.
9 We'll work through a couple folks here in the auditorium, and then we'll jump online here.
10 So if you could please just identify yourself and who you represent.
25
1  I'd like to second the thought that was relayed with the colocation and other space. I think that that -- the immediate thought that I had in my head is, Okay. Who's placing it, where does the cost go, and then where's the revenue stream and who manages it, right? Those are all the questions. I think they're significant questions.
2 And the follow-up then is, who spends the money to create competition?
3 And I agree that I'm not sure -- is something that probably any of us in the room are jumping up and down and saying, "Hey. Pick me."
4 On the exact opposite side of that, I don't see anything on the board about cost saving. So everything that is proposed is about how do we expand.
5 I think all of us have budgets, and we all have limited resources to be able to put as much in as is possible. So my question is how do we put more in cheaper?
6 I think sharing a trench during a road project should definitely be considered. There is a management piece of that; right? From a timing perspective, it's not easy. I don't think it saves you money up front, but I do know that together, it saves us all money. I mean, all of us. So I'd like to use Nampa as an example just because it's close, and I know I've got representation from other companies that represent Nampa here.
7 So when all of the broadband providers have their hub in or around downtown Nampa, building from north to south toward Nampa doesn't help any of us; right? We have to build in the path of our network. So that's creating additional work and additional time when the conduits come over the bridge and we don't have anything to connect to them because that part of the job hasn't been done yet.
8 And fortunately, in this case, I can speak for water, I can speak for Lumen, I can speak for --
9 MER RINDLISBACHER: Yeah. I'm curious when you commented about bridges and getting across.
10 BRETT MCKINNEY: Yeah, so sometimes --
11 MR. RINDLISBACHER: Well, what do you like?
12 BRETT MCKINNEY: Right. Somebody -- sometimes the time schedule is set up, from my perspective, more specifically, and the conduits, the timelines are more specific. And the projects are segmented in a way that we can actually build to them.
13 So for instance, you know, I'm going to go, and then where's the revenue stream and who manages it; right? Those are all the questions. I think they're significant questions.
14 And the follow-up then is, who spends the money to create competition?
15 And I agree that I'm not sure -- is something that probably any of us in the room are jumping up and down and saying, "Hey. Pick me."
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20 And fortunately, in this case, I can speak for water, I can speak for Lumen, I can speak for --
21 you know, I guess I can't speak for anyone else, but I know that was the case; right?
22 SIMPLY THE DIRECTION OF BUILD WOULD HAVE MADE A BIG DIFFERENT FOR EVERYONE. THAT'S AN EXAMPLE; RIGHT?
23 BUT THE BIGGER PART IS, LET'S MAKE SURE THAT WE'VE GOT THAT COORDINATION UP FRONT. ALL OF THE CONDUITS ARE PLACED AT THE SAME TIME WHETHER IT'S ON A BRIDGE OR IN A TRENCH. WHETHER IT'S CONDUITS OR NOT, IT DOESN'T MATTER; RIGHT? IT COULD BE DIRECT-BURIED FACILITIES. I REALY -- THAT'S NOT REALLY MY DEAL. I MEAN, IT IS FOR MY COMPANY, BUT FOR EVERYONE ELSE, I
1. And so, well, we kind of talked about a traveling lane. So we've got northbound, southbound lanes. We want to make sure we have lanes set up for broadband facilities so we don't have a provider coming over here, and he's on this side -- on the west side, and this one's on the east side, and someone else comes behind him a year or two later. And I'm not going to let him plow over your pipe, so I've got to offset them 5 feet, and now we're losing more space.

2. So we're really hoping that through expanding coordination we get those requirements and help facilitate those placements.

3. BRETT MCKINNEY: I'm going to ask kind of a silly question, but it's on purpose. So does that mean that the building permits are only going to be on one side of the street too?

4. Keep in mind we have customers on both sides of the road. So I appreciate what you're saying. Our customers didn't only buy on the east or the west or the north or the south side of the road. I'd love to think that that's in our control. It's not.

5. So to say -- I'm going to use Cole Road as an example; right? That one was rough. I think everybody knows it was rough. It was rough because there's a lot of customers on both sides of the road; right? And it's rough for everybody that way, and not just me.

6. So you're going down the road. You pick a quadrant to work in. We got to cross the road every time you hit a customer -- not every time, but, you know, maybe three -- three times a mile. And that's real. That's not going to change. There's still going to be customers.

7. So I appreciate what you're saying. That's not the realty. We don't just get to be on one side of the road because our customers aren't just on one side of the road.

8. MR. RINDLISBACHER: Yeah. I appreciate that. We have the same issue with every utility. Water lines have the same thing. Sewer has the same thing. Drainage, you've got to cover both.

9. BRETT MCKINNEY: Yeah. And if we want to make select corridors -- right? -- and say, "Okay. Every third mile we're going to make that the crossing location," we can accommodate. I don't have an issue with that.

10. But I do have an issue when you say, "No. I need you to be on the" -- you know -- "the west side
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BRETT MCKINNEY: Agreed. And if we limit the cost anybody money; right?

MR. RINDLISBACHER: -- because then that doesn't impacting, then our goal would be to not impact --

BRETT MCKINNEY: Right.

MR. RINDLISBACHER: -- because then that doesn't cost anybody money; right?

BRETT MCKINNEY: Agreed. And if we limit the crossings, which I'm admitting we haven't always done;

right? We're doing it better now, but we haven't always done it. If we limit those crossings, it has less of an impact.

Because the chances of you actually going right on top of the existing facilities when you have prenotification and can adjust 3 feet, you're probably going to adjust 3 feet; right?

MR. RINDLISBACHER: Mm-hmm.

BRETT MCKINNEY: Make it easier.

And then even if you do have a crossing -- let's say we've got -- you know, I'm going to make something up. You know, maybe we've got, you know, a 24-fiber or a 200-pair of cable. It doesn't matter; right? The cost of me rerouting a third of a mile and making use of a shared trench to go back to where I was on the other side of the road helps you get to that long-term, that -- whatever ideal looks like; right?

Do we cross for every -- you know, four times a mile? Do we cross three times a mile?

Whatever. But if you can make it consistent, it makes it easier for you to design too -- right? -- in the future, makes it way easier for you to estimate timelines --

MR. RINDLISBACHER: Mm-hmm.

BRETT MCKINNEY: -- not just me; right?

Power, gas, water.

MR. RINDLISBACHER: So talk to me about this.

If you are coming in and you need to make a crossing, one of the things we've talked about is trying to put more capacity than you might need so that somebody else can then occupy -- you know, you put a sleeve and people could put the conduits through or whatever --

BRETT MCKINNEY: [Unintelligible] I'm a for --

MR. RINDLISBACHER: -- and that's efficient from our perspective, but I --

BRETT MCKINNEY: I'm a for --

MR. RINDLISBACHER: -- appreciate the perspective of --

BRETT MCKINNEY: I'm a for-profit -- I'm a for-profit company, you know? I've got -- I've got, you know, two major responsibilities -- right? -- shareholders and customers. Those switch back and forth. I'm really not sure which one's paramount today; right?

MR. RINDLISBACHER: Mm-hmm.

BRETT MCKINNEY: They're both important.

MR. RINDLISBACHER: And so -- and I appreciate that.
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BRETT MCKINNEY: My -- long run?

MR. RINDLISBACHER: -- that you can do. So how do we gain some efficiency that helps everybody in the long run? How do you move less dirt?

MR. RINDLISBACHER: -- in the name of efficiency --

BRETT MCKINNEY: -- his customers don't care about me.

MR. RINDLISBACHER: In the name of efficiency, how do we do it cheaper?

The first one in is going to pay a premium. But if somebody's going to be first in every corridor -- and I'm assuming that it's going to balance out somehow. If you're first in a corridor and then he's first in another corridor, does that -- does that balance out in the end somehow because otherwise every utility company comes in and says, "No. I just want more --"

BRETT MCKINNEY: I -- I --

MR. RINDLISBACHER: [Unintelligible]."

BRETT MCKINNEY: -- I actually don't think it does balance out in the end somehow. I -- probably not what you want to hear, but first in generally wins.

Period. I mean, our current marketing strategy is to be first in and own it; right? And I'll be in first in and own it; right? And I'll be in every where.

So when the question was asked -- Rob, I think -- or I'm sorry -- you asked the question if an incumbent ever says, "No."

And we do. We say, "No." And the reason we've said "No" is because we don't have any customers. We don't have any customers out there, and we're not going to spend the money.

MR. RINDLISBACHER: Mm-hmm.

BRETT MCKINNEY: You know, is it good for the customers? Is it good for the shareholders?

Both of those were "No." That's a pretty easy solution. "No." Awfully simple; right? Really simple way of thinking of it.

MR. RINDLISBACHER: Yeah. This whole thing gets complicated, as we've talked -- with a limited space with lots of different kinds of utilities, and we'd like to create a space for all of them. There's a -- the finite number of longitudinal and transverse crossings --

BRETT MCKINNEY: Right.

MR. RINDLISBACHER: -- that you can do. So how do we gain some efficiency that helps everybody in the long run?

BRETT MCKINNEY: My --
1 And, Jason. Yes. Welcome to the meeting.
2 And go ahead.
3 And you mentioned -- is it Verizon?
4 JASON VERDÚZCO: 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, on
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

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

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.

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, it's an incredible opportunity for the state. It's an incredible opportunity for us, and we're really as pleased as could be that you're opening this rulemaking to facilitate access to the rights of way.

2. Like Verizon said -- like Jane said, we really like -- we're encouraged to hear that you're using the Federal rules as a starting point, trying to align your rules and procedures with that starting point. I couldn't agree more that that is the best spot to start at.

3. I do think that we'll have to take a look at the contracts -- or maybe it was the permitting that you'd indicated you guys are using. I guess it's the encroachment form. So I think there's probably some details we'll need to work out.

4. We're very familiar with the Public Utility Commission. Commissioner Scholander [phonetic] and Anderson, I know them very well. We are not public utilities, to the best of my knowledge, under Idaho Law. We're not subject to the PUC's jurisdiction generally, I don't believe. So we could look at the statute again to make sure that we're understanding that well.

5. But one of the things, I think, we'll need to make sure that we're all seeing eye-to-eye on is how we're defined and how we make sure that that doesn't become the basis for an exclusion. So that's something that I think we'll be commenting on.

6. One thing I was wondering if you could help me out with is -- on one of the earlier slides I did see the e-mails listed for Mr. Hobdey-Sanchez and the other gentleman who's been speaking. I believe it was Robert. I would love to have those e-mails. If there's any way you could just park those on the screen, and I'll type them in when we're done.

7. I see you flipping slides. I appreciate that. And great suggestion. Got the contact screen up there.

8. Also, strongly, again, encourage everyone to visit the web page, "itd.idaho.gov/rulemaking."

9. It's got contact information as well as all our educational materials.

10. So again really, really appreciate your comments there, Benjamin.

11. Now, I will say, since I do kind of have you here, I'm curious since -- if I heard you correctly, representing an association. Do you have any members or folks that have any concerns or have met any problems or challenges when it comes to working with the Department and working within our right-of-way?

12. BENJAMIN ARON: I can't say that anybody's expressed anything in particular. As Jane said, Verizon was an early leader in getting 5G built out. I know Boise was one of their early launch cities. I know that T-Mobile has been -- and AT&T both have been using low-band spectrum to deploy a national 5G network that is not small-cell based.

13. So I think one of the things that we'll definitely be interested in working with you on is -- not only just small cells, but making sure that access for macro towers is something that gets considered. Whether those go in the rights of way or not, you know, I'm sure that's debatable.

14. I know there's some highways across the land where I've seen macro towers. There's certainly some people we've talked to at DOTs across the country that don't really like the idea of anything that tall that could topple across the road.

15. So I understand we'll have some give-and-take there, but -- I guess, no. Directly, to answer your question, no. Nobody's complained about working with the Department of Transportation. Quite the opposite, a good experience so far. We're looking forward to continuing that outreach.

16. And then more specifically, like I said, we'll want to make sure that we've got access for...
ERIC BARNES: Good afternoon. Yes.

One of the questions that we have -- since we're not a broadband provider, this is for Avista Utilities. You know, we provide communications that support the electric and gas facilities that we have. How do we see this proposal maybe affecting us? I know we're under the PUC. So does anything that -- is this rulemaking going to affect our current circuits that we deliver or proposed future circuits, do you think?

MR. BEACHLER: Thank you for your question, Eric.

We do not anticipate any impacts to, you know, your traditional utility providers such as Avista. You know, if you have providers that are -- that you will be providing pole space for, you know, that's -- that's still a standard permitting process for that.

ERIC BARNES: Okay. Thank you.

Oh, and I really -- I do appreciate -- I like the idea of the joint trenching and trying to coordinate that. If we can get in there as a group, I think that's a great idea.

I am kind of curious on what happens. We dig once. We get everybody in the ground that wants to come in, and you've got a new company that comes in, you know, a year or two down the road. You've got new technologies. How do we accommodate the new people that want to get into that same space?

Are they going to be restricted, do you think, in the future or is that going to still be open, just trying to follow the same kind of guidelines?

MR. RINDLISBACHER: Yeah, Eric. Maybe I'll try to respond to that.

We've been speaking a little bit to that as we began. Because there's competition for the right-of-way, we're interested. As we dig and as we build things, whether it's ITD or whether it's another company, we're interested in building more capacity than we currently need to accommodate future technologies or future installations.

I heard very well from some of the other folks that testified here that that flies in the face of being efficient and creates competition that maybe is a concern. If you invest to come in first and then somebody comes behind you, maybe there's an advantage.

And so we're trying to sort that all out.

One of the concepts that we've been kicking around -- and I'm not sure we've talked a lot about it here -- is the first one in might provide the -- for the additional conduits, and then the second one in then somehow leases the conduits back from the first, is the idea that we're toying with.

But I'm not sure we have the details of that sorted out.

ERIC BARNES: That's an excellent idea.

But I really like the idea of dig once, accommodate everyone that we know about and a few that we don't know about so that we don't have to dig again.

ERIC BARNES: That's an excellent idea.

MR. RINDLISBACHER: That's easy to say, but it's hard to do. So that's the challenge is --

ERIC BARNES: Very, very true.

MR. RINDLISBACHER: -- we're faced with the hard-to-do part. And anyway, that's the struggle that we're wrestling with right now.

But thank you for your comment.

THE MODERATOR: Thank you, Blake.

Thank you, Eric. Appreciate that.

Again, go ahead. An opportunity for anyone that's online, for questions or comments. If desired, we could also go into additional materials for those that hopefully have gotten to the website by now. One of the very first documents on that list is

THE MODERATOR: Well, thanks again, Benjamin.
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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

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

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.
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1. So we have our State Statutes, Administrative Code -- we're also subject to Federal Highways Administration rules regarding accommodating utilities. And most recently, we've been reviewing FCC guidance in regards to Small Wireless Facilities. So lots of regulations to -- and requirements that we are looking at trying to address. We identified these in our documents, so these help provide guidance to our staff on whatever regulations we are trying to be compliant with. And this will help us develop our policies and procedures for accommodating and managing access to the right-of-way for broadband infrastructure.

2. We also want to ensure that we're planning for future requirements, and we will be -- with the addition of Small Wireless Facilities, we've created a new utility encroachment permit form that's very similar to our primary utility encroachment permit form, but it has some specific items related to those numbers of facilities that will be placed under a designated permit application.

3. With all the coordination with the Department of Commerce, CARES Act [phonetic] funding, network development by providers, we really want to coordinate with the providers and the future development of broadband plans so the Idaho Broadband Advisory Board, in coordination with the Department of Commerce, will be developing and updating broadband plans for the State of Idaho. The Department, ITD, will be reviewing those and see how we can support those plans.

4. And again, we want to emphasize, as we've done multiple times today, the concept of "Dig Once" and colocating of facilities as much as possible. We got some good comments on how that can be difficult in rural areas and maybe more applicable in urban settings. So those were good comments we received today.

5. And, you know, some of the things we want to touch on is ITD's requirements for broadband. We have a lot of facilities and equipment across the state, and we are a consumer of broadband services. So we see the need to increase our capacity to manage our data.

6. Our snowplow trucks collect positional information and also the amount of sand or salt or brine that is put out on the road during storm events, and those vehicles collect big data.

7. And at the end of the shift, those data sets need to be downloaded. And we've faced significant challenges, especially in rural areas, being able to download this information off the vehicles because we use that in storm debriefings. So our Maintenance and Operations staff depend on that data to help them better support storm events in keeping our roads safe and clear.

8. And one of the things we -- I also noted from some of our commenters today was, how do we be a competitively neutral environment and unbiased in the treatment of all the utilities -- not just broadband, but all of these utilities seeking access to the right-of-way.

9. And, again, ITD is not here to be generating large fees or doing complex financial transactions. We want to support the expansion of broadband through an exchange -- a mutually agreed upon exchange of facilities and services.

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

11. So that's kind of what I'm interested in is, if there are thoughts or suggestions as it relates to that exchange of services or conduit. I'm assuming there are probably a few that would have an opinion on that one way or the other, and we'd be happy to hear if there is either support for an option like that or a different avenue.

12. MR. BEACHLER: During this year's response to our outreach, I wanted to note an area where we had a series of projects in north central Idaho in our District 2 region.

13. We're -- we were doing a number of phase projects over about six years, and this is in a very-difficult-to-construct area, Culdesac Canyon area. And it's challenging because we have limited right-of-way, the -- we have a rock wall on one side, the road, guardrail, and the river on -- in many segments of this. So it's a very-difficult-to-construct area.

14. We have no ITD Intelligent Transportation System requirements in this area, but we knew that it was -- being such a difficult area to construct, that we would, you know, plan for and place broadband conduit for future use. We didn't know who that was going to be. It's a very rural area.

15. We did not think we were spending a significant amount of money to incorporate this conduit into these projects. We weren't planning on doing it, but we knew that we were disturbing this ground, and it's going to be very difficult for anybody to come back after we're done.
And so through our outreach efforts and coordination with the Department of Commerce, I received over six inquiries from different providers seeking potential access to these conduits. And so we were -- you know, one of the things we're seeking is how -- how do you -- how does industry help -- you know, coordinate amongst themselves?

Again, this will be a limited number of conduits in a very-difficult-to-construct area. So we'd be interested in how different competing providers or cooperatively long-haul and last-mile-type providers, mid-mile providers, could coordinate their networks and how to do that. You know, again, we're not in the fiber business. We're not in broadband. We just want to support these initiatives. And so now, in a rural area where we didn't think anybody wanted into it, we had six different parties that are interested.

So through our coordination efforts, you know, the outreach letter, we would -- and these were nontraditional-type providers that we're not used to dealing with. We -- you know, it could be a port, a tribe, a small regional cellular provider, you know, a traditional Telco [phonetic] with a designated service area.

The Idaho Broadband Advisory Board and some future plans. But again, that coordination which was held -- facilitated by Commerce really helped us identify some of these providers in the area. Again, weren't used to some of these folks. We hadn't permitted with them before, but they were interested through these outreach efforts.

So encourage you folks out there to contact the Department. We're glad to schedule any breakout sessions on how do you -- "Where are these ITD projects I'm hearing about? How do I see where you guys are doing these big projects?"

We're there to help facilitate that. THE MODERATOR: Thank you very much, Robert. Appreciate it.

Still doesn't look like we have anyone online at this time. I'm going to go ahead and jump over -- I briefly mentioned -- so this was our concept page there on the web page.

And then, also, want to reference this short chapter. So again, it's IDAPA 39.03.43, Rules Governing Utilities on the State Highway Right-of-Way. And so -- again, really, really short chapter. But again, this area right here is really where our focus is, this incorporation by reference of the "Utility Accommodation Policy" which, also, is related to our Guide on Utility Management. So that's kind of the impetus and trigger for how we got to the rulemaking. I appreciate the -- going over the concept sheet. I'm wondering if maybe we want to jump into the Draft GUM.

UNIDENTIFIED SPEAKER: Sure.

THE MODERATOR: I'll pull that up.

And so, again, we've got our draft and also the current online.

And so Robert did a good job of kind of highlighting the significant changes and new information in Chapter 6, but why don't we just -- since we don't have any questions or comments at this time unless -- are any folks interested in comments or questions at this time?

And it doesn't look like online either.

So real quick, the Table of Contents here, some folks may be familiar with this. Again, Guide on Utility Management. Section 100.00, "General Information;" Section 200.00, "Right-of-Way Encroachment for Utilities;" Section 300.00, "Installation and Maintenance;" 400.00, "ITIP Project Development." You heard Mr. Kindlisbacher talk a little bit about that in terms of our seven-year program plan for projects. And so that's a big instrumental tool that we use when it comes to our "Dig Once" goal.

"ITD/Local Construction." We've heard some comments directly related to that. We've got both the State right-of-way and local jurisdictional right-of-way that directly relates to broadband connectivity.

And then Section 600.00, and that's -- that's really kind of the new -- the new meat and potatoes of the GUM.

So I think if you're all right, Rob, I'll just jump to 600.

MR. BEACHLER: Sure.

THE MODERATOR: Does that work for you?

Again, this is where the majority of the new information is that directly relates to broadband.
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."

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

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

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

1. "mutually agreed upon" exchange of facilities and services. So in many cases when we're doing a project where we have an intelligent transportation system requirement -- so let's say we have a corridor. We have signals that we need to interconnect. And so we may place additional spare conduits in those projects, and those can be utilized in a Shared Resources Agreement where we would provide access to one of those spares in exchange for dark or lit fiber. Some of the other things that could be negotiated out in those Shared Resources Agreements, which are -- again, we want to be fair and equitable to both parties -- is the "installation of additional conduits" for the State of Idaho or ITD use. And that could be made available to other providers in the future.

So those costs can be identified in the Shared Resources Agreement. So if there's a follow-on provider, let's say, in an urban corridor where we don't want to -- have very limited right-of-way space, we place these conduits -- or a provider has placed them. Those prices, you know, for purchase by the State or another provider, those can be stipulated in the Shared Resources Agreement.
Okay. So "Compensation" -- again -- "for any standalone facilities that they don't impact essentially the right-of-way, you know, so they do not become a hazard for "errant vehicles" or have any "safety impacts" or -- being a roadside hazard. So we want to ensure that there's adequate site distance and the facilities are "located outside the roadway prism where errant -- you know, we want to make sure there's not non-frangible facilities that are placed there that could cause accidents if a vehicle hit it, any type of serious accidents. And, you know, I think most industry folks will not, you know, recognize that as a standard, and that makes it a little bit easier for calculating permitting versus actual cost recovery for review and permitting. So -- and we want to reserve the right to adjust these compensations whenever we receive new guidance from FCC or Federal Highways Administration or in agreement renewal cycles.

I asked several providers, you know, "What other terms are you looking for? What is your return on investment for these types of facilities?" And so we, you know, kind of came around -- the most common number was, you know, a 10-year term with a 10-year renewal, so that's what we're proposing here. And then we'll go down to "Location Criteria." And, again, on a previous slide we highlighted these are important siting criteria for all utilities within the right-of-way. And these facilities propose broadband.

And so what we've -- similar to Shared Resources Agreements, what we would do with broadband Small Wireless Facilities is enter into what we're proposing as entering a Master License Agreement. And, again, this sets forth the terms and conditions for accessing the right-of-way for the installation and operations of Small Wireless Facilities.

And so we have developed an additional new Right-of-Way Encroachment Application and Permit for Small Wireless Facilities because we recognize, based on the FCC guidance, you know, that they had their presumptive fee structure identified in there and how many Small Wireless Facilities could be placed under a permit and what that would cost. So we wanted to create a new permit form for that -- allows the District permitting staff to calculate the number of facilities that are being proposed in the permit application to calculate the fee structure for that individual permit. But prior to that permitting, Division of Highways and the provider would enter into a Master License Agreement.

Importantly, note that with these facilities being placed, ITD would request, you know, engineering specifications on the proposed equipment, especially when you're attaching to State facilities like signal structures, bridges, luminaries, you know, to attach to these facilities, you know, so we know what those specifications are, like how much weight is it.

Our internal review with our structural engineers can look at those for wind load, static loads, so that -- that is being requested within those permit applications.

Identification of any new structures. So if you're not attaching to State facilities, such as luminaries, signals, bridges, you know, and you're proposing a place -- a stand-alone, dedicated Small Wireless Facility pole, you know, where are those going to be? Where are you proposing to locate those? So we make sure that they're not impacting other facilities, in particular any impacts to pedestrian access or facilities.

And again, anything that happens within the Interstate right-of-way requires approval by ITD and the Federal Highways Division administrator. Can we go to -- oh, go back up to -- I'm almost done with that. Let's see, we're on page 605. Okay. Go up just a little bit more. Okay. So "Compensation" -- again -- "for
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1. pedestrian accessibility or facilities such as ramps.
2. And we also want to note that in these applications that we want to "identify the location of all mounts" including on existing poles or maybe building structures or aerial cables. It's possible to place wireless facilities on existing cables. And if there's -- where they'll be placed on either private, public, or ITD facilities.
3. Installation within the right-of-way.
4. We've got a section of the Code of Federal Regulations we need to be in compliance with for these. And any installation of broadband infrastructure in the Interstate right-of-way will require review and approval by ITD and the Federal Highways Administration.
5. Both ITD and the Federal Highways Administration "discourage median installations." And so we will -- in some instances they could be approved if they were supporting some Intelligent Transportation System requirements, but that would be worked out between ITD and FHWA. And again, we want to minimize the risk for safety.
6. Last section in Chapter 6 is in regards to "As-Built Plans" and "Deliverables." So as part of the permitting process, we're requesting As-Built plans in a digital GIS format, and this will show the location of all facilities and supporting infrastructure.
7. "So I'm going to place -- or I'm attached to your signal structure here. We're going to have fiber run to a junction box over here."
8. We want to see where all those facilities are so we can help identify and -- those locations. And so GIS format is easy for the Department to manage that information.
9. And then just with all standard permitting requirements, As-Builts are due within 30 days of completion of work.
10. THE MODERATOR: Thank you, Robert.
11. So again, quite a bit of information. I want to emphasize this is on the Draft Guide for Utility Management. Specifically we went over Section 600 which is all brand-new material.
12. And so as we approach the 5 o'clock hour here I just want to give one more opportunity for those that are online or on the phone. If you would like to make any comments or ask any questions, please raise your hand.
13. Same with the folks here in the auditorium.

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1. We will be making ourselves available until 7:00 p.m. Mountain Time, 6:00 p.m. Pacific Time.
2. But if there are no comments or questions at this time, we're probably going to take a 10, 15-minute break. And then we can reconvene and see if there are any thoughts that have been generated maybe after you've done some review.
3. And before we do so, it does look like we have a few comments.
4. So please -- welcome. Come on up to the podium. And if you could please spell out your name for us and who you represent.
5. CHERYL GOETTSCHE: Thank you.
6. My name is Cheryl Goettsche. I'm the general manager for Sparklight in western Idaho. And I really just had one concern with the term "utility" in the beginning of the proposal.
7. I think we need to use a broader term than "utility." As a broadband provider and ISP, we are actually not considered a "utility" under Idaho Law.
8. So I would just hate for there to be some un -- you know, consequences that we are not included in this for some reason, just based on the term "utility."
9. So thank 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 provider --
5. UNIDENTIFIED SPEAKER: So there's...
6. CHERYL GOETTSCHE: Fiber...
7. UNIDENTIFIED SPEAKER: Is there -- is there Idaho Code that distinguishes that difference or is it not addressed in Idaho Code either?
8. CHERYL GOETTSCHE: I'll have to check on that to see if it's specifically excluded or if we are just not included under the definition of a "utility."
9. Since we are Telco, like some of the other companies in here --
10. UNIDENTIFIED SPEAKER: Uh-huh.
11. CHERYL GOETTSCHE: -- we are not regulated by the PUC, and we're not considered a "utility."
12. UNIDENTIFIED SPEAKER: Okay. Thank you.
13. CHERYL GOETTSCHE: Thank you.
14. RON WILLIAMS: Can I -- this is Ron Williams.
15. Can I add some comments to that as well?
16. THE MODERATOR: Sure. Go ahead. And if you could please, again, identify yourself and who you represent.
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1 RON WILLIAMS: My name is Ron Williams. I'm the executive director of the Idaho Cable Broadband Association.

4 And I -- I've not been able to attend all of what's gone on today, but I've been on in the last hour. I haven't had a chance to really review much of anything that you've been presenting. And so even though you -- you generously continue to ask for comments on things, our association -- which includes Cheryl and Sparklight -- is not able to, at this point, make substantive comments, but we will in the future.

13 On the utility question, "utility" is a defined term under Title 61 of Idaho Code that relates to public utilities regulation by the Public Utilities Commission, and specifically broadband providers are not regulated by the Public Utilities Commission. There is statutory definitions of "utilities" -- of "utility" in Idaho in that.

20 And so I think Cheryl's point is just don't trip on the word "utility" as it is otherwise used in Idaho Law and Idaho Code when you're talking about broadband providers wanting to be in your rights of way because the world of broadband providers is bigger than the definition of a "utility."

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1 Historically, telephone utilities are the ones that are regulated by the PUC, but even most of those now have exempted out from at least significant portions of PUC regulation.

5 So I think we could come together for a better definition of broadband providers being in the -- in your rights of way, and I can work with you on that.

9 THE MODERATOR: Thank you very much, Ron. We appreciate those comments.

11 And I know a few of us are feverishly taking notes on that.

13 So thank you.

14 RON WILLIAMS: You bet.

15 THE MODERATOR: Was there someone else here in the audience that had comments or suggestions, questions before we do take a 10, 15-minute break or anyone else online?

19 MR. RINDLISBACHER: Ramon, before we take a break, maybe we ought to just kind of go over some of the things that I've heard and some of the discussions we've had.

22 THE MODERATOR: Sounds great. Absolutely.

23 MR. RINDLISBACHER: -- because I don't know 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 desire to maintain the highway system and provide the utility that the road network has. We also recognize that the rights of way that we use for our roads are an important asset for others -- not just ITD and roads, including power, sewer, water, telephone, broadband, fiber -- all of this stuff.

9 And because of that, we have a real interest in making sure that we can efficiently utilize that shared space.

12 And I recognize that there are competing interests. We have utilities that are governed by the Public Utilities Commission that kind of have certain criteria. They work under their other utilities that are more of a for-profit that are also wanting to be in that same space.

18 We're trying to accommodate everyone, and so that's what makes this a little bit challenging for us with this rulemaking process is our desire to make sure that when we dig and -- we dig once and we coordinate. That's very important to us.

23 We also recognize that the first one in may have the burden of some additional costs. And we 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 so we're wrestling with this idea of how do we not make that so burdensome, and yet at the same time, how do we accommodate for future use in the future?

6 We certainly don't want to do anything that's going to force small companies to go out of business because a larger firm comes in and competes and can outmuscle you. And so we're sensitive to that.

11 Somehow we've got to figure that out. And we're hopeful that we can share ideas and -- don't be bashful. If you've got other things that you want to 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 efficient," regardless of who we are. Let's be efficient when we're digging, only move the dirt once.

18 time. If we can figure out how to do that, I think that would save everybody money, and it would preserve space for the corridor. So that was a great idea that I picked up.

23 The -- I think it was Eric that represented electric and gas asked a question about, does this rulemaking affect them. And the answer was...

25
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.

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

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.
Regarding Rules Governing Utilities On State Highway Right of Way

1. So just kind of jumping around. Again, it seems that most of the folks here have heard most of this, but looking at IDAPA 39.03.43, Rules Governing Utilities on the State Highway Right-of-Way, specifically, the document that's incorporated by reference, the Utility Accommodation Policy, and -- is also part of an appendix to our Guide for Utility Management. So those are really the main documents that we're soliciting input and comments on.

2. Again, highly encourage everyone to visit the web page which has all of our educational materials and drafts ready for review, "itd.idaho.gov/rulemaking." Or if you're at our home page, you just go to the bottom right corner, "Inside ITD," click "More Topics," and it's the second one down, "2021-2022 Rulemaking."

3. Essentially, our goal will be to work with the general public, vendors, stakeholders between now and the end of the month, at which time we will combine all the comments and input received into draft documents -- again, draft documents of the Utility Accommodation Policy and a draft of the Guide for Utility Management which is already posted online -- have that presented to the Board at their regularly scheduled July Board meeting.

4. And with their review and approval, the next stage would be the formal rulemaking process, which is proposed rulemaking.

5. At that time, we'll have a little bit more of a solid ground on our drafts. Hopefully, at that point we will have been able to incorporate -- the comments and suggestions submitted will have been reviewed, and we'll have engagement by the Idaho Transportation Board.

6. And then at the very beginning of that formal rulemaking process, we will, again, have open public comment periods to solicit input and ideas and thoughts.

7. So unless there's anything particular -- for the folks that are online, I definitely -- I don't -- I definitely don't know that we necessarily need to repeat everything that was said, but we would be happy to do so or cover any particular topics if there was anyone that maybe didn't join us right at the 3 o'clock hour.

8. So we'll go ahead and stand by. We're currently empty here in the auditorium with the exception of staff here on stage.

9. So we'll just kind of keep an eye on the phones and Webex and see if we get any newcomers or if anyone's online would like to ask any questions or provide any comments.

10. Thank you.

11. All righty, folks. We are approaching the 7 o'clock hour down here in Boise, 6:00 p.m. up there in north Idaho, and that will be bringing a conclusion to today's negotiated rulemaking meeting regarding utility accommodation and specifically broadband and broadband conduit within the State's right-of-way.

12. We really appreciate the participants and those that engaged today. We had about 35 or so folks on the phones and Webex and another 8 or so here in the audience with us. Had some really good discussion early on.

13. Our Broadband Program manager, Mr. Robert Beachler, was able to walk through the majority of our materials including his PowerPoint presentation, our concept sheet, and we even got into the Guide on Utility Management and, specifically, Chapter 6 which is the new material.

14. Moving forward, we'll continue to take comments until the end of the month, specifically June 30th. We also have a second negotiated rulemaking meeting for this topic scheduled for next Thursday, June 24th, from 3:00 to 7:00 p.m. Mountain.

15. Thanks again.

16. Have a good night.
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.

_____________________________
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