

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

MODERATOR: RAMON HOBDEY-SANCHEZ

JUNE 24, 2021

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

TRANSCRIBED BY:

VICTORIA HILLES

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1 (Begin transcription of audio file.)
 2 THE MODERATOR: Thank you, Robert. Really
 3 appreciate that.
 4 So we do have a couple participants that
 5 have a couple questions for us here that we'd like to
 6 get to. And so as you can see, I mean, we're already
 7 45 minutes in here. We've got -- we've got a lot of
 8 high-level -- in terms of the direction and goals we
 9 want to go. And then Robert, I think, did a good job
 10 of kind of narrowing us down into a few of the
 11 details.
 12 But I'll toss this to the group up here.
 13 One of the questions that I see here is from
 14 Mr. Jeremy Chou: "What is the average cost being
 15 charged to traditional utilities for right-of-way use?
 16 Do they also enter into these shared use agreements
 17 [sic]?"
 18 MR. BEACHLER: So traditional public utilities
 19 regulated by the Idaho Public Utilities Commission,
 20 they are -- use our standard utility encroachment fee
 21 of \$50.
 22 THE MODERATOR: And then the follow-up there.
 23 Do we enter into Shared Resources Agreements with any
 24 of the public utilities?
 25 MR. BEACHLER: No, we do not, not to my

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1 knowledge.
 2 THE MODERATOR: So hopefully that answers your
 3 question, there, Jeremy. If you have anything else,
 4 we can go ahead and take you off mute here.
 5 Jeremy, does that --
 6 JEREMY CHOU: I'm good. Thank you very much.
 7 THE MODERATOR: Does that --
 8 JEREMY CHOU: Thank you.
 9 THE MODERATOR: Yep. Okay.
 10 So there's a lot of different directions
 11 we could go here. We can jump right into the GUM. Or
 12 we'd like to open it up to anyone here in person or
 13 online in terms of particular questions.
 14 It looks like we do have another chat
 15 here. And so this is from Rob [phonetic]. "Is it
 16 possible to get a copy of this PowerPoint? Also, for
 17 the rulemaking, will there be an opportunity to make
 18 written comments?"
 19 Thank you very much, Rob. We can -- yeah.
 20 We can definitely make this PowerPoint available.
 21 What we'll do is we'll post it on the website,
 22 probably first thing tomorrow morning.
 23 And then -- yes, as far as comments, yes,
 24 they can either be made orally -- we're transcribing
 25 the recording here. But if you want to submit them

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1 written, that's definitely appropriate. Again,
 2 there's that contact information on the rulemaking web
 3 page. Either direct a letter to myself or Mr. Robert
 4 Beachler.
 5 UNIDENTIFIED SPEAKER: [Unintelligible].
 6 THE MODERATOR: But we would -- for -- as far as
 7 a due date for the comments -- and there was a little
 8 confusion just because we've added some additional
 9 meetings, we would like to get the first round of
 10 comments submitted by June 30th. That way, we can
 11 start incorporating potential suggestions and ideas
 12 into our policies. And then with a second round of
 13 meetings in July, there would be an additional comment
 14 period.
 15 But would we -- we really would like to
 16 get that first set of comments by June 30th, and I
 17 think that will really just kind of help us hone in
 18 the language of our draft policies.
 19 So great question. Thank you.
 20 What about any others?
 21 Is there a particular item that folks
 22 would like to cover in terms of the materials? Do we
 23 want to jump into the Draft GUM?
 24 Definitely curious if there's folks that
 25 have any questions about the Draft itself. Now that

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1 we have it in legislative format, it's a little
 2 clearer to understand the changes being made. So I'll
 3 just kind of open it there if there's any comments or
 4 suggestions on the newly posted Draft.
 5 ADRIAN PRESCOTT: I think the biggest thing that
 6 we're wondering as a provider is just kind of how that
 7 agreement is going to look between ITD or us and other
 8 broadband providers so that we are not fronting the
 9 bill for something where our competitors can come in
 10 and easily gain access if that makes sense.
 11 Because -- for example, one of the builds
 12 that we just did was 2 miles, and it cost us, without
 13 material costs, over \$110,000 just in construction
 14 costs. And that's not -- you know, that's a very
 15 small bill compared to fitting, you know, a very large
 16 ITD access.
 17 So just kind of how that would work -- I
 18 know we do work a lot with ITD over in eastern Idaho
 19 with trying to exchange and give them access to
 20 different things, providing conduit where we can. But
 21 then in addition to just what we put in the ground, it
 22 costs us an extra \$3 a foot per conduit, you know, and
 23 that's just a very standard rate, and that's in
 24 perfect ground conditions.
 25 So I just am curious, like how that

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1 agreement would look if we do go in and say, "Well,
2 this is what our set price would be before we start,"
3 and then we get into it, and it costs us extra because
4 the ground conditions are poor or -- does that make
5 sense?
6 MR. BEACHLER: Absolutely.
7 ADRIAN PRESCOTT: So that's kind of a big
8 portion we're looking at as a provider of --
9 DANIEL PARRISH: Sharing those -- sharing those
10 assets with ITD is easy; right?
11 ADRIAN PRESCOTT: Mm-hmm.
12 DANIEL PARRISH: You want to get to rural sites
13 where you're tracking user -- you know, whatever.
14 That's easy, and that's what we always try to -- try
15 to do.
16 But I mean, [unintelligible] and we have to
17 make those and anybody -- any other provider would say
18 the same thing. We have to make those assets
19 available to whoever. They come in and all they have
20 to do is put a fiber in a conduit that we foot the
21 bill for. You guys are smart. You can see how that
22 would be less than attractive.
23 MR. BEACHLER: All right. And that was one of
24 the -- that was brought up at the first meeting
25 is -- it's how would that impact, let's say, a

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1 provider that's already established in this area or
2 maybe they have an exchange area that's going to
3 [unintelligible] would be, "Why would I want to put
4 that in?" And we understand that.
5 And again, we're just trying to
6 seek -- we're putting this out there. How can we get
7 everybody in this area? One of the models we've seen
8 is, you know, with a DOT -- this is a -- kind of a
9 private lease model. A DOT requires providers to
10 install extra conduits with their initial
11 installation. That provider has extra -- excess
12 capacity. They can lease that. You know, that's an
13 option.
14 ADRIAN PRESCOTT: Okay.
15 MR. BEACHLER: And we're looking for how would
16 you --
17 ADRIAN PRESCOTT: Right.
18 MR. BEACHLER: -- how would you work with other
19 providers. Because I know a lot of times you're
20 building off your network. You're sharing --
21 ADRIAN PRESCOTT: Mm-hmm.
22 MR. BEACHLER: -- you're sharing strands on a
23 cable that gets you to another customer. So, you
24 know, any kind of input on how that's best -- because
25 we're not in the fiber business --

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1 ADRIAN PRESCOTT: Right.
2 MR. BEACHLER: -- but you folks are. How can we
3 help facilitate that and get your --
4 ADRIAN PRESCOTT: I know --
5 MR. BEACHLER: -- comments?
6 ADRIAN PRESCOTT: I know over in Chubbuck, one
7 of the things that we do -- we work with the cities
8 very closely because they need -- they need access,
9 just like you guys do, to their facilities.
10 And so one of the projects that we just
11 did with the City of Chubbuck was they -- as they
12 opened up new roadways or reconstructed them, they
13 were already putting in conduit, so we would, you
14 know, exchange services that way.
15 But we -- when we went in and put in our
16 vaults for the exchange of those, they had their own
17 vaults set. And so they would go, you know, because
18 we don't want to share those.
19 UNIDENTIFIED SPEAKER: Right.
20 UNIDENTIFIED SPEAKER: Right.
21 ADRIAN PRESCOTT: That's something that we --
22 you know, you don't want us in yours. We don't want
23 you in ours. So that's one way that would be
24 possible, but it's the other providers that is hard
25 for us to -- if it's a set agreement before we build,

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1 I don't think that's as negotiable because once you
2 get into it, it's different.
3 And then once -- you know, if it's
4 something that we can do afterwards, that's something
5 that's a little bit easier for us to say, "Okay."
6 Well, this is actually what it cost us, so this is
7 what we can really do. "
8 DANIEL PARRISH: How -- how -- how rigid are you
9 trying to create your directive from the ITD
10 Department out to your -- out to your satellite areas,
11 meaning -- yeah. And so for us, there's some of our
12 areas where we would -- where we could service where
13 it's effective, and we wouldn't have any problems
14 sharing with other areas where people [unintelligible]
15 -- if we have to -- if we have to -- have to enter
16 into an agreement with ITD that forced us to make
17 stuff available, we'll find other crowds, because
18 there's some areas where -- where it's just different;
19 right?
20 UNIDENTIFIED SPEAKER: Right. Right.
21 DANIEL PARRISH: And so -- so you can do
22 SRAs -- will they be able to be flexible to meet the
23 needs here as opposed to up in Coeur d'Alene or Twin
24 Falls or -- because everywhere's a little different
25 or -- you know, trying to create -- keep some of that

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1 flexibility or are you going to try to create a vision
 2 that -- you know, "This is how you have to do it," as
 3 directed from wherever, here in Boise I guess. Do you
 4 know?
 5 MR. BEACHLER: Well, and that's part of our fact
 6 finding or rulemaking here. How can -- how can we
 7 facilitate that or not? And again, we recognize
 8 that -- from our comments last week that not all
 9 markets are the same.
 10 One of -- one of the providers came up at
 11 our break and says, "Hey. I'm losing money in some of
 12 these markets that I have to be the provider here, and
 13 it doesn't incentivize me to do that."
 14 So I mean, one of our main goals,
 15 especially with our outreach efforts, is to provide
 16 advanced notification of our projects so people know,
 17 the industry knows, your providers know, "Hey. ITD's
 18 doing these projects. Please coordinate those
 19 requirements." We don't know where you need to go
 20 either.
 21 UNIDENTIFIED SPEAKER: Right.
 22 MR. BEACHLER: So if we can get that
 23 coordination early in the process, it -- maybe -- you
 24 don't have to maybe necessarily buy an extra conduit
 25 or sell it to a competitor if everybody's able to

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1 coordinate and place them.
 2 There was another one about reducing the
 3 cost of these builds by putting
 4 everything -- installing it all at once, and we have
 5 an open ditch. If all the providers who want to
 6 openly compete can coordinate with the State and our
 7 contractors to place those individual conduits at that
 8 construction time, that is better. And we can get
 9 their own facilities in, but we need to know those
 10 requirements preferably early in our planning and
 11 scoping phase.
 12 You know, we will accommodate any inputs.
 13 You know, we have a 7-year planning horizon on our
 14 projects. Our outreach efforts are focused on getting
 15 you advanced notification of these many projects so
 16 you can plan for capital investments, see -- does it
 17 make sense to move here and coordinate with the State
 18 during their construction phase.
 19 Because typically, you know, everybody's
 20 busy doing their work, and, you know, we're designing
 21 projects, transportation uses. When we get to
 22 our -- you know, towards the end of our project
 23 development, we're looking at utilities.
 24 You know, now you're reacting to our
 25 projects. So you really want to be proactive, and you

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1 want to establish that line of communication: "Hey.
 2 This is where we're going. What -- what capacity do
 3 you need?"
 4 You know, if you're going to put a pipe
 5 in, I don't -- it would be terrible if you came back
 6 three years later and said, "Hey, can I put another
 7 conduit in? I need more fiber."
 8 So it's really about understanding
 9 the -- your requirements and how we can help
 10 facilitate that through our projects.
 11 ADRIAN PRESCOTT: I agree. I think that we do
 12 run into issues, too, where I think it would be a lot
 13 easier if everyone was able to be closer together,
 14 because we've run into issues where we've had one
 15 provider run a foot apart from each conduit, and so
 16 there's no room for us.
 17 MR. BEACHLER: Right.
 18 ADRIAN PRESCOTT: And they're taking up -- you
 19 know, it's --
 20 MR. BEACHLER: Right. And then --
 21 ADRIAN PRESCOTT: -- [unintelligible].
 22 MR. BEACHLER: -- we'll have to offset from
 23 those.
 24 ADRIAN PRESCOTT: Right.
 25 MR. BEACHLER: So now we've got another 5 feet

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1 offset from those pipes, and then we're out of room.
 2 DANIEL PARRISH: Yeah. So I think
 3 that -- [unintelligible] where we're at. We'll talk
 4 in a while.
 5 Well, we will provide feedback. We'll
 6 give you -- you know, we don't want to go through
 7 every individual thing. We'll give those to you as we
 8 review it and are able to give our feedback, which
 9 will be worth what it's worth --
 10 UNIDENTIFIED SPEAKER: Yeah.
 11 DANIEL PARRISH: -- what we think.
 12 The -- the idea of very frankly
 13 structured, strict rules when it comes to joint-trench
 14 access, especially when ITD's opening it, makes all
 15 kind of sense.
 16 ADRIAN PRESCOTT: Yes.
 17 DANIEL PARRISH: This is -- you want to go in
 18 the trench we're opening? I make the rules. You
 19 don't like it? Well, go dig your own trench, and then
 20 you're not going to -- right? -- because -- and
 21 everybody's back [unintelligible] working. We can
 22 stack them, we can layer them, and that's -- that's
 23 great, especially if you can layer onto that
 24 [unintelligible].
 25 Okay. So we're not doing projects from

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1 Gooding to Bliss; right? Whatever. But you want to;
2 okay? Let's -- let's tailor that fit, because you're
3 going to [unintelligible] --
4 ADRIAN PRESCOTT: Right.
5 DANIEL PARRISH: -- or PMT, or whoever's going
6 to carry that bill -- okay? -- then we can tailor that
7 to that a little bit more than what is.
8 We're trying to get into your trench.
9 Well, go into your trench, we'll follow the rules, or
10 else go find somebody else to [unintelligible].
11 So, yeah. I think that's -- that's great.
12 And we will give a bunch of --
13 MR. RINDLISBACHER: So --
14 DANIEL PARRISH: -- more than you want, a bunch
15 of feedback.
16 MR. RINDLISBACHER: So if I can, let me --
17 DANIEL PARRISH: Yeah.
18 MR. RINDLISBACHER: -- let me tell you what I
19 think I heard you say --
20 DANIEL PARRISH: Yes.
21 MR. RINDLISBACHER: -- in some of these
22 comments.
23 Number one is, if we were to put like
24 three conduits in, what I think I heard you say was,
25 when it comes to the vaults, if there's three conduits

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1 every time I needed a vault, you'd want to see three
2 vaults.
3 So you'd run three conduits, you'd break
4 one, put a vault, you'd step over a couple of feet,
5 you'd break the other one, put a vault, you'd step
6 over a couple feet, break the other one. And then
7 you'd have a vault, I would have a vault, and somebody
8 else would have a vault.
9 ADRIAN PRESCOTT: Correct.
10 MR. RINDLISBACHER: And then I never get in your
11 vault. You never get in mine.
12 DANIEL PARRISH: Correct.
13 ADRIAN PRESCOTT: And the reason being is -- for
14 us, the big reason on that is, when we're splicing and
15 putting a splice case in there, a lot of the times you
16 get multiple cables going through there, you're
17 not --
18 DANIEL PARRISH: You're --
19 ADRIAN PRESCOTT: Yep.
20 DANIEL PARRISH: -- moving and putting extra;
21 right?
22 ADRIAN PRESCOTT: You're not going to be able to
23 get another splice case in there. It usually only
24 will hold what we've got.
25 DANIEL PARRISH: Because you're putting

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1 gigantic --
2 ADRIAN PRESCOTT: Yeah.
3 DANIEL PARRISH: -- huge --
4 ADRIAN PRESCOTT: Huge.
5 DANIEL PARRISH: -- boxes.
6 ADRIAN PRESCOTT: Right. So that's where we get
7 into -- and then also the -- if you have someone else
8 coming in, if they accidentally cut your fiber while
9 they're going in there, then you've got a major issue.
10 So that's -- that's why we want a separate vault.
11 MR. RINDLISBACHER: Yeah. And that's great to
12 know. We've got an area where we're -- we're putting
13 in some conduits right now just because we think we're
14 going to need it, and we know we'll regret it if we
15 don't.
16 ADRIAN PRESCOTT: Yes.
17 MR. RINDLISBACHER: But in that situation, I
18 don't think we're putting multiple vaults. I think
19 I'm talking about U.S. 95. We're putting 3 2-inch
20 conduits up close to that canyon. It's in rock.
21 There's a rock cliff, there's a road, there's a river,
22 and someone's picked a spot. And in that
23 installation, we put one vault.
24 ADRIAN PRESCOTT: Because there's probably not
25 room for multiple [unintelligible].

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1 MR. RINDLISBACHER: Well, if we stacked them and
2 put, you know --
3 UNIDENTIFIED SPEAKER: [Unintelligible].
4 MR. RINDLISBACHER: -- longitudinally, we could
5 have.
6 ADRIAN PRESCOTT: Yeah.
7 MR. RINDLISBACHER: We didn't, because we didn't
8 understand --
9 UNIDENTIFIED SPEAKER: Yeah.
10 ADRIAN PRESCOTT: You know --
11 MR. RINDLISBACHER: -- the cost that you just
12 shared with us, so that was great to hear.
13 ADRIAN PRESCOTT: So one thing I -- just a
14 suggestion in that instance is, if you do ever sell
15 that -- sell conduit or sell -- lease it, if another
16 provider comes in, you can just have them dig it out
17 and place a vault. It's --
18 DANIEL PARRISH: Yeah.
19 ADRIAN PRESCOTT: We do that a lot, so
20 that's --
21 DANIEL PARRISH: There's ways around it.
22 ADRIAN PRESCOTT: Yeah. So there's ways
23 around -- what? -- have it -- you know --
24 DANIEL PARRISH: You can set the
25 [unintelligible] for at least in your rule and then

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1 make sure that you understand that when I sell that to
 2 CenturyLink or whoever, they're going to want to set
 3 their own -- their own vault next to it, which -- to
 4 be fair, it's better to do it up front.
 5 MR. RINDLISBACHER: Yeah.
 6 DANIEL PARRISH: But there are ways around it
 7 [unintelligible].
 8 MR. RINDLISBACHER: It's better up front, but
 9 once the conduit's there, now you're digging a small
 10 hole instead of --
 11 DANIEL PARRISH: Yeah.
 12 ADRIAN PRESCOTT: Yeah.
 13 MR. RINDLISBACHER: -- miles and miles. So
 14 that's great feedback.
 15 Another thing I heard you say was, if we
 16 entered a Shared Resources Agreement with you and
 17 figured out the cost before we started -- and just so
 18 you know that the -- for you to allow somebody else to
 19 do a conduit -- let's pick a number, and let's say
 20 it's, you know, \$5 a foot or something -- and we agree
 21 to that within a shared use agreement -- Shared
 22 Resources Agreement.
 23 The concern was after -- I mean,
 24 that's -- you haven't built it yet, so you don't
 25 really know what it costs. You think you know what it

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1 costs, but you don't really know it.
 2 ADRIAN PRESCOTT: Right.
 3 UNIDENTIFIED SPEAKER: Sure.
 4 MR. RINDLISBACHER: And then you build it, and
 5 you say, "I don't know. That \$3 a foot per conduit,
 6 because I hit rocks or because I had to bore up a
 7 river or whatever, it turns out that that's \$6 a foot
 8 or \$10 a foot."
 9 ADRIAN PRESCOTT: Right.
 10 MR. RINDLISBACHER: Then your concern is, "I
 11 don't want to lock in a low rate for my competitor,
 12 bear all the cost up front, and then I bear the burden
 13 of the cost, and then your [unintelligible] come in
 14 behind.
 15 ADRIAN PRESCOTT: Correct.
 16 MR. RINDLISBACHER: So if we could some way in
 17 our -- when we structure our Shared Resources
 18 Agreements, if we could agree to allow the
 19 installation and maybe come back after the
 20 installation to fix the cost based on what it really
 21 costs, that would be advantageous.
 22 DANIEL PARRISH: So --
 23 MR. RINDLISBACHER: Am I hearing that right?
 24 DANIEL PARRISH: Well, so their -- yes. But let
 25 me add to that if I can. So you're right. We don't

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1 want to say we'll build it for 3 bucks and then it
 2 actually costs us 6 bucks to put a pipe this
 3 [unintelligible] upside down, taking it back.
 4 And I think that's easier to answer by
 5 saying, "Okay. Let's do a make-right on the back end,
 6 and you provide some evidence that it actually costs
 7 that, and we can shift that right.
 8 The bigger concern -- and maybe our own
 9 answer -- is that you don't want to lose the
 10 competitive advantage. We come in and we front a
 11 million dollars to build to Orofino -- look, pick a
 12 city -- to Orofino.
 13 Well, everybody else is sitting back
 14 waiting for us to build to Orofino. Because then once
 15 we do, they can get built to Orofino for 6 bucks.
 16 Look, all they have to do is buy a five
 17 [unintelligible], throw it into a conduit, shoot it
 18 out there, or buy the five that we have to sell them
 19 now or to the SRA.
 20 And all of a sudden the first guy
 21 in -- unless he's got some kind of competitive
 22 advantage window to try and capture a market or
 23 something, all of a sudden we put all this money out
 24 maybe to build the exact same place for 20 percent of
 25 the cost that we put into build there; right? And so

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1 the first guy's never going to want to do it because
 2 it just doesn't -- somebody's going to make money for
 3 that, [unintelligible] be the first guy. It's going
 4 to be the next guy that gets into it.
 5 MR. RINDLISBACHER: Right. And so that's the
 6 challenge we've got, is we're trying to say, "There's
 7 only so much room. We want to have multiple providers
 8 in the same conduit." And so that's what we're trying
 9 to piece out of this discussion.
 10 What I pull from what you just said is if
 11 part of the Shared Resources Agreement said, "I put
 12 the conduit in, and I'm going to let somebody in
 13 there, but I've got to wait -- they've got to wait
 14 five years before they come, so I can get a chance to
 15 get in, get established. That's the -- that's what I
 16 had to do for being first."
 17 Then we figure out the cost to let
 18 somebody else come in, but then you get three, four,
 19 five, whatever we negotiate for the -- it's almost
 20 like a noncompete clause or something --
 21 UNIDENTIFIED SPEAKER: Yeah.
 22 MR. RINDLISBACHER: -- to allow you to afford
 23 your investment before doing the work. That would be
 24 the reward that you would get, is others come, but not
 25 immediately.

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1 DANIEL PARRISH: Yes. Yeah. Yes.
 2 MR. RINDLISBACHER: Does that make sense?
 3 I don't know if you said that, Rob, and
 4 others.
 5 MR. BEACHLER: Yeah. Yeah. And the agreements
 6 we've done in the past with providers just provided
 7 facilities, either conduit or fiber, for State use.
 8 ADRIAN PRESCOTT: Right.
 9 MR. BEACHLER: So it hasn't been -- I -- we
 10 weren't providing access to --
 11 UNIDENTIFIED SPEAKER: Yeah.
 12 MR. BEACHLER: -- competitors at the same time.
 13 You know, it's helping facilitate a State network
 14 though. So that was just a -- it's a vehicle that we
 15 could use. If you want to install some extra
 16 conduits, if you wanted to lease them or you want to
 17 lease fiber or if you have excess capacity, you're in
 18 the right-of-way, you have an agreement, you can lease
 19 that.
 20 And in some cases, you know, that's the
 21 kind of stuff -- we're seeking understanding from the
 22 industry perspective on how we do that, and being
 23 cognizant that, you know, it's competitive.
 24 Utilities -- you know, it's one thing if a public
 25 utility has a service area that's defined for them --

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1 ADRIAN PRESCOTT: Right.
 2 MR. BEACHLER: -- you know, and established
 3 under the Public Utilities Commission, but broadband
 4 is not. So, you know, we can literally have 10 people
 5 coming through the same place. And if we all gave
 6 them 5 feet, you know, there'd be no room for the
 7 road.
 8 So those are the things we're challenged
 9 with trying to figure out. How do we accommodate all
 10 these -- all these different places? In some
 11 markets there isn't room for, you know, multiple
 12 providers to come in on your investment. It would be
 13 prohibitive to your success.
 14 DANIEL PARRISH: Just kind of bringing it back
 15 to my statement before. When you're opening a trench,
 16 and ITD's doing it, I totally would say that's
 17 a -- these are the rules, and you're going to get in
 18 and [unintelligible] -- you're footing the bill;
 19 right?
 20 UNIDENTIFIED SPEAKER: Right.
 21 DANIEL PARRISH: So then, great. Somebody wants
 22 to come in and buy that conduit from you at X dollar a
 23 foot or place their own conduit in there or whatever
 24 they want to do. The rules, it makes sense to be hard
 25 and fast. This is how it is. When we're doing

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1 opening -- open trenching in Lewiston or we're doing
 2 it in Idaho Falls, we're footing -- ITD's footing the
 3 bill for it is a rule.
 4 When you get outside of that, it's nice to
 5 have some kind of -- it might be easier to have just
 6 some leeway for the people in District 4 who say,
 7 "That's how we want to do it." And the people in
 8 District -- I'd say with this specific build is how we
 9 want to do it on this project --
 10 MR. RINDLISBACHER: [Unintelligible].
 11 DANIEL PARRISH: -- with guys -- like you guys.
 12 MR. RINDLISBACHER: So I -- what I hear you
 13 asking for is flexibility on the individual Shared
 14 Resources Agreements.
 15 UNIDENTIFIED SPEAKER: Yeah.
 16 MR. RINDLISBACHER: I don't think we're opposed
 17 to that at all. We're trying to build a framework.
 18 And each Shared Resources Agreement we've done so far
 19 has been unique to that agreement. So I don't think
 20 we're coming to this from a perspective of we're going
 21 to have one model, and it's going to be the same model
 22 every single time.
 23 There are places where we may want a
 24 conduit just for ITD's purposes to hook up variable
 25 message boards, access to traffic counters, or --

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1 ADRIAN PRESCOTT: Right.
 2 MR. RINDLISBACHER: You know, we keep talking
 3 about connected vehicles and autonomous vehicles. I
 4 don't even know what that future looks like, but we're
 5 probably going to have to have some conduits with some
 6 fiber in it to accommodate that, and we don't know
 7 what that looks like yet. So we're interested in a
 8 dedicated conduit for transportation purposes.
 9 So I think everyone can be unique,
 10 particularly if we already have service, we already
 11 have connectivity. At the same time, even if we have
 12 that, we know that others will come later, and so
 13 we're trying to build extra capacity [unintelligible].
 14 ADRIAN PRESCOTT: Right.
 15 MR. RINDLISBACHER: So that's -- that's where
 16 we're [unintelligible] with this.
 17 I do have a question for you --
 18 UNIDENTIFIED SPEAKER: [Unintelligible].
 19 MR. RINDLISBACHER: -- since we're talking.
 20 We have not yet figured out -- in the
 21 instance where ITD has a trench, we put conduits in,
 22 like the Culdesac Canyon one we've been talking about.
 23 We put three conduits in there. We haven't figured
 24 out how to share those yet. We have figured out
 25 what's the right way. Do you have any advice for us

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1 on how to do that?
 2 So for example, we're thinking maybe we
 3 just put out a call, like an RFB and say, "Anybody
 4 interested? Let us know, and the highest bid gets in"
 5 or "based on what you would provide, what kind of
 6 service you would provide to communities and rates
 7 that you would provide," maybe that's something.
 8 We're trying to figure out how to -- this looked kind
 9 of like a low-bid environment -- and figure out who
 10 the best bid is.
 11 DANIEL PARRISH: You said "empty conduits;"
 12 right?
 13 MR. RINDLISBACHER: Yeah. Right now we're just
 14 putting empty conduits. We haven't put any fiber.
 15 ADRIAN PRESCOTT: What size are you putting in
 16 for conduits, might I ask?
 17 MR. RINDLISBACHER: Pardon?
 18 MR. BEACHLER: So on -- in this case --
 19 MR. RINDLISBACHER: "Size."
 20 MR. BEACHLER: In this case, due to the
 21 topography and the materials, we ended up boring in
 22 three 1-and-a-quarter-inch conduits.
 23 ADRIAN PRESCOTT: Okay. So I would have to
 24 double check with our construction manager, but I --
 25 typically depending on how far those are placed apart

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1 between the breaks, you can get two to three
 2 microducts inside that conduit, providing you an extra
 3 [unintelligible] space. So that's just a -- you know,
 4 for your future stuff, I would suggest putting that
 5 in, because then that provides you two to three per
 6 inch-and-a-quarter conduit to be able to give you an
 7 additional space.
 8 DANIEL PARRISH: That would -- that gives nine
 9 individual providers or whatever you got --
 10 ADRIAN PRESCOTT: Right.
 11 DANIEL PARRISH: -- room to [unintelligible]
 12 there.
 13 ADRIAN PRESCOTT: I know in cities -- and I go
 14 back to the City of Chubbuck and the City of
 15 Pocatello, what we're doing -- we've been working with
 16 the City of Chubbuck on their future -- when they redo
 17 intersections or when they're doing new roadways,
 18 they're -- we've been talking to them about putting in
 19 multiple conduits so that we're not boring roadways
 20 multiple times.
 21 And so that was one of the things that
 22 we've talked about with them is put four -- it's
 23 called "future paths." So as -- it's
 24 inch-and-a-quarter, put as -- four of those microducts
 25 in it already built in, so you're getting, you know,

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1 your 12 -- or your 16 [unintelligible] plates instead
 2 of the -- just the two or the four. You're getting
 3 multiple.
 4 DANIEL PARRISH: So for your
 5 existing -- existing conduit that you have there, I
 6 would do -- you could require that whoever fills it,
 7 that they fill it with a microduct in a sense.
 8 And if they -- they just put loose like
 9 cable in there 288 or 70 -- 2 -- whatever the number
 10 is -- it can make it much more difficult for the next
 11 guy to blow over top of it, even if -- even if it
 12 fill -- it's still empty, but you've got blowing
 13 out -- especially over longer distances, starts coils,
 14 starts [unintelligible].
 15 And so if you -- if you require them to
 16 put those -- those microducts in there, you've
 17 officially put one for themselves -- it's way easier
 18 for me to come along later and put a second microduct
 19 as opposed to blowing fiber, [unintelligible] existing
 20 fiber.
 21 ADRIAN PRESCOTT: And I would -- and to kind of
 22 back that, I would suggest that you, at the same time,
 23 help them put three in, because once you put one in,
 24 it's going to be a lot harder to put the second one in
 25 for the same reason. As an engineer, you know --

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1 DANIEL PARRISH: Yeah.
 2 ADRIAN PRESCOTT: -- [unintelligible], you know,
 3 things -- as it goes in, it doesn't go in perfectly
 4 and straight all the time. So if you put it in right
 5 away before you put any cable in there, you're going
 6 to have a lot -- a lot of [unintelligible] space.
 7 And then one thing -- like the City of
 8 Chubbuck that we've been working with -- is any time
 9 somebody goes to permit to do that intersection, then
 10 they say, "Well, we have this conduit. Here's what
 11 we'll sell it for," so that's another thing that you
 12 could do, is as people permit say, "Well, this is what
 13 we have. Here's what we'll sell it to you for."
 14 DANIEL PARRISH: You've got to fill a conduit
 15 with one giant bundle; right? But --
 16 MR. RINDLISBACHER: But [unintelligible] --
 17 DANIEL PARRISH: [Unintelligible].
 18 MR. RINDLISBACHER: -- [unintelligible] is
 19 that's not very attractive to you as a provider if
 20 it's a giant bundle, because then you create a mess.
 21 UNIDENTIFIED SPEAKER: You're in each other's
 22 business.
 23 ADRIAN PRESCOTT: Well --
 24 MR. RINDLISBACHER: Yeah.
 25 ADRIAN PRESCOTT: -- you can -- so what we do

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1 with those is we -- you can break that open. So like
 2 our construction crew would -- you know, they'd leave
 3 the tail end of however many feet they need. They'd
 4 break that conduit open, and then we split the
 5 microducts. So you can do that for future paths.
 6 DANIEL PARRISH: Yeah. So you could -- you
 7 could take the big bundle and break it out and assign
 8 different people different fibers within it. It's not
 9 really as clean as just having microducts sitting
 10 within a thing. And they're --
 11 ADRIAN PRESCOTT: And --
 12 DANIEL PARRISH: You know --
 13 ADRIAN PRESCOTT: -- they're colored different,
 14 too. So you guys would say, "You get the green one.
 15 You get the blue one." You stay the same. Like ITD
 16 picks a color. That's yours the entire way. You
 17 never jump color to color.
 18 DANIEL PARRISH: And if you're trying
 19 to -- again, if you're trying to track us -- us -- to
 20 do it -- or you're all smart. We're looking for a
 21 competitive advantage; right?
 22 So it could just be as easy as saying,
 23 "Here's an RFP. Make your -- make your case to us for
 24 why you should [unintelligible]," and we
 25 might -- we'll fill all of your ducts with microduct.

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1 We'll give you 12 future paths. We want two of them
 2 for ourselves, and we want -- we'll give you -- we'll
 3 give ITD some stuff on -- off of that, too. But we
 4 need some kind of timeframe.
 5 Or somebody else might come in and say,
 6 "[Unintelligible] right now, and we don't care. We'll
 7 bet on the next guy, and we don't care if they have
 8 better -- if they come in right now or not." But you
 9 could open that up with some framework. "This is what
 10 we have. This is what we want. These are things we
 11 need to get out of it. And you make your case back to
 12 us on what you will do with it." Or what -- what
 13 would make it attractive enough for us to come up
 14 there and do that. So...
 15 MR. RINDLISBACHER: Yeah. One of the challenges
 16 we have with installing them on our construction
 17 projects is the age and the remaining useful life we
 18 have of our roads is not consistent. And you'll see
 19 us all -- we will do 5 miles. Then we'll skip 10
 20 miles down the road, and then we'll do another 5 miles
 21 or we might skip 50 miles, because that road is two
 22 years old.
 23 ADRIAN PRESCOTT: [Unintelligible].
 24 MR. RINDLISBACHER: This one's 30 years old.
 25 And so it makes it problematic for us. That's why

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1 we're -- we're thinking that we're not going to be
 2 very good with utility companies because we don't
 3 start and go all the way to the end. We go -- we're
 4 here to build a road.
 5 We don't have any problem with providing a
 6 conduit and extra capacity while we're there,
 7 but -- this project we're talking about on U.S. 95 in
 8 Culdesac Canyon -- it's the Culdesac Canyon. There's
 9 no connection on either end --
 10 UNIDENTIFIED SPEAKER: [Unintelligible].
 11 MR. RINDLISBACHER: -- but yet we'll have
 12 conduits there. And so at some point, I might
 13 just -- I mean, we're going to come through and say,
 14 "Well, they have -- now we've got the conduits here.
 15 Does someone want to connect to this thing and -- on
 16 both ends so that it's a useful investment?"
 17 DANIEL PARRISH: We've all seen the movie "But
 18 If You Build It" [sic].
 19 ADRIAN PRESCOTT: [Unintelligible].
 20 UNIDENTIFIED SPEAKER: A couple
 21 [unintelligible]. Yeah.
 22 ADRIAN PRESCOTT: Yeah.
 23 DANIEL PARRISH: We'd like -- they take a while
 24 until it becomes attractive enough, and we come before
 25 some other State broadband group makes it available

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1 for the people on that side of the mountain to get a
 2 grant and come -- but if you build it, you know,
 3 they'll be filled up.
 4 MR. RINDLISBACHER: Yeah. And we understand the
 5 difference between conduit and broadband. Conduit is
 6 not broadband. So you've got fiber, and so it's lit.
 7 There's no conduit.
 8 DANIEL PARRISH: But having that conduit in the
 9 ground so we have to open the dirt and do that stuff,
 10 that's big. That's big. You know, it's big. Yeah.
 11 MR. BEACHLER: And in this --
 12 DANIEL PARRISH: [Unintelligible].
 13 MR. BEACHLER: -- this canyon area, very
 14 difficult build, not a lot of room. It was a big
 15 additional cost to place this, but we knew this
 16 was -- we wanted it -- we wanted to have people try to
 17 come back in there, you know, for safety issues, but
 18 getting traffic flow -- we have this road all tore up.
 19 This is our one opportunity to get this
 20 in, in this very difficult build. And we're placing
 21 niche facilities that we don't have a requirement for.
 22 We don't have any traffic signals in this rural
 23 stretch of highway.
 24 So we -- we're placing these, and -- you
 25 know, this is a rural area. Why are we putting this

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1 in there? There's nobody -- and then we had six
 2 inquiries into the same remote stretch of road.
 3 So we'll be challenged to how we can share
 4 those that are being placed there to these projects
 5 for -- you know, transportation projects. We're
 6 putting in this conduit. We don't have a requirement.
 7 We would like to facilitate broadband expansion.
 8 ADRIAN PRESCOTT: Mm-hmm.
 9 MR. BEACHLER: And we do agreements with you.
 10 And --
 11 ADRIAN PRESCOTT: Right.
 12 MR. BEACHLER: -- again, this is around State
 13 facility projects.
 14 Or in another case, something similar to
 15 that, where you're -- we're providing this, hopefully,
 16 advance coordination and planning with you folks. You
 17 know where you need to go -- coordinating with us so
 18 you can, you know, help --
 19 ADRIAN PRESCOTT: Right.
 20 MR. BEACHLER: -- place your facilities in
 21 there. We'll do what we can through our projects.
 22 But like Blake was noting, you know -- and we skip it
 23 for a while or it's over six years. This is a phase
 24 project -- series of projects over six years in this
 25 canyon. That's not the speed of business. So -- but

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1 that's how we're going to --
 2 DANIEL PARRISH: Sometimes [unintelligible] for
 3 [unintelligible] though.
 4 MR. BEACHLER: Yeah.
 5 THE MODERATOR: Really -- yeah. Really
 6 appreciate this discussion on Shared Resources
 7 Agreements. I think this is -- we've gone into a
 8 little bit more detail from Meeting 1. I think that
 9 was definitely our intent.
 10 Just for the record, would you folks mind
 11 identifying yourselves and who you represent?
 12 DANIEL PARRISH: I was waiting for you to ask.
 13 ADRIAN PRESCOTT: I'm Adrian Prescott, and
 14 I'm -- I'm the project coordinator for Direct
 15 Communications.
 16 DANIEL PARRISH: Okay. I'm Daniel Parrish. I'm
 17 the -- I think I'm the residential sales director, I
 18 think -- is what my official title is. Although, it's
 19 like I'm with Direct Communications also --
 20 THE MODERATOR: Direct Communications.
 21 DANIEL PARRISH: All these things -- I'm in
 22 Boise all the time. I don't know what that has to do
 23 with [unintelligible].
 24 THE MODERATOR: Well, we really appreciate it.
 25 We do have -- so, Ben, seeing that you had

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1 either a question or a thought. I'm not sure if it
 2 was on the SRAs, but the floor is yours.
 3 UNIDENTIFIED SPEAKER: Yeah. I had a few
 4 comments about the GUM if now's the appropriate time
 5 to talk about this.
 6 THE MODERATOR: Absolutely. We'd be happy to
 7 jump into that.
 8 UNIDENTIFIED SPEAKER: All right. Great.
 9 So they're fairly granule -- granular. We
 10 took a look at the GUM and came up with a few -- well,
 11 a few preliminary thoughts on just broad-brushstroke
 12 suggestions that might improve it. I -- you know,
 13 given the additional time in July, we're without a
 14 doubt going to provide comments in writing that
 15 are -- that'll detail this. So don't -- don't worry
 16 about transcribing or whatnot, but -- let me see if I
 17 can't capture it for you.
 18 So one of the things that we thought might
 19 be helpful -- and this is a comment that came up from
 20 multiple people, myself included, last time -- in
 21 Chapter 600.00 at 615.00 -- .01, there's some
 22 discussion there surrounding the definition of a
 23 "utility." And there was a fair amount of
 24 individuals, certainly CGIA's members, that are a
 25 little uncomfortable being called a "utility."

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1 And particular to that section -- and
 2 I'll -- there you go. You've got it out.
 3 Particular to that section, if you look at
 4 the third paragraph there, it says that "Utilities
 5 that have not received a...certificate...from the" PUC
 6 "shall be considered a non-public utility." The
 7 quirk, of course, is you have to fit the definition of
 8 "utility" to begin with, which ends up being a little
 9 bit circular.
 10 So one of the things we thought that would
 11 improve that right there would be to add the words,
 12 between "utilities" -- in that third paragraph, the
 13 first word "utilities" and the second word "that,"
 14 just to add "as well as wireless and non-wireless
 15 broadband providers."
 16 So the end result, I think, would be the
 17 same, and that is that, you know, if you're a utility
 18 that doesn't have a certificate from the Commission or
 19 you're a wireless or non-wireless broadband provider
 20 and don't have a certificate from the Commission, you
 21 would be considered a non-public utility, but it seems
 22 to capture all categories without worrying about
 23 whether you fit the definition of "utility" or "public
 24 utility" in the first instance.
 25 So that was one thought.

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1 And another thought -- and I'm going to
 2 apologize. I know somewhere in here there is a
 3 reference to the FCC's Orders and the timelines
 4 for -- for granting applications and whatnot. One of
 5 the things that we thought might be helpful is to have
 6 in the GUM the specific timelines that are imbedded in
 7 the FCC's Orders so that -- and frankly in their -- in
 8 the CFR, the FCC's Rules.
 9 So the timeline that the FCC sets out in
 10 the CFR section -- it's 47 CFR 1.6003, and I think
 11 it's Sections (a) through (e) there. But the long and
 12 short of it, is if it's a small wireless facility on
 13 an existing structure that's a 60-day timeline. On a
 14 new structure, that would be a 90-day timeline. For
 15 non-small-cell facilities -- or non-small-cell
 16 wireless facilities, that's 90 days for an existing
 17 facility, 150 days for a new structure. There's
 18 [unintelligible] provisions for 10 days to notify
 19 regarding a complete or incomplete application.
 20 There's provisions, as well, for batched applications
 21 and how to operate the tolling period.
 22 It would -- you know, the opinion of the
 23 wireless industry is essentially that it would be
 24 helpful to have all of that laid out directly within
 25 the GUM so it's fairly direct and obvious what

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1 timelines will apply for applications that are
 2 submitted.
 3 We -- we also had a thought about Section
 4 615.04. So in -- and I'll wait for you to scroll down
 5 there.
 6 Yeah. And so this is the Federal Highway
 7 Administration, and I -- so the first thing I'll say
 8 is, we really do appreciate the way that you've opened
 9 up the section by indicating that you may approve an
 10 exception to the requirements for fair market value.
 11 So we appreciate the open-mindedness at the beginning.
 12 A couple things that might help to improve
 13 the GUM. So throughout the next several paragraphs,
 14 you go over the Federal Highway Administration rules.
 15 I believe there's a reference further down, maybe on
 16 the next page, to the FCC's Order, and so on.
 17 The thing that we think would be real
 18 helpful is for there to be an overt acknowledgment in
 19 the GUM, and probably in this section, that would
 20 indicate that wireless carriers -- I imagine the wire
 21 line industry would appreciate the same
 22 reference -- but that wireless providers meet the
 23 definition of a utility and/or utility facilities.
 24 When you go into the CFR -- so that's 23
 25 CFR 645.105 for the definition of "utility" and

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1 645.207 for the definition of "utility facility." The
 2 long and short of it is it -- you are a utility or
 3 operate utility facilities if their facilities are
 4 "for producing, transmitting, or distributing
 5 communications."
 6 So I think both for wireless, for our
 7 guys, and for wire line, we clearly meet -- all of the
 8 companies are going to meet that definition. So it
 9 would be helpful to specify that in the GUM,
 10 therefore, the exception is seemingly as a matter of
 11 course, or at least that you recognize that we satisfy
 12 the exception and whether you're going to take
 13 applications on a case-by-case basis. The exception's
 14 satisfied. So that's one. And then the other is that
 15 there is an exception -- so that's the utility
 16 exception.
 17 And I guess the other point to make is
 18 that there is an exception for public interest for
 19 deployments or use of the right-of-way in the public
 20 interest. And in the GUM you reference the FCC's 2018
 21 Order on deployment, and that's good, and we
 22 appreciate it [unintelligible]. It looked exactly at
 23 the right orders, and that's fantastic.
 24 But there isn't a statement -- like I
 25 said, the same thing with utilities, you could sort of

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1 alleviate a lot of the work here by just saying in the
 2 GUM, "These type" -- you know -- "wireless broadband
 3 and terrestrial broadband deployments meet the -- are
 4 in the public interest, both because the FCC has found
 5 it to be in the public interest and it meets" -- the
 6 Federal Highway Administration has a policy of 23 CFR
 7 645.205 that reads, "It is in the public interest for
 8 utility facilities to be accommodated on the
 9 right-of-way."
 10 As I said a moment ago, we meet the
 11 definition of "utility facility." So it would be
 12 consistent with the Federal Highway Administration
 13 policy, consistent with the FCC policy.
 14 And it would probably facilitate and
 15 smooth things over, to simply say in this section
 16 that -- say just that, that, you know, "Broadband
 17 deployment -- wireless terrestrial broadband
 18 deployment meets the public interest -- satisfies the
 19 public interest exception, and providers of broadband
 20 are considered 'utilities' under the FHWA rules and
 21 therefore meet the exception under the rules for
 22 utilities."
 23 So that's a -- that's a garbage can full
 24 of words, but hopefully that was easy enough to
 25 follow.

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1 The -- then the other -- the only other
2 point I will make is that in 620.02, the caption of
3 that section is "Broadband Wireless
4 Telecommunications," and I think we're -- you know,
5 we're going to cover a lot of the more granular stuff,
6 you know, in written comments.
7 But the caption itself is sort of -- is
8 internally inconsistent insofar as at the federal
9 level right now, broadband is not considered
10 telecommunications. So an easy fix on this or any
11 other place that this phrase shows up is just to get
12 rid of "tele," T-E-L-E, and just call it "Broadband
13 Wireless Communications."
14 And that way, whatever -- there's a lot
15 of -- it is a very current and acrimonious debate over
16 whether broadband is telecommunications or
17 communications at the federal level -- you know, at
18 the FCC, but it doesn't need to slow any of this down.
19 And it's easy enough to sidestep it by just calling it
20 "Broadband Wireless Communications."
21 So again, that's an awful lot. It's a
22 mouthful, but those were the more granular points that
23 we saw initially going through the GUM. I think given
24 additional time, we will put some effort into getting
25 you guys written comments that reflect both what I

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1 just covered as well as anything else that we might
2 catch going through.
3 And I guess one request along those lines
4 and that is, if there's any way to get a Word copy of
5 Chapter 6, we might be able to -- and mind you, not in
6 red-line, but just as a final -- we might be able to
7 get red-lines back to you instead of writing it out
8 longhand or both. But it might be easier for you guys
9 to follow us providing you a red-line of suggested
10 changes like -- that might facilitate the comment
11 process. So if that's possible, that would probably
12 be helpful.
13 THE MODERATOR: Absolutely. We really
14 appreciate that suggestion, Ben. And I don't know
15 that I see any immediate problems with that.
16 In your opening remarks earlier in the
17 meeting, you had identified who you represent. But
18 just for the new folks that are online, would you mind
19 doing that again, Ben.
20 BEN ARON: Yeah. I'm sorry. I -- it's CTIA,
21 and we are the trade association for the wireless
22 industry.
23 THE MODERATOR: Awesome. Perfect. Thank you
24 very much, sir.
25 MR. RINDLISBACHER: So one thing that I would

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1 offer, Ben, is -- I was consulting with Rob here while
2 you were speaking. At the beginning of our
3 discussion, we used the Idaho Code definition of a
4 "utility" that we thought kind of got us at least part
5 way there, and you're suggesting maybe that we need to
6 make a broader exception for the federal definition of
7 "utility."
8 And that's part of the challenge we've
9 got, is we're dealing with multiple definitions --
10 BEN ARON: Yeah. It is --
11 MR. RINDLISBACHER: -- [unintelligible] have to
12 work through.
13 BEN ARON: I -- I completely agree with you,
14 because we have -- you have the -- the FHWA plays into
15 it for the exceptions -- right? -- to the fair market.
16 Then you have -- how do you define them for the
17 purposes of this proceeding, you know, before the
18 Transportation Department?
19 And it -- I -- I understand the
20 difficulty. It is -- it's a bit of a mess here.
21 You've got multiple definitions for multiple agencies,
22 and they're all sort of slamming together right in
23 front of you in this [unintelligible]. So we'll try
24 to -- we'll figure out a good path forward that
25 doesn't upset the apple cart and is easy to follow.

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1 MR. RINDLISBACHER: So one of the things that I
2 might add to that is, in that April memo, the guidance
3 memo that we got from the FHWA, they essentially say,
4 "You know, you may not have to do this fair market
5 deal, but the State's got to define what a 'utility'
6 is." They're not saying what a "utility" is. They're
7 saying, "If you say they're a utility, then you may
8 not have to do the fair market thing."
9 And so we're trying to kind of fold that
10 all together and say, "Let's understand what we mean
11 by 'utility.'" And then if we can -- if we can
12 achieve our goal of having multiple conduits in the
13 same trench that we're after, then perhaps -- you
14 know, the fair market value isn't a -- that's
15 [unintelligible] for us.
16 But we don't want to -- we don't want to
17 give so much on the definition of a "utility" and not
18 get the bundling and end up with 18 trenches
19 longitudinal down the right-of-way. So we're trying
20 to pull all that together at the same time.
21 But I think there's some flexibility that
22 we can probably -- I mean, we've heard your comment,
23 and we'll figure out how we can address that. But I
24 would just point you to the definition of the -- that
25 Idaho statute that defines a "utility," and we're

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1 taking some liberties with that as well.
 2 But thank you for -- I mean, none of these
 3 comments are too grandeur. Don't apologize for that.
 4 That's -- this is exactly what we're looking for
 5 because the little things are what's going
 6 to -- they're the things that will trip us up down the
 7 road if we don't address them right now.
 8 So appreciate your comments.
 9 Thank you.
 10 THE MODERATOR: Well, thank you, Ben.
 11 So we do have another here.
 12 Go ahead. And, Mr. Jeremy Chou, how are
 13 you this afternoon?
 14 JEREMY CHOU: Fine.
 15 And thank you so much for the opportunity
 16 just to ask questions. And frankly, I really
 17 appreciate the number of meetings you're having here
 18 to discuss this incredibly important issue.
 19 You know, I was typing, and frankly,
 20 Mr. Aron had asked the same question that I was kind
 21 of wondering about with respect to the public interest
 22 exception. It's a little bit of a nuance compared to
 23 what is, you know, defined as a utility.
 24 But I think Mr. Aron is actually correct,
 25 that if -- if you treat it as a public interest

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1 exception in its entirety, then it's just another
 2 alternative to the fair market process. Would you
 3 mind addressing that a little?
 4 MR. RINDLISBACHER: I would love to address it
 5 if I knew how.
 6 JEREMY CHOU: Okay.
 7 THE MODERATOR: Is there something, Jeremy, a
 8 little bit more specific in terms of kind of what
 9 you're looking for as far as information from us?
 10 JEREMY CHOU: Sure. Well, I mean, one of
 11 the -- you know, one of the requirements of one of the
 12 exceptions for not, I guess, considering fair market
 13 value involves shared agreements [sic], something
 14 that -- the avenue that you're taking.
 15 And I think Mr. Aron is actually correct
 16 that another avenue is also just simply declaring
 17 wireless and wired, you know, broadband and wired
 18 technology, this type of technology, as a State or a
 19 public interest, whether that's a -- you know, an
 20 order or a consideration from the executive branch or
 21 a resolution of some type.
 22 And I was just wondering whether or not
 23 anybody had explored that as another alternative in
 24 addition to a Shared Interest Agreement [sic] or a
 25 Shared Use Agreement [sic].

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1 MR. RINDLISBACHER: Yeah. I don't know that we
 2 have done that. We've been focusing our efforts on
 3 the difference between a regulated public utility and
 4 all the utilities that aren't regulated.
 5 So if I understand what you're saying is
 6 you would advocate for a statement -- just a broad
 7 statement in our guide that says, "Broadband, small
 8 cell, wireless, non-wireless, because of the -- their
 9 impact to the public, that they are" -- what was the
 10 word? "Exempt" or...
 11 JEREMY CHOU: Considered -- considered a public
 12 interest. It --
 13 MR. RINDLISBACHER: Okay.
 14 JEREMY CHOU: -- makes the whole distinction
 15 between the traditional utility and a nontraditional
 16 utility -- it makes it moot.
 17 MR. RINDLISBACHER: So then if we were to say
 18 that, what's the difference between an
 19 Idaho-Public-Utilities-governed utility and the ones
 20 that aren't governed by Public Utilities?
 21 JEREMY CHOU: That's the point, is that you
 22 treat it the same.
 23 MR. RINDLISBACHER: Yeah. I think we're going
 24 to struggle to treat them identical.
 25 That's an interesting concept. I guess

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1 we'll have to explore that further.
 2 THE MODERATOR: Jeremy, in past situation -- if
 3 they are treated the same, would the providers and
 4 vendors be willing to be regulated in the same way
 5 that the public utilities are?
 6 JEREMY CHOU: You know, if you're talking
 7 about -- and I'm not authorized to comment on that.
 8 But if you are talking about something
 9 broader than just right-of-way, I mean, I guess that's
 10 a discussion for another day. I was just thinking
 11 about how to treat right-of-ways. That's all.
 12 THE MODERATOR: Got you. Well, thank you for
 13 that clarification then, Jeremy.
 14 MR. BEACHLER: We've had -- Jeremy, in one
 15 instance, we've had a provider come through or place
 16 conduits, and we had a stipulation that they would
 17 provide access to those conduits for use within the
 18 state of Idaho, and they are not providing that
 19 service.
 20 So part of our efforts is to, you know,
 21 establish some of these guidelines that would help us,
 22 you know, negotiate with this provider to provide that
 23 excess capacity for services within the state of
 24 Idaho.
 25 And we've had pushback on them, and so

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1 part of our efforts here is to establish these
2 procedures and to find what these utilities are and
3 to, in this case, you know, have this -- this provider
4 who received these facilities in bankruptcy -- you
5 might be familiar with -- and they are, you know,
6 bound by these same types of requirements to help.
7 You know, where there's that excess
8 capacity, they would provide -- make those available
9 to provide services to the citizens of Idaho. So part
10 of our effort here is to help provide the Department
11 with that ability. And it provides more
12 [unintelligible] so that these -- that broadband
13 facilities in the State of right-of-way not provide
14 services to Idaho.
15 So appreciate your comments on that, and,
16 you know, look forward to looking at this -- these
17 other issues you addressed.
18 JEREMY CHOU: Thank you.
19 THE MODERATOR: Thank you, Jeremy.
20 So we'll open it up. We've got a few here
21 in the room. I'm not sure if there's any other
22 comments or anyone who would like to ask any
23 questions.
24 I'm not seeing any raised hands online.
25 If there's a particular preference, we

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1 could go through the GUM in a little bit more detail.
2 I think what Ben did in terms of kind of
3 the feedback and comments as it relates to the new
4 language, that's absolutely, exactly what we're
5 looking for. So really appreciate that and look
6 forward to getting more feedback from folks that are
7 engaged with us on this topic.
8 I guess there would -- I'd be open
9 to -- or curious more from folks -- kind of back to
10 these Shared Resources Agreements, do people have
11 thoughts on what those look like? Are there trades
12 or, you know, offsetting things that we can do as a
13 Department in working with vendors to make those more
14 appealing?
15 Just kind of looking for any thoughts or
16 suggestions on how those SRAs would function with the
17 vendors and subs.
18 If not, completely fine. We can just
19 stand by for written comments on that.
20 Again, I think that'll be something we
21 really want to get feedback on is the Shared Resources
22 Agreements and what that really looks like -- we
23 talked a little bit about the flexibility and the
24 importance of that for vendors -- but also just kind
25 of, you know, more in the formal sense, what that

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1 might look like operationally.
2 If there aren't -- I don't see any -- no
3 hands raised or -- oh, we do have one here.
4 Ben, thank you.
5 The floor is yours.
6 BEN ARON: Yeah. I'll just make -- it's more of
7 an observation from the wireless perspective.
8 So generally speaking, the wireless
9 carriers have contracts; right? They go through RFPs
10 or whatever the process is to get contracts to provide
11 service either to the State or to subdivisions of the
12 State. And, you know, those are the prime -- that's
13 the primary method -- right? -- for a service.
14 And the quirk is -- I think, generally
15 speaking -- right? -- that it would be -- I guess I
16 don't see how it would work on the wireless side all
17 that clearly, because you would have -- you know, the
18 purchasing that generally goes through either the
19 State contract or through a direct RFP
20 contract process -- right? -- with -- and you guys
21 are, I'm sure, infinitely more familiar with the
22 acquisition process than I am.
23 But generally what I'm familiar with
24 is -- you know, you have a State contract you can
25 order off of or you go through your own departmental

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1 RFP.
2 And then you would have this one-off
3 process, which -- I don't know. It just seems, to me,
4 it would be -- it would be a little awkward.
5 Because in general, what you're talking
6 about is, I think, you know, conduit is put down and
7 you guys have a need for conduit going to a particular
8 place, you know, in the state or a particular route
9 that you need to light up or whatever the case may be,
10 whereas wireless is a little different in the sense
11 that, you know, you're going to cover an area or a
12 region.
13 And I don't know how you would
14 necessarily -- I mean, unless the build is
15 massive -- right? -- a state-wide build or something,
16 you might end up with an oddity where you -- that it's
17 just not available with wireless, because you're
18 lighting up, you know, a town, you're lighting up
19 maybe a highway to do, you know, automated cars or
20 whatever the case may be.
21 It -- I guess I'm just making the
22 observation that I -- it seems that it might not be
23 the cleanest operation to have that as a payment
24 method for wireless. So I would only caution
25 that -- you're obviously not suggesting -- we

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1 appreciate that -- that that would be the only method.
2 I guess I would just note that
3 that -- that may be a difficult method to match up
4 with wireless service, so it may be more of a
5 wire-line pursuit.
6 THE MODERATOR: Absolutely. I appreciate that,
7 Ben, and making that clarification.
8 Thank you.
9 Just to be courteous, we've got a few
10 folks on the line that are just calling in, not using
11 the application, so just want to make sure they have
12 an opportunity to be un-muted.
13 If the area code that you're calling from
14 is 307, would you like to make any comments or have
15 any questions for us? Is there anything that you'd
16 like to say? Or just listening for today is totally
17 fine.
18 Okay.
19 And then one more. If you're calling from
20 area code 802, curious just if you have any comments
21 or suggestions or questions for us.
22 REBECCA VAN DYKE: No, but thank you for the
23 opportunity. This is Rebecca Van Dyke. Just calling
24 in from High Street Consulting Group.
25 THE MODERATOR: Fantastic. Thank you very much,

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1 Rebecca.
2 And then just kind of scrolling through
3 the list here. Again, don't see anyone with any
4 raised hands. Our chat seems pretty clear.
5 UNIDENTIFIED SPEAKER: [Unintelligible].
6 UNIDENTIFIED SPEAKER: [Unintelligible] break
7 [unintelligible].
8 THE MODERATOR: So since I'm not seeing anything
9 right away -- we are scheduled for the next couple
10 hours, but obviously, you know, wanting to be
11 respectful of people's time. And of course, people
12 are more than welcome to come and go.
13 But why don't we, then, take a 10-minute
14 break, if that works for everyone. And then we will
15 reconvene right at 5:00 and see if maybe there's any
16 generated thoughts as folks continue to review the
17 material. So we'll go ahead and take a 10-minute
18 break and come back live at 5:00.
19 (Recess taken from 0:59:50 of 1:00:05 of
20 audio file.)
21 UNIDENTIFIED SPEAKER: [Unintelligible].
22 THE MODERATOR: Thanks, everyone.
23 UNIDENTIFIED SPEAKER: [Unintelligible].
24 THE MODERATOR: We went ahead and took a
25 little -- a few extra minutes down here and see that

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1 we have a few that have signed off from online, but
2 also a couple new ones.
3 So just wanted to open up right away as we
4 get back in here. If anyone has any questions,
5 comments, suggestions as it relates to any of the
6 material we've covered today, specific input on the
7 actual GUM and the modifications being made to it are
8 definitely appreciated.
9 So we'll just see here. I'm not seeing
10 any raised hands, so we'll assume that there's no
11 questions at this time.
12 UNIDENTIFIED SPEAKER: [Unintelligible].
13 THE MODERATOR: Now, going forward. Again, just
14 some additional food for thought for vendors and for
15 stakeholders in terms of kind of the challenges that
16 ITD is -- has been wrestling with. And we've heard
17 this a few times throughout the meeting, but the fact
18 that our -- our right-of-way space is not a limitless
19 resource.
20 And so that's really what we need help
21 from vendors, stakeholders, providers on helping us
22 figure out how do we manage that, again, in the
23 interest of the public, but also for decades and
24 generations to come.
25 And so I'd be appreciative -- if anyone

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1 has any comments or thoughts on that, again,
2 specifically on suggestions on maybe how we would go
3 about managing, again, this resource of the
4 right-of-way space itself.
5 Anyone -- anyone have any thoughts on
6 that?
7 I'm not seeing anything jump up right
8 away, which is completely fine, but I will emphasize
9 that's something we want to hear from folks. So if
10 you're planning on submitting written comments, we'd
11 really like suggestions and ideas on how to manage the
12 space, again, in order to accommodate all public
13 utilities as well as broadband and wireless providers.
14 So I think that's -- that's definitely an
15 issue that we want to try to get a little bit more
16 clarity on and are hopeful that vendors and providers
17 can give us some suggestions and thoughts on that.
18 If there isn't anything right off -- and
19 again, just kind of moderating the online folks that
20 we have -- I think we'll go ahead and just do a little
21 bit of a high-level run-through on Chapter 6.
22 Again, this is the -- this is the meat and
23 potatoes of the modifications being made to our Guide
24 on Utility Management [sic] and, hence -- it's all
25 underlined. And maybe for those that weren't clear,

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1 this is now in legislative format, and so all
 2 the -- everything that you see underlined is brand new
 3 language. And if you see anything with a
 4 strike-through, that's language that will be proposed
 5 to be deleted and removed.
 6 So maybe with that, go ahead and give some
 7 time over to Mr. Beachler, and we can discuss
 8 Chapter 6 of the GUM.
 9 MR. BEACHLER: All right. Thank you, Ramon.
 10 Again, as Ramon mentioned, this new
 11 chapter, Chapter 6, "Broadband Infrastructure," is
 12 new. And we will -- I'll just point to
 13 it -- really go through all the different sections on
 14 it and lead off with the purpose, and, again, we'll
 15 reiterate these goals and objectives of ITD.
 16 And they're listed right here in our
 17 opening paragraph. And Number 1 is "the orderly use
 18 of highway right-of-way by non-public utility
 19 companies." We really want to foster the concept of
 20 "Dig Once" within the highway right-of-way in order to
 21 facilitate the placement of both current and future
 22 requirements.
 23 Our third one is, again, "the orderly
 24 management of future demands on the right-of-way space
 25 by providers."

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1 "Serving the greatest public interest
 2 through colocation" of facilities "and other
 3 space-saving practices."
 4 We also want "to leverage the highway
 5 right-of-way to connect current and future ITD
 6 facilities and roadside devices." And we explained
 7 some -- gave you some examples of those. Those can
 8 include intelligent transportation systems such as
 9 signals, coordination, dynamic message boards, way of
 10 motions, cameras, and, I think, emerging technologies
 11 with autonomous vehicles. We could see a high demand
 12 for that, that the State transportation departments
 13 might have to support.
 14 Again, "Serving the greatest public
 15 interest through colocation and other space-saving
 16 practices." Oops. Sorry. Did that one. Excuse me.
 17 "Create a competitively neutral
 18 environment that is unbiased in its treatment of
 19 utility providers."
 20 We want "to rely on exchange of
 21 facilities" rather than "collection of fees" and
 22 "other financial transactions." And of course, we
 23 always want to, whenever "feasible," support
 24 "strategic deployment of broadband infrastructure
 25 across the state of Idaho."

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1 THE MODERATOR: If you wouldn't mind, Rob. I
 2 think this is a really great area for people to take a
 3 close look at. And when you are thinking about
 4 engaging or submitting comments, these are
 5 the -- these are the subject matter areas that we want
 6 to get some feedback.
 7 And specifically -- I don't think we've
 8 mentioned too much this afternoon, but Number 8 -- you
 9 know, obviously, we've heard a little bit about
 10 competitiveness, how that impacts businesses, but also
 11 the varying interests that the Department has to weigh
 12 and manage.
 13 And so a couple that come to mind
 14 immediately are, you know, the Governor's initiative.
 15 Governor Little is a very big proponent of broadband
 16 infrastructure and connectivity throughout the state.
 17 And then we also have the newly-formed legislative
 18 Broadband Advisory Board, which is just getting up and
 19 running and is brand new this year, consisting of
 20 three Representatives, three Senators, and then three
 21 appointees from the Governor.
 22 So, you know, as we work through these,
 23 you know, just try to keep in mind just all the
 24 different interests that are trying to be, you know,
 25 not only managed, but -- you know, getting us to a

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1 point where we have some kind of a similar agreeance.
 2 So again, just kind of wanted to highlight
 3 this purpose section, as far as those that are looking
 4 for where to start, maybe, on some comments.
 5 Thanks, Rob.
 6 MR. BEACHLER: Thanks a lot. Yes. Thanks,
 7 Ramon.
 8 Next section is 610.00. So upon the
 9 completion of stakeholder input and revisions to the
 10 Guide for Utility Management, our Utility
 11 Accommodation Policy, the Idaho Transportation Board
 12 will be able to review this and approve our updated
 13 Guide for Utility Management.
 14 Section 615.00. This again, provides
 15 guidance to our staff on the -- what are the
 16 appropriate sections of both State and Federal
 17 regulations. So we lead off with Idaho Code, and we
 18 cite a couple of our different statutes defining
 19 the -- the agency's ability to create "reasonable
 20 regulations" for the construction and installation and
 21 maintenance operations of utilities.
 22 Then we highlighted what -- and we got
 23 some good discussion on what is a public utility. You
 24 know, that was another one that we -- we tried to look
 25 at all the different, competing definitions of what a

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1 utility is, what a facility is. What are the
2 appropriate rules or regulations that we ensure we're
3 in compliance with?
4 The next section is 615.02. Now, we start
5 touching on the Federal codes. So we have "United
6 States Code." And we've researched and cited -- found
7 these appropriate sections of the Telecommunications
8 Act. We've referenced those and where to get the
9 latest version.
10 And then we hit on the "Code of Federal
11 Regulation." So some of these are cited in subsequent
12 sections of this document, but provide staff guidance
13 on where to look up the relevant regulations.
14 And then 615.04, "Federal Highways
15 Administration." And of course, in the coordination
16 with ITD they provide a lot of guidance, and we're
17 subject to compliance with their codes.
18 There's a discussion here on fair market
19 value. We noted some people's comments regarding
20 the -- a -- the potential, you know, exemption to fair
21 market value as -- if it is shown to be in the
22 public -- public interest or "social" or
23 "environmental" interest. So we've noted that.
24 And the other main, primary exemptions
25 that -- for fair market value -- Number 2, I want to

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1 highlight that one. So this is, you know, what we're
2 traditionally used to working with, and that's public
3 utilities. So public utilities are exempt from fair
4 market value for access to the right-of-way.
5 Railroads, bike and pedestrian facilities, public
6 transportation are all standard exemptions to fair
7 market value.
8 Next page.
9 And here we cover some CFRs. So
10 right-of-way use agreements, similar to our Shared
11 Resources Agreements for "non-highway use of real
12 property interests" can be "executed with a public
13 entity or private entity." So that, again, shows us
14 where we can execute Shared Resources Agreements or
15 other types of documents to facilitate some of this.
16 And then most recently in April, there's a
17 new Federal Highways Memorandum, not Code or anything,
18 but a memorandum that allows State DOTs to -- "are not
19 required to charge fair market" value "or other fees
20 for use of the" right-of-way for -- in some cases
21 broad -- or broadband facilities or what they're
22 calling "clean energy," also. Those are also
23 considered to -- can be -- can be exempt from fair
24 market value and rents.
25 Our next section is 16.05 [sic], "Federal

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1 Communications Commission." So this was all very new
2 to us in regards to the request from small wireless
3 providers to seek access to the right-of-way. This is
4 the guiding document provided by FCC. It's a
5 Declaratory Ruling. It "provides guidance and policy
6 regarding" removals to barrier from "deployment of
7 next generation wireless services."
8 So we looked at that, and that is the
9 primary guidance in regards to this type of
10 technology. And we cite that in some of our earlier
11 slides.
12 So our second -- our next section is
13 Section 620.00. And this regards "Agreements,
14 Licensing and Permits." And again, we've broken this
15 down into a couple sections, "Broadband Fiber Optic
16 Communications" -- or "Telecommunications" and
17 "Broadband Wireless Communications."
18 So again, we want "to preserve the
19 integrity, safe operation, and function of the State
20 Highway System," a request for both public and private
21 utilities seeking access to the right-of-way. And ITD
22 must effectively manage this limited resource.
23 So we are -- pursuant to all the federal
24 regulations, broadband providers can gain access to
25 ITD right-of-way "on a competitively neutral and

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1 unbiased basis."
2 Some of the ways we are facilitating these
3 longitudinal builds along the State Highway System is
4 through Shared Resources Agreements between ITD and
5 the providers. And these are utilized -- these types
6 of agreements "in lieu of fees or other financial
7 transactions" with providers.
8 Shared Resources Agreements can be
9 executed by District engineers and Division
10 administrators and -- who are requesting access to the
11 ITD right-of-way or ITD conduits and vaults for
12 longitudinal builds.
13 "The Broadband Program Manager will assist
14 District staff" in drafting Shared Resources
15 Agreements between the District engineers or Division
16 administrators and the broadband providers.
17 I want to emphasize that ITD is not here
18 to have these be a source of revenue, but a "mutually
19 agreed upon" exchange of "facilities and services."
20 The value of the proposed facilities should ensure
21 that the value and exchange is fair and equitable to
22 both parties.
23 Let's see here. Scroll down a little.
24 Okay. Number 1 there, "Where" -- we
25 have -- "ITD is offering access to ITD Rights-of-Way,

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1 conduits and vaults exchanges with providers may
 2 include dark or lit fiber on a dedicated" cable for
 3 ITD use or strands on a larger cable installed by the
 4 provider.
 5 "Installation of additional conduits to
 6 include a conduit for" State or ITD use, "and
 7 additional conduit(s) made available for purchase by
 8 other users on a non-discriminatory basis." So we've
 9 had quite a bit of discussion in regards to whether we
 10 purchase, how -- you know, how would we do that? How
 11 would we help facilitate that? So again, more
 12 comments -- thank you for your input on that -- how do
 13 we do that.
 14 So again, this is -- we're really trying
 15 to get back to our concept of "Dig Once." So those
 16 Shared Resources Agreements could stipulate those
 17 costs, those actual construction costs for those
 18 additional conduits could be made for purchase.
 19 Yeah. The fair market value requirement
 20 is met "when the public benefit is advanced," and we
 21 see that as the placement of additional conduits to
 22 meet future capacity requirements.
 23 And we "may also negotiate broadband
 24 services" for ITD facilities. So we're a customer
 25 too. You know, if we can work that out as we place

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1 these facilities to provide service along those routes
 2 to our facilities' devices, those are some of those
 3 things that can be contained in the Shared Resources
 4 Agreements.
 5 The term of these provide -- providers.
 6 Long-term access to our State facilities and
 7 infrastructure. With the -- in this case, we're
 8 seeing -- most typical things -- we could have a
 9 20-year initial term with six -- five
 10 successive -- five-year renewal terms. So it gives
 11 you long-term stability and access to those
 12 facilities.
 13 Next Section, 620.02, "Broadband Wireless
 14 Communications." We'll modify that. The Division of
 15 Highways and small wireless providers would enter into
 16 a Master License Agreement, so that's at the State
 17 level. And then the actual permitting and
 18 installation will be done at the District level. So
 19 ITD has six districts across the state. Those small
 20 wireless facilities will be permitted at the District
 21 level.
 22 We have a dedicated Right-of-Way
 23 Encroachment Application and Permit for Small Wireless
 24 Facilities form. And that'll -- that will be
 25 submitted with all the engineering plans as part of

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1 the application process.
 2 Let's see.
 3 I want to touch on that. In the second
 4 paragraph there we are requesting that providers
 5 provide "engineering specifications" on the "proposed
 6 equipment and facilities" as part of our permit
 7 application review by Department staff. This is going
 8 to allow our staff to "evaluate structural loads" that
 9 can be placed by the proposed deployment of facilities
 10 on State structures such as signals.
 11 Also important to note, "any installation
 12 of broadband" wireless infrastructure or wired
 13 infrastructure along the "Interstate Right-of-Way"
 14 will "require review and approval" by ITD and the FHWA
 15 Administrator.
 16 In regards to compensation for access to
 17 the State Right-of-Way and attachment to State
 18 facilities, ITD is recommending using the FCC
 19 presumptive fee structure outlined in 18-133 of their
 20 Declaratory Ruling. And [unintelligible] that earlier
 21 on that -- on what those fee structures are.
 22 The term of the wireless permits. We
 23 talked to a couple different folks. Typically those
 24 are 10 years with a 10-year renewal. That allows the
 25 provider to have adequate time to recover their return

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1 on investment.
 2 On "Location Criteria," Section 620.03,
 3 this location criteria applies not only to broadband
 4 facilities, but all utilities. And we want to ensure
 5 that we have -- you know, "Adequate sight distance" is
 6 provided, facilities are located outside of our "clear
 7 zone" so they are less likely to be struck by errant
 8 vehicles, we provide -- there's area for installation
 9 and maintenance of the facilities, and we want to
 10 ensure that they do not impact pedestrian
 11 accessibility or facilities such as ramps.
 12 And we want to "identify" the locations of
 13 "all mounts to existing poles, structures or aerial
 14 cables" on both "private or public utility
 15 facilities," and any that would be attached to ITD
 16 facilities.
 17 Section 620.04, installation within the
 18 Interstate Right-of-Way. We touched on this earlier.
 19 Any installation of these facilities along the
 20 Interstate, which is a controlled-access highway, will
 21 require "review and approval" from both ITD and the
 22 Federal Highways Administration.
 23 620.05. Again, ITD -- both "ITD and FHWA
 24 discourage median installations" of "broadband
 25 infrastructure or any other utilities," but the

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1 "Division Administrator does have the authority to
2 approve such installations" if "justified."
3 Section 620.06, As-Built Plans and Data
4 Deliverables. "Upon completion and final inspection
5 by ITD," the company will provide ITD with, you know,
6 accurate as-builts. And we have some specifications
7 here. GIS format works the best for us, and we have
8 specifications provided in that.
9 And in compliance with our other utility
10 encroachment permit, we -- standard provisions. We
11 request that those as-builts be provided "within 30
12 days of completion" of work.
13 Taking some of the comments previously
14 from Ben with CITA [sic]. I think we -- back on
15 Section 620-02, we can adjust the title of that
16 section and provide additional content in regards to
17 the timelines stipulated in the FCC ruling that
18 is -- it's commonly referred to as the "shock clocks."
19 So there's -- you can add that content in that
20 section.
21 UNIDENTIFIED SPEAKER: [Unintelligible].
22 MR. BEACHLER: And so with that, that's kind of
23 Chapter 6, "Broadband Infrastructure."
24 Idaho, again, please review this section
25 and provide any comments back to us.

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1 UNIDENTIFIED SPEAKER: [Unintelligible].
2 THE MODERATOR: Thank you very much, Rob.
3 Appreciate that.
4 So, yeah. That really is, you know, the
5 nuts and bolts in terms of the new, additional
6 language that's being added to the Guide on Utility
7 Management [sic].
8 Is there anything that we should go over
9 on the [unintelligible]?
10 MR. BEACHLER: [Unintelligible].
11 THE MODERATOR: Oh.
12 DANIEL PARRISH: You want feedback now?
13 THE MODERATOR: Sure. Absolutely.
14 UNIDENTIFIED SPEAKER: Sure.
15 THE MODERATOR: Yeah.
16 DANIEL PARRISH: A couple things that don't take
17 a lot of brain power, so like the --
18 THE MODERATOR: Yeah.
19 DANIEL PARRISH: -- 30 days is quick turnaround
20 on as-builts.
21 MR. BEACHLER: Pardon me?
22 DANIEL PARRISH: 30 days is pretty quick for
23 turnaround for as-builts --
24 MR. BEACHLER: Okay.
25 DANIEL PARRISH: -- on -- because when --

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1 UNIDENTIFIED SPEAKER: Where are you at on that?
2 DANIEL PARRISH: 620.06.
3 UNIDENTIFIED SPEAKER: Yep.
4 DANIEL PARRISH: Last page.
5 THE MODERATOR: Yeah, Number 2.
6 DANIEL PARRISH: It says 30 days within
7 installation of the project facility. It doesn't
8 really define what is late here --
9 UNIDENTIFIED SPEAKER: Okay.
10 DANIEL PARRISH: -- but it's 30 --
11 UNIDENTIFIED SPEAKER: Completion. Completion.
12 DANIEL PARRISH: -- upon completion. Even
13 that's a little bit tight.
14 UNIDENTIFIED SPEAKER: Okay.
15 DANIEL PARRISH: I think you probably want to
16 give some more time, 60, 90 --
17 UNIDENTIFIED SPEAKER: 60?
18 DANIEL PARRISH: -- days. She can speak better
19 than I can to it actually.
20 UNIDENTIFIED SPEAKER: 60?
21 ADRIAN PRESCOTT: So when we get our as-builts
22 from our contractors, we have net 30 to be able to
23 turn around and pay them upon their time of
24 completion.
25 So we could have like a 60-day. It would

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1 be -- that would be a lot more feasible for us.
2 MR. BEACHLER: Okay.
3 ADRIAN PRESCOTT: And it's completion upon, I
4 would say, construction, not just -- not turnaround if
5 that makes sense.
6 DANIEL PARRISH: Yeah. Yeah. Because there's
7 levels to complete. So --
8 ADRIAN PRESCOTT: Yeah.
9 DANIEL PARRISH: -- and I'll be defining --
10 MR. BEACHLER: Right.
11 DANIEL PARRISH: -- 'complete' and
12 [unintelligible].
13 MR. BEACHLER: So ITD -- you can call our area
14 foreman, "Hey. We're all done. Come check it out."
15 You know, that can be the [unintelligible].
16 DANIEL PARRISH: Yeah, because the --
17 ADRIAN PRESCOTT: Yes. [Unintelligible] --
18 DANIEL PARRISH: -- like -- if --
19 ADRIAN PRESCOTT: -- [unintelligible].
20 DANIEL PARRISH: -- because if you're calling
21 complete --
22 MR. BEACHLER: Right. Yeah.
23 [Unintelligible] --
24 DANIEL PARRISH: -- [unintelligible] and dirt's
25 back over it, we may not have the as-builts because

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1 our contractor might also have the responsibility of
 2 doing splicing. And he might do the splicing until
 3 the full project is finished, and so completion may
 4 not be until --
 5 MR. BEACHLER: Right.
 6 DANIEL PARRISH: -- [unintelligible].
 7 MR. BEACHLER: So when you're -- under your
 8 permit, when you're showing and you're doing all that
 9 work, and when you're completed with all that work,
 10 you can call the area foreman for final inspections.
 11 So he'd come by and make sure everything's put back
 12 nice.
 13 You know, that would be [unintelligible]
 14 60 days. We'll take [unintelligible] --
 15 ADRIAN PRESCOTT: Right.
 16 MR. BEACHLER: -- that's -- recognizing that
 17 we -- you still are waiting for 30 days on top of that
 18 from your contractor, so...
 19 DANIEL PARRISH: He gave -- he gave us
 20 60 days -- or 60 days from you signing off on it in
 21 [unintelligible]. Then --
 22 MR. BEACHLER: So take --
 23 ADRIAN PRESCOTT: Yeah. So upon --
 24 MR. BEACHLER: Okay.
 25 ADRIAN PRESCOTT: -- inspection, 60 days. That

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1 would be a --
 2 MR. BEACHLER: Reasonable?
 3 ADRIAN PRESCOTT: -- better term.
 4 MR. BEACHLER: Okay.
 5 DANIEL PARRISH: I think that's fair. Sorry.
 6 THE MODERATOR: No. Absolutely. No. That's
 7 exactly the kind of comment and feedback we want.
 8 Ben, don't mean to put you on the spot. I
 9 saw you had your hand raised for a minute. Did you
 10 have anything to add or ask?
 11 BEN ARON: It's just -- I'll put this in the
 12 category of just thinking out loud. But when you were
 13 going through 16 -- 615.01, in that section -- I'll
 14 wait until you scroll up there.
 15 I believe that you list out in that
 16 section the Utah Code [sic], and I was -- my eye -- I
 17 caught my eye on -- in the -- between the second and
 18 third line there, it says -- so it says, you know,
 19 "Make reasonable regulations for the installation,
 20 construction, maintenance, repair, renewal, and
 21 relocations of facilities of any utility or
 22 communication transmitting entity."
 23 One of the things we were talking about
 24 earlier is the struggle you're having between the
 25 FHA -- I'm sorry -- FHWA definition of "utility," the

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1 Utah -- Idaho -- sorry. I -- but the Idaho definition
 2 of "utility," and I wonder if there might be -- and
 3 we'll think this through, and if there's any teeth to
 4 it, we'll make -- put it in written comments. But I'm
 5 just thinking out loud.
 6 It might be useful to use that
 7 "communication transmitting entity" to capture those
 8 that are not necessarily going to fit in
 9 the -- otherwise fit in the utility -- the definition
 10 of "utility."
 11 So the concept, of course, would be you
 12 could define a "communication transmitting entity"
 13 under the -- you know, you could interpret the statute
 14 as that meaning a utility under the FHA -- FHWA
 15 definition of a "communications provider" essentially.
 16 So it would allow you to sidestep the issue of who is
 17 or isn't a utility by using a term that's imbedded in
 18 the statute, and maybe that gets you home.
 19 Again, I -- just thinking out loud. If
 20 there's any teeth to that, then I'll talk with the
 21 members, and we'll put it in written comments.
 22 But -- caught my eye.
 23 THE MODERATOR: Thank you very much, Ben. We
 24 appreciate that. And we will take note as well.
 25 Any other thoughts or comments as it

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1 relates to Chapter 6, the newly added section of the
 2 Guide on Utility Management [sic], which Rob just went
 3 through?
 4 Not seeing anything right off online.
 5 You want to stick to the PowerPoint?
 6 MR. BEACHLER: Can you go to the last -- those
 7 last couple of slides on there.
 8 THE MODERATOR: We're going to go ahead and
 9 switch it up here, show a couple additional slides
 10 from Rob's presentation. So let me pull that up.
 11 UNIDENTIFIED SPEAKER: [Unintelligible].
 12 UNIDENTIFIED SPEAKER: [Unintelligible].
 13 UNIDENTIFIED SPEAKER: [Unintelligible].
 14 MR. BEACHLER: Yeah. Thanks, Ramon.
 15 THE MODERATOR: Yeah.
 16 MR. BEACHLER: I just wanted to touch on a
 17 couple of different models that different states are
 18 doing, you know, their research and consultation,
 19 which we kind of wanted to, you know, see what
 20 adjacent states are doing, what are different DOTs
 21 across the country doing in regards to broadband and
 22 how they manage it.
 23 And so we've identified a couple of these.
 24 I think I got seven of these models. And so the first
 25 one is a highway project model. So this one is where

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1 DOTs progressively and proactively promote
 2 opportunities to partner with road projects. So
 3 that's kind of what we've been doing in our outreach
 4 efforts to, again, show the locations of our
 5 seven-year planning horizon for transportation
 6 projects that are doing major ground-disturbance-type
 7 projects and major replacement projects. So that's a
 8 model where -- we are actively working that.
 9 Another model can be described as a joint
 10 use model. And that's where a provider wants in, and
 11 the DOT notifies other providers that a project is
 12 going to be planned. And that allows them to kind of
 13 coordinate the installation of multiple conduits or
 14 facilities for different providers while all that
 15 work's being done. And the primary provider will
 16 negotiate with other -- you know, the parties and do
 17 that formal coordination.
 18 The third model is a private lease model.
 19 This is where the DOT requires a provider to install
 20 additional conduits during their initial installation.
 21 That provider owns the extra conduits and can lease if
 22 and when they choose, but at least, you know, there's
 23 some extra capacity in that.
 24 The exchange model, these are more mature.
 25 This is similar to what -- excuse me -- what the Utah

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1 Department of Transportation does, and this is where
 2 the DOTs require extra conduits to be installed. They
 3 track those installations, and then those are
 4 exchanged between providers as they seek access
 5 throughout the state.
 6 So it's kind of a credit-and-debit system
 7 that's a -- it's a more robust, advanced system.
 8 We're not -- ITD is not at that -- at that point
 9 to -- or have the capacity to facilitate such an
 10 exchange model.
 11 Next slide, please.
 12 Then there's the public owned model. This
 13 is where the DOT installs conduits within road
 14 projects. They own it, they sell, they can lease it
 15 to others as requested.
 16 This is not an attempt to become a
 17 broadband provider. We do not want to compete with
 18 anybody. This is just some of the models of the
 19 different state DOTs.
 20 And we have the anchor tenant model. This
 21 is where a state or another entity "identifies where
 22 broadband is needed and helps incentivize the
 23 deployment by agreeing to be an anchor tenant."
 24 You know, and, again, most states aren't
 25 just using one of these models. They're using a

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1 variety of these -- of these tools to help facilitate
 2 broadband expansion and use.
 3 So I just wanted to touch on that. We're
 4 trying to figure out what's best suited for Idaho.
 5 And we really appreciate the inputs, the guidance, you
 6 know, to help us come up with a model that works for
 7 ITD and -- and the broadband industry.
 8 THE MODERATOR: Was that the last one?
 9 MR. BEACHLER: That's it.
 10 Oh, one more.
 11 Most recently -- I forgot about this. In
 12 May of this year, Arizona had some new legislation
 13 authorizing the leasing of right-of-way to providers
 14 and to -- and the DOT would receive fair rental value
 15 through a competitive bidding process.
 16 So they would -- based on my readings,
 17 they would open up a section and say, "Hey, providers.
 18 We're going to open this up for lease." And through a
 19 competitive bidding process, that's how fair market
 20 rent is derived.
 21 ADRIAN PRESCOTT: So a question on that. Is
 22 that like a lease of like, "Hey. You could go in and
 23 put stuff in," or is that a lease of like stuff you
 24 own?
 25 MR. BEACHLER: That -- I think in their case in

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1 Arizona was -- it was leasing access to the
 2 right-of-way.
 3 ADRIAN PRESCOTT: Okay. So like -- so what
 4 happens if your lease comes up, I guess? And
 5 then -- like can somebody else come in and bid you out
 6 and then they get to take over; is that --
 7 MR. BEACHLER: Yeah. I'm not sure. That's just
 8 something I just -- I just found interesting in what
 9 Arizona DOT -- you know, it's a western state, you
 10 know, and how they dealt with what is, you know -- you
 11 know, open and competitive, what is neutral, and what
 12 their way of addressing it was, to, you know,
 13 basically put out a -- you know, an RFP or a notice
 14 for lease and have it competitive.
 15 So I mean, I provide access to this
 16 stretch of highway, put it out there for proposals,
 17 and the highest bidder would win. I don't think they
 18 give it away to the lowest bidder, but, you know --
 19 ADRIAN PRESCOTT: Right.
 20 MR. BEACHLER: -- [unintelligible].
 21 DANIEL PARRISH: So -- and it sounds like you
 22 may not know, but -- then the next guy who comes in
 23 the next day and wants in who wasn't part of that
 24 bidding or that he was -- what? -- they just tell him
 25 that next person down the road [unintelligible] --

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1 MR. BEACHLER: Yeah, it --
 2 DANIEL PARRISH: -- [unintelligible] --
 3 MR. BEACHLER: -- you know, that's -- that's --
 4 DANIEL PARRISH: -- [unintelligible] for 5 years
 5 or 10 years or --
 6 MR. BEACHLER: Yeah. Yeah.
 7 DANIEL PARRISH: -- [unintelligible].
 8 MR. BEACHLER: I'm not sure how that's going to
 9 play out. This was just --
 10 ADRIAN PRESCOTT: Released.
 11 MR. BEACHLER: -- just released in May of this
 12 year.
 13 ADRIAN PRESCOTT: And you put --
 14 MR. BEACHLER: So...
 15 ADRIAN PRESCOTT: Yeah, the issues that we're
 16 thinking of in the back of our minds was like, We come
 17 in, we build, you know, this section, and then, you
 18 know, 10 years down the road that lease comes up.
 19 Somebody else outbids us. Now, we have to destroy our
 20 network --
 21 MR. BEACHLER: Yeah.
 22 ADRIAN PRESCOTT: -- to allow them in.
 23 MR. BEACHLER: Yeah. Their -- the term for
 24 the -- this was 30 years, so --
 25 ADRIAN PRESCOTT: Right.

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1 MR. BEACHLER: -- a pretty long-term lease.
 2 UNIDENTIFIED SPEAKER: Long-term.
 3 MR. BEACHLER: And that Arizona DOT
 4 [unintelligible] --
 5 DANIEL PARRISH: A long time to keep somebody
 6 else out. We love that. Unless --
 7 ADRIAN PRESCOTT: [Unintelligible].
 8 MR. BEACHLER: [Unintelligible].
 9 DANIEL PARRISH: Unless somebody else gets there
 10 first, but that's a long time to say to some other --
 11 MR. BEACHLER: Yeah, that --
 12 DANIEL PARRISH: -- provider, "I guess you can't
 13 get the right-of-way. Sorry."
 14 MR. BEACHLER: Yeah, that was the maximum term
 15 of those leases.
 16 DANIEL PARRISH: Yeah.
 17 MR. BEACHLER: So I just thought that was
 18 interesting --
 19 DANIEL PARRISH: Yeah.
 20 MR. BEACHLER: -- and open in how they were
 21 going to offer up access, competitive --
 22 ADRIAN PRESCOTT: Right.
 23 MR. BEACHLER: -- non-discriminatory.
 24 Okay. We're going to open up this section
 25 of highway.

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1 I saw a lot of this when I was reading
 2 some of the historic, early deployments in the
 3 2 -- right around 2000 after the 1996
 4 Telecommunications Act allowing the installation of
 5 broadband along the Interstate.
 6 So a lot of states took that
 7 open-and-competitive-type bidding or, you know -- I
 8 know Louisiana initially was seeking \$100,000 a mile.
 9 Well, they ended up with \$5,000 a mile. So, you know,
 10 it can go either way, but I just thought that was
 11 current. It's in a western state.
 12 ADRIAN PRESCOTT: Right.
 13 MR. BEACHLER: That's how they're handling it.
 14 They've got new legislation --
 15 UNIDENTIFIED SPEAKER: It's pertinent.
 16 MR. BEACHLER: -- at that -- at that level.
 17 ADRIAN PRESCOTT: That makes sense.
 18 MR. BEACHLER: In regards to small wireless
 19 facilities, the State of Utah adopted a statewide
 20 Small Wireless Facilities Deployment Act, so that set
 21 the standard, not just on State highway right-of-ways,
 22 but all the public right-of-ways on
 23 the -- allowing -- and they did give a lot of local
 24 authorities the ability to develop regulations and
 25 receive fair and reasonable compensation.

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1 They had some different rates for their
 2 application fees and colocations or attachments to
 3 facilities. A little bit different than the FCC
 4 presumptive fee structure, but that's something where
 5 it was adopted statewide. You know, it wasn't just a
 6 DOT-related regulation or guidance, but Utah deciding
 7 to make a statewide regulation there for small
 8 wireless facilities.
 9 THE MODERATOR: I think that was a good
 10 question.
 11 I'm going to go back and just kind of
 12 emphasize the models that Rob went over. Again,
 13 we've got one here, a public owned model, the anchor
 14 tenant model, the highway project model, joint use
 15 model, private lease model, exchange model.
 16 And for those that are -- yeah -- those
 17 that are thinking about your comments and suggestions
 18 in their written format, one thing you'll hear a lot
 19 when you deal with the Governor or elected officials
 20 down at the State-house is, "We want to do it the
 21 Idaho way."
 22 And so that's exactly the goal that we
 23 have with a project like this, is figuring out what
 24 works best for Idaho, whether it's the public, elected
 25 officials, vendors, providers.

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1 And so, you know, it could be a mismatch
2 of all sorts of different things. But I
3 think -- yeah. These are good places to start in
4 terms of kind of thinking, putting your head on in
5 terms of identifying what -- what may be the best
6 route or avenue for the State.
7 And so I would just emphasize, you know,
8 this is new for us. We're still at the concept stage,
9 obviously wanting to drill down a little deeper into
10 the details. But finding the "Idaho way" is something
11 that you hear a lot from our local elected officials.
12 DANIEL PARRISH: Could you skip back to the
13 other -- the other slide real quick? "Anchor tenant."
14 THE MODERATOR: Or -- this guy?
15 DANIEL PARRISH: No. The other one with
16 "Anchor."
17 UNIDENTIFIED SPEAKER: So --
18 DANIEL PARRISH: So the State -- of course, the
19 State is saying, "Oh, we'll be" -- so is the State
20 going to pay to --
21 MR. BEACHLER: Well, that's just one where, you
22 know, if there's maybe an underserved area that's --
23 UNIDENTIFIED SPEAKER: Mm-hmm.
24 MR. BEACHLER: -- you know, that's
25 cost-prohibitive for a provider to do a -- maybe

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1 someone -- it could be the State or some other entity
2 that says, "Hey. I'll" -- "Hey. I'll sign a
3 long-term lease for services from you," --
4 ADRIAN PRESCOTT: To get us there.
5 MR. BEACHLER: To get us [unintelligible] --
6 ADRIAN PRESCOTT: And then --
7 MR. BEACHLER: -- and to help you get your
8 return on investment and to do that. So...
9 ADRIAN PRESCOTT: And then we have the
10 [unintelligible] --
11 MR. BEACHLER: Yeah.
12 ADRIAN PRESCOTT: -- dedicating --
13 MR. BEACHLER: Yeah.
14 ADRIAN PRESCOTT: That makes sense.
15 MR. BEACHLER: So these are all just different
16 types of models. We're trying to find that right
17 balance, like Ramon said, what works good for Idaho
18 and our providers working in the state.
19 THE MODERATOR: Thank you, Rob. Appreciate
20 that.
21 Look, I'll just take a quick peek here to
22 see if we've got any hands up online, any chats.
23 I'm not seeing anything immediately.
24 Again, totally open for any direction
25 people might want to go in terms of their questions,

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1 thoughts, suggestions.
2 If not, also, you know, we want to be
3 respectful of people's times. We hold these meetings
4 open during working hours, after working hours, just
5 to allow for the public to engage as well.
6 But, yeah. Go ahead.
7 DANIEL PARRISH: So --
8 THE MODERATOR: [Unintelligible] here.
9 DANIEL PARRISH: -- I don't want to be here
10 longer. Me too. I've got a 13-year-old, 11-year-old
11 running around in downtown Boise by themselves right
12 now. Hopefully, they're not arrested. I don't know.
13 I dropped them off at the zoo a couple hours ago.
14 ADRIAN PRESCOTT: Downtown Boise's nice.
15 They'll be just fine.
16 DANIEL PARRISH: Yeah. But there are a couple
17 things -- and I maybe should have brought these up
18 during the GUM discussion, but I'll just throw them
19 out there and...
20 THE MODERATOR: Absolutely.
21 DANIEL PARRISH: You talked about median
22 installs and how they don't necessarily encourage
23 those. It does say in there that we -- that you
24 recognize that there's times when you need to do it.
25 THE MODERATOR: Might have to.

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1 DANIEL PARRISH: So we -- I would -- I would
2 emphasize that there are lots of situations in which
3 being in the median is a far superior and less
4 expensive option than some of the other things, than
5 trying to go into lava rock next to it or something;
6 right?
7 There's another type of construction that
8 I just want to put in front of you so you go and
9 investigate it. And when you first look at it, you
10 may say, "Not only no, but 'H' no," but there are
11 times when it is really the only way to do it.
12 They're doing it down in southern Utah at right now
13 [unintelligible]. Microtrenching.
14 Let's see. What we would put in is
15 basically the cement [unintelligible] and --
16 ADRIAN PRESCOTT: Lines [unintelligible].
17 DANIEL PARRISH: -- [unintelligible] look into
18 it.
19 UNIDENTIFIED SPEAKER: Yeah.
20 DANIEL PARRISH: It cuts down below the road
21 grade, pushing down below grade, and then you're
22 putting microducts.
23 ADRIAN PRESCOTT: So the specifications on that,
24 to just kind of give you a little bit more detail,
25 is -- it's a, likely, less-than-an-inch trench, and it

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1 cuts -- we do a straight line. So we have a -- I'm
2 trying to think of exact terms to say it, but we go
3 off of white line, so you can go --
4 UNIDENTIFIED SPEAKER: Fog --
5 DANIEL PARRISH: -- frog -- fog -- I was trying
6 to say --
7 ADRIAN PRESCOTT: -- yeah. So we go --
8 DANIEL PARRISH: -- I would say frost under
9 that [unintelligible].
10 ADRIAN PRESCOTT: Yeah, so we go off white line
11 or curb depending on if we're in town, because we do
12 it in town, and it's 18 inches off curb. And then you
13 go -- you run a straight line based upon that line, so
14 obviously if that line's not straight, you're not
15 going to be straight.
16 And we go -- it's slightly less than an
17 inch, and it goes 18 inches deep. We put in four,
18 typically, is what we've been doing through the city
19 of Pocatello. We've put in four microducts which are
20 18 -- 14 is what we're putting in.
21 And then you put in a slurry, and it's
22 a -- I don't know the -- see, I can ask Jake
23 [phonetic] what the exact PSI on that is. But it's
24 less than concrete, so you can break it up when you
25 dig into it, but it's -- it fills that trench. And

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1 then after --
2 DANIEL PARRISH: [Unintelligible].
3 ADRIAN PRESCOTT: Yeah. So then we leave about
4 an inch to a half inch less than that. So we'll let
5 that cure, and then we come along and we tar that
6 over -- an inch over each side. So it's just
7 basically a tar strip. What that does is it seals
8 everything.
9 So a lot of the times in Pocatello, we're
10 trying to do, too, is we work with the -- we work with
11 the City and say, "Hey. Which roads are you" -- you
12 know, we get the permit for the different roads that
13 they're not working on for years down the road. Or we
14 go down, try and help them fill those cracks that they
15 already have to come in and tar.
16 DANIEL PARRISH: So that's what's being done
17 almost everywhere in Salt Lake. People
18 [unintelligible] down -- all of the building -- it's
19 almost all that. We're just starting to play with it.
20 I say that. We've made a significant seven-figure
21 investment into the equipment to start playing with
22 it.
23 But that's what's going there, but out in
24 southern Utah, the builds down into St. George and
25 Cedar City, they're done that way. When they're going

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1 through -- you talk about the Culdesac --
2 MR. BEACHLER: Yep. Yep.
3 DANIEL PARRISH: -- Canyon build. If you could
4 have done it that way --
5 ADRIAN PRESCOTT: Right. Right.
6 DANIEL PARRISH: -- it would have been -- it
7 would have saved you months.
8 We're looking to build over
9 into -- what? -- to Emigration Canyon from Preston to
10 Montpelier.
11 ADRIAN PRESCOTT: Mm-hmm.
12 DANIEL PARRISH: We're looking at doing it that
13 way. It's obviously not that [unintelligible] on the
14 surface [unintelligible] when you say it, but
15 it -- there's lots of places where it may be the
16 only --
17 UNIDENTIFIED SPEAKER: Option.
18 DANIEL PARRISH: -- viable option moving
19 forward. So you should -- you should start to look at
20 that and know what that is and probably within this
21 have some kind of reference --
22 ADRIAN PRESCOTT: [Unintelligible].
23 DANIEL PARRISH: -- reference to what you would
24 be [unintelligible] for.
25 ADRIAN PRESCOTT: Yeah.

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1 DANIEL PARRISH: You said it is something that
2 could be done --
3 ADRIAN PRESCOTT: Right.
4 DANIEL PARRISH: -- kind of like a type
5 of -- [unintelligible] --
6 MR. BEACHLER: Right. Right.
7 DANIEL PARRISH: -- [unintelligible].
8 MR. BEACHLER: [Unintelligible] -- we've
9 actually discussed -- I've discussed this in one of
10 our projects that's in the canyon-based area. There's
11 a lot of subsurface drainage facilities to handle all
12 the runoff under the base, and so -- and we
13 didn't -- you know, they're placed indiscriminately.
14 They're shallow, again, where we have a rock cliff,
15 the road, a little bit -- a little bit of guardrail on
16 that -- the river.
17 So with -- when I talked to the project
18 manager on that one, they were concerned about boring,
19 trenching, or anything along there that
20 would -- because it's just -- it was just going to be
21 a millen [phonetic] inlay job. It's not a big
22 reconstruction where we're -- there's all these
23 facilities.
24 But we will be doing a millen inlay, and
25 there's the opportunity -- we talked about it. We're

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1 going to see if we're able to change that
2 project's -- the scope of that to possibly do that
3 type of microtrenching --
4 ADRIAN PRESCOTT: Right.
5 MR. BEACHLER: -- to place conduits in this very
6 difficult construction zone --
7 ADRIAN PRESCOTT: Right.
8 MR. BEACHLER: -- and not impact existing
9 drainage facilities. So we -- we said, "Hey. Maybe
10 this is an opportunity." And then wherever we have a
11 little bit of room, we could pull out for vaults.
12 ADRIAN PRESCOTT: Yep.
13 MR. BEACHLER: So we would like to, you know,
14 get any experience you've learned from them. That
15 would be helpful.
16 ADRIAN PRESCOTT: If you -- I'll give you my
17 card, and we'd love to have whoever would like to come
18 down to Pocatello and actually watch it --
19 UNIDENTIFIED SPEAKER: Check it out.
20 ADRIAN PRESCOTT: -- in site, see the machines,
21 see the --
22 DANIEL PARRISH: Yeah. We're happy to do --
23 ADRIAN PRESCOTT: -- you know, do whatever you
24 guys need.
25 DANIEL PARRISH: -- some show-and-tell.

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1 ADRIAN PRESCOTT: Yep.
2 UNIDENTIFIED SPEAKER: Yeah. And then --
3 DANIEL PARRISH: And I'd say it's not -- it's
4 not, you know, the end-all of all things, but where it
5 is, which is generally in towns that are already
6 built --
7 UNIDENTIFIED SPEAKER: Yep.
8 DANIEL PARRISH: -- and in canyons --
9 UNIDENTIFIED SPEAKER: Tricky geographical
10 areas.
11 DANIEL PARRISH: -- [unintelligible]. And then
12 you've got those canyon building. In the city -- some
13 people, when you redo that, [unintelligible] when you
14 go below the grade. We don't really care. We
15 just go below grade. That's more fun. It's easy to
16 lay it into low grade because it's back in there.
17 But there are times that it is going to be
18 the solution -- the best solution that's available,
19 and so you probably could reference that in --
20 MR. BEACHLER: Right.
21 DANIEL PARRISH: -- [unintelligible] if you want
22 to [unintelligible] --
23 MR. BEACHLER: Well, the one --
24 DANIEL PARRISH: -- situations.
25 MR. BEACHLER: -- we had -- I had mentioned

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1 earlier where we bored, we changed where
2 [unintelligible] because we knew it was going to be
3 difficult. It's part of a phase series of projects,
4 and we said, "Oh, boy." But this wasn't in a
5 [unintelligible] because --
6 UNIDENTIFIED SPEAKER: [Unintelligible].
7 UNIDENTIFIED SPEAKER: -- we would have an
8 intelligent transportation system requirement, but we
9 should place this because it's a first phase of five
10 phases in this canyon area. And we ended up having to
11 bore at this point because we didn't plan for that,
12 and it was a difficult bore.
13 ADRIAN PRESCOTT: Yeah.
14 MR. BEACHLER: It was not an optimal path. So
15 we -- we would like to --
16 DANIEL PARRISH: 120 bucks a foot or something?
17 You know --
18 MR. BEACHLER: Yeah. So we're talking to our
19 eight quarters material staff. You know, there's some
20 concern on how that could possibly impact the
21 roadways, because it -- now we're at highway speeds.
22 We're not in town.
23 DANIEL PARRISH: Yeah. Yeah.
24 ADRIAN PRESCOTT: Right.
25 MR. BEACHLER: So what are some of their

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1 concerns, and I -- if it's the right type of project
2 where we're already milling down a little bit and then
3 we can cut, but not go too deep into the -- in the
4 base or somebody's drainage facilities and then place
5 the conduits and then come over when they're overlaid,
6 then it's all nice and covered.
7 ADRIAN PRESCOTT: Right.
8 MR. BEACHLER: So...
9 DANIEL PARRISH: [Unintelligible] that your
10 [unintelligible] is proving those, so it didn't matter
11 what you just --
12 MR. BEACHLER: Okay.
13 DANIEL PARRISH: -- [unintelligible].
14 UNIDENTIFIED SPEAKER: [Unintelligible].
15 DANIEL PARRISH: -- aspects on how they improve
16 them or not, but they are doing that quite a bit down
17 in southern Utah and over the --
18 ADRIAN PRESCOTT: And the --
19 DANIEL PARRISH: -- down in southern Utah, in
20 that area.
21 ADRIAN PRESCOTT: Yeah. One of the nice things
22 about microtrenching is we're averaging about
23 2000 feet a day. When you get into your -- and this
24 is through like downtown Pocatello that's lava and
25 super hard ground that we just physically could not

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1 get to, boring and drilling.
2 We -- you know, we would drill maybe,
3 sometimes 200 feet a day when we're getting 2,000
4 feet, so that's a huge difference when you're looking
5 at footages, cost difference, and [unintelligible]
6 like that. So...
7 DANIEL PARRISH: But whatever -- whatever
8 that -- we can -- we're happy to share about that.
9 And we have --
10 UNIDENTIFIED SPEAKER: That's
11 [unintelligible] --
12 DANIEL PARRISH: -- more [unintelligible] --
13 UNIDENTIFIED SPEAKER: -- [unintelligible] in
14 there.
15 DANIEL PARRISH: -- Nathan [phonetic] our ops
16 manager was here last week. That's more
17 [unintelligible]. We think you should be aware of
18 that, absolutely, in your [unintelligible] that.
19 So I have another thing if that's all
20 right.
21 THE MODERATOR: Absolutely.
22 DANIEL PARRISH: This one is -- I don't know how
23 you guys [unintelligible]. You don't want your
24 right-of-ways filled up. You really don't want your
25 right-of-ways filled up with people who aren't going

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1 to utilize the assets they've put in.
2 So I don't know how or if you even want to
3 venture into the realm of deciding if the people who
4 are applying are legitimate and are --
5 UNIDENTIFIED SPEAKER: [Unintelligible].
6 DANIEL PARRISH: -- [unintelligible] real
7 [unintelligible], but I don't know if they're just
8 someone saying, "I'm going to open that, and then I'm
9 just going to have my own little provider company
10 and -- to provide these 20 homes, I'm going to take up
11 5 miles worth of --
12 ADRIAN PRESCOTT: Right.
13 DANIEL PARRISH: -- of right-of-way usage," or
14 "I'm going to put it in and then never utilize it";
15 right? "I'm going to go belly up, bankrupt, and
16 realize that this is a lot of work. I don't want to
17 do this." And your right-of-way's going to be used up
18 with -- with unused facilities, untapped facilities.
19 I don't know how you do that. I know that
20 what they do on the Federal level, whether it's on
21 purpose or not, is they bury the paperwork, so that
22 the -- the guy -- even the guy who's trying to start
23 up in his garage, he can't -- they can't meet all the
24 requirements and stuff.
25 So I don't know how you -- and we can -- I

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1 mean, I could -- we could put -- you have some
2 thoughts on it if you want to, but -- and maybe you
3 say, "Fine. Whatever. Open it up." And if we
4 [unintelligible], but it is something to think about
5 too.
6 MR. RINDLISBACHER: Well --
7 ADRIAN PRESCOTT: You know, require it --
8 MR. RINDLISBACHER: -- and --
9 ADRIAN PRESCOTT: -- in terms --
10 MR. RINDLISBACHER: -- we talked earlier about
11 [unintelligible] ducts.
12 DANIEL PARRISH: Yeah.
13 MR. RINDLISBACHER: So if we have three conduits
14 and we turn those three into nine, that's less of a
15 concern.
16 DANIEL PARRISH: Yeah. Yeah.
17 MR. RINDLISBACHER: Because then -- okay. One
18 of the nine is probably a non-player. You've still
19 got the other eight to do --
20 ADRIAN PRESCOTT: Yeah.
21 MR. RINDLISBACHER: -- something with. So --
22 ADRIAN PRESCOTT: Right.
23 MR. RINDLISBACHER: -- that -- that -- I mean,
24 you're barking up the same tree that we're talking
25 about when you talk about, "We want to make sure that

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1 we have future capacity and not just have, you
2 know" -- during the break offline we were just telling
3 these guys [unintelligible] which will
4 remain -- remain nameless and a company that will
5 remain nameless.
6 But they had three longitudinal lines in
7 the same route and one in the fourth. It was like,
8 come on. I mean, I know you're the only game in town,
9 but still. Why can't you use the path you've already
10 occupied?
11 ADRIAN PRESCOTT: Right.
12 MR. RINDLISBACHER: It's back to that same
13 conduit -- or that same concept. We want to make sure
14 that we have future capacity to be able to know who's
15 coming.
16 DANIEL PARRISH: So, yeah. Just something to
17 make sure it's your --
18 UNIDENTIFIED SPEAKER: So vet it?
19 DANIEL PARRISH: Yeah. So vet it.
20 UNIDENTIFIED SPEAKER: [Unintelligible].
21 DANIEL PARRISH: The kind of vetting to make
22 sure that they're not going to go belly up tomorrow,
23 that they are legitimately trying to service the city
24 of -- I don't know -- Sugar City or whatever place,
25 that they are -- that they are who they say they are.

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1 So just something to consider
 2 [unintelligible].
 3 Not -- you mentioned -- I just want
 4 to -- this is probably -- but you talked -- we talked
 5 about the microducts; right?
 6 UNIDENTIFIED SPEAKER: Mm-hmm.
 7 UNIDENTIFIED SPEAKER: Mm-hmm.
 8 DANIEL PARRISH: A lot -- oftentimes with
 9 carrier people, that's not going to work for them.
 10 They're carrying from -- if their goal is to carry
 11 from Boise to Pocatello, they're going to have a
 12 722 --
 13 ADRIAN PRESCOTT: Well --
 14 DANIEL PARRISH: -- [unintelligible].
 15 ADRIAN PRESCOTT: -- the --
 16 DANIEL PARRISH: That bundle is thick.
 17 UNIDENTIFIED SPEAKER: [Unintelligible].
 18 ADRIAN PRESCOTT: -- the --
 19 DANIEL PARRISH: So they won't be able to fit it
 20 into that microduct. So you'd have to have some other
 21 kind of -- put a second duct in that's microduct
 22 before or something.
 23 UNIDENTIFIED SPEAKER: So there could be
 24 situations where breaking the microducts won't work?
 25 ADRIAN PRESCOTT: But where technology is

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1 changing --
 2 UNIDENTIFIED SPEAKER: [Unintelligible].
 3 ADRIAN PRESCOTT: -- we are moving to ribbon
 4 fiber. And we used to have, you know, this cable
 5 that's about this thick that's for 288. Now, those
 6 288s are about this thick. So we are --
 7 DANIEL PARRISH: That's also shrinking too.
 8 ADRIAN PRESCOTT: Yeah. So everything is
 9 shrinking in the way of the future, but some of the
 10 old stuff is still very, very large.
 11 DANIEL PARRISH: Yeah.
 12 ADRIAN PRESCOTT: We're trying to move more
 13 towards --
 14 DANIEL PARRISH: Just something to think about.
 15 ADRIAN PRESCOTT: -- smaller.
 16 THE MODERATOR: Thank you for that.
 17 DANIEL PARRISH: You know, those are two things
 18 I wrote down.
 19 And my kids are wandering around outside
 20 right now, so they must be -- I don't --
 21 ADRIAN PRESCOTT: Wait.
 22 DANIEL PARRISH: -- I --
 23 ADRIAN PRESCOTT: How did they get here?
 24 DANIEL PARRISH: Feet I guess. I don't know. I
 25 [unintelligible] --

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1 UNIDENTIFIED SPEAKER: [Unintelligible].
 2 ADRIAN PRESCOTT: [Unintelligible].
 3 UNIDENTIFIED SPEAKER: They're probably hungry.
 4 UNIDENTIFIED SPEAKER: [Unintelligible].
 5 DANIEL PARRISH: They're probably hungry.
 6 UNIDENTIFIED SPEAKER: Yep. [Unintelligible].
 7 DANIEL PARRISH: Yeah. Yeah.
 8 THE MODERATOR: Well, we -- we really appreciate
 9 this as we're coming onto the 6 o'clock hour. I mean,
 10 a three-hour meeting is definitely long, and so I
 11 appreciate you folks being here and engaging with us.
 12 All those online -- at one point we were
 13 up to about 29 or so, and it looks like we're down to
 14 13.
 15 So I'd like to do kind of a final call
 16 just to, again, be respectful to the people that have
 17 joined us. We won't necessarily close the meeting
 18 until 7:00. We will hold ourselves available for any
 19 questions or comments until 7:00 p.m.
 20 But as far as additional, new material
 21 that we'd be presenting, I think Robert's voice is
 22 probably getting a little hoarse down there. He's
 23 covered a lot of material today, and I really
 24 appreciate that.
 25 So again, just a final call before

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1 we -- we've got to take a break and see if there's any
 2 new folks or new questions that come on.
 3 And again, still not seeing much in the
 4 way of our online action.
 5 So with that, yeah. I'd go ahead and
 6 just -- again, big, huge thanks to those who have
 7 joined us and those that are here with us at the
 8 Headquarters here in Boise. Great participation.
 9 Want to remind folks, again, please go to
 10 the website, "itd.idaho.gov/rulemaking." You'll find
 11 all the materials associated with this utility
 12 accommodation and then a couple new things to keep an
 13 eye on. We'll send out an e-mail for our
 14 stakeholders.
 15 But we'll get transcriptions of these
 16 meetings posted online so folks can take a look at
 17 those. The one from last week is about ready to go,
 18 and I predict the one from today will be about a week
 19 or ten days out.
 20 And we also got multiple requests today
 21 for the PowerPoint presentation, and so we'll be sure
 22 to post that online, again, under the "Utility
 23 Accommodation" ribbon.
 24 So really -- a huge thanks to everyone. I
 25 know I learned a lot today, and so I think that was

1 a -- a really great step forward for us. And we'll
2 continue to work this project and move forward the
3 best and efficient way we can.

4 So with that, I'll call -- I'll call a
5 break until we see any hands or new bodies. Again,
6 we'll be here until 7:00.

7 But thanks for everyone that's joined us
8 online.

9 (Recess taken from 1:53:45 to 1:53:52 of
10 audio file.)

11 THE MODERATOR: All right. We have reached the
12 7 o'clock hour on Thursday, June 24th, bringing it in
13 to our second negotiated rulemaking meeting concerning
14 broadband utility accommodation in the State's
15 right-of-way. We look forward to ongoing negotiations
16 and discussions with stakeholders and providers,
17 vendors, elected officials with plans for a couple
18 more meetings in July.

19 So signing off.

20 Meeting adjourned.

21 (End transcription at 1:54:19 of audio
22 file.)

23 -o0o-

24

25

TRANSCRIPTIONIST'S CERTIFICATE

I, VICTORIA HILLES, transcriptionist, certify:

That the audio recording of the proceedings
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That the foregoing is a true and correct
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I further certify that I am not a relative or
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IN WITNESS WHEREOF, I set my hand and seal
this 15th day of July, 2021.



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