

IDAHO TRANSPORTATION DEPARTMENT'S  
UTILITY ACCOMODATION RULEMAKING  
SMALL WIRELESS FACILITIES

MODERATOR: RAMON HOBDEY-SANCHEZ

November 16, 2021

3:00 P.M. - 4:00 P.M.

TRANSCRIBED BY:

VICTORIA HILLES

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1 (Begin transcription at 0:02:00 of audio  
 2 file.)  
 3 THE MODERATOR: Good afternoon, everyone.  
 4 Hopefully you can hear me. We've just hit the 3:00  
 5 hour. We'll wait a minute or so here to get started.  
 6 For those listening in, we do have  
 7 everyone muted upon entry, but you are able to un-mute  
 8 yourself as well. And then for those who are familiar  
 9 with Webex, please feel free to operate any questions  
 10 or comments in the chat box or raise your hand during  
 11 any part of the discussion, and we can -- we can get  
 12 right over to you.  
 13 Again, we'll just give a minute or so, and  
 14 then we'll get formally started.  
 15 Thank you.  
 16 (Recess taken from 0:02:32 to 0:04:25 of  
 17 audio file.)  
 18 THE MODERATOR: All right, folks. We can go  
 19 ahead and do our first run-through this afternoon.  
 20 Just a little reminder that we are  
 21 recording our meeting today so that we can get it  
 22 transcribed and posted online. Just a little note  
 23 there, it probably takes about two to three weeks to  
 24 make that happen.  
 25 We've got a few stakeholders in the room

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1 here at the East Annex, ITD Headquarters, and then  
 2 we've got about 18 or so joining us virtually on  
 3 Webex.  
 4 And so to get started, just -- good  
 5 afternoon, everyone. We really appreciate you taking  
 6 the time to participate, being here and participating  
 7 in the meeting.  
 8 My name's Ramon Hobdey-Sanchez. I'm with  
 9 the Office of Governmental Affairs here at ITD, and  
 10 one of my roles is the Administrative Rules Officer.  
 11 The Department wants to welcome each and every one of  
 12 you to today's rulemaking hearing. I'll be the  
 13 facilitator for today's meeting.  
 14 And I'm also fortunate to have some great  
 15 colleagues with me as well. To my left and your right  
 16 is our Broadband Program Manager Robert Beachler, and  
 17 then to my right, your left, is Niki Benyakhlef.  
 18 She's going to help us stay organized and kind of keep  
 19 on track.  
 20 I do want to thank everyone in advance for  
 21 your patience. This is a hybrid meeting, so we'll  
 22 likely bounce a little bit from the chat to those  
 23 online to those in the room, so we appreciate your  
 24 patience in advance.  
 25 Most of you most likely participated in

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1 one of three or maybe all three of our negotiated  
 2 rulemaking meetings this summer. And again, the  
 3 Department greatly -- greatly appreciates  
 4 everyone -- everyone's participation. It's really  
 5 vital to the process that stakeholders come to the  
 6 table, voice their concerns or ideas.  
 7 We felt that we had some great dialogue  
 8 and really were able to move the discussion, move the  
 9 dial, as it relates to utility accommodation in the  
 10 State's right-of-way.  
 11 Again, specifically, we've been looking at  
 12 IDAPA 39.03.43. This is "Rules Governing Utilities on  
 13 State Highway Right-of-Way." And you'll recall that  
 14 this chapter -- it's a short, little chapter, but it  
 15 incorporates by reference the Department's Utility  
 16 Accommodation Policy. So we've been talking about  
 17 chapter language, but also a lot of meat and potatoes  
 18 in the Utility Accommodation Policy itself.  
 19 So, again, really just appreciate  
 20 everyone's involvement and for taking the time to  
 21 participate with us this afternoon.  
 22 Just to give you a little idea of what to  
 23 expect. We'll go over the proposed rulemaking scope,  
 24 we'll talk a little bit about what the rulemaking  
 25 process looks like going forward as it relates

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1 specifically to small wireless facilities, and then I  
 2 will hand it over to Mr. Beachler, and he will give a  
 3 small wireless facility overview, talk a little bit  
 4 about the fee structure that we're proposing, touch  
 5 base on what some of the surrounding DOTs are doing as  
 6 it relates to SWFs, and then a conclusion.  
 7 So to get us started, I would like to just  
 8 kind of set the context in terms of where we're at and  
 9 provide some details as it relates to the rulemaking  
 10 process and scope.  
 11 As you saw via several of our e-mail  
 12 communications with stakeholders, we have now entered  
 13 what we consider the formal rulemaking process. This  
 14 is a little different than the negotiated, which is  
 15 what we've been working through during the summer.  
 16 And so as part of that formal process,  
 17 there was a proposed rule published at the beginning  
 18 of November. It included the draft changes to  
 19 39.03.43, essentially the insertion of the fee  
 20 structure as well as modifications made to the Utility  
 21 Accommodation Policy.  
 22 But again, really want to emphasize that,  
 23 although they've been working on broadband and small  
 24 wireless facilities, going forward, at this point in  
 25 time, we are not addressing broadband, but small

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1 wireless facilities unilaterally and on its own.  
 2 A couple reasons for this, but the main  
 3 one is the Idaho Broadband Advisory Board is working  
 4 with us and with other entities. Some of the  
 5 stakeholders in this room and online have been  
 6 involved with those discussions.  
 7 And we really wanted to make sure that we  
 8 were linked up with the Broadband Advisory Board. One  
 9 did get in front of the other. It made sense from the  
 10 Governor's point of view, from the Legislature's point  
 11 of view, and our point of view.  
 12 So we're really just kind of putting a  
 13 small, little pause on broadband. By no means are we  
 14 abandoning ship or pulling out of that project. I  
 15 think what you should expect over the next couple of  
 16 months is continued work from the Idaho Broadband  
 17 Advisory Board that will fully support many of their  
 18 efforts as well as ongoing discussions over in the  
 19 Statehouse.  
 20 As a side note, the Legislature does  
 21 happen to be in session currently, which is a very  
 22 extreme abnormality, normally not the case. But when  
 23 we fast forward to the normal session beginning in  
 24 January of 2022, we definitely expect there to be a  
 25 lot of discussion as it relates to broadband,

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1 broadband connectivity, and the use of the State's  
 2 right-of-way.  
 3 So that's kind of where we are in terms of  
 4 the divergence we've taken at this point in time in  
 5 kind of looking -- looking forward.  
 6 So what to expect -- what to expect from  
 7 what's coming through -- going forward. So we have  
 8 this proposed rule and policy that's out right now.  
 9 We're going to discuss that in detail as soon as I  
 10 hand it over to Robert.  
 11 We do have the new comment period open.  
 12 And so for those that have had a chance to review the  
 13 draft and the Draft Policy No. 2, we're taking written  
 14 comments today -- or oral comments today and written  
 15 comments all the way through November 24th.  
 16 The Department, myself, and Robert will  
 17 also be presenting these exact drafts to the Idaho  
 18 Transportation Board this Thursday. It'll be their  
 19 first opportunity to see where we're at, and then  
 20 they'll be given essentially one month. It's a little  
 21 shorter with the holiday season, but we'll go back to  
 22 the Board in December with a pending rule and final  
 23 drafts.  
 24 So we'll have the opportunity to  
 25 incorporate potential comments between now and the

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1 24th, any comments that the Board may have, and then  
 2 we'll have a final, pending rule presented there on  
 3 December 9th to the Board. This will set us up in  
 4 position for the -- beginning the 2022 session, in  
 5 which the rule and the policy will be ripe and ready  
 6 for presentation to the House and Senate  
 7 Transportation Committees.  
 8 One little note I wanted to  
 9 make and -- won't go into too much of the details  
 10 because the weeds can get kind of thick here, but the  
 11 rulemaking process in Idaho is definitely unique.  
 12 The Legislative Branch has a very  
 13 significant role, and one of those is how they treat  
 14 non-fee and fee rules. And so an important thing to  
 15 reference is -- we're taking 39.03.43, which was a  
 16 non-fee administrative rule, we inserted some fee  
 17 language in there. So we've converted it to what we  
 18 consider an administrative fee rule.  
 19 And so the caveat there is any approval of  
 20 these changes has to be approved by concurrent  
 21 resolution, so that means both the House and Senate  
 22 have to approve, which means the House and Senate  
 23 Transportation Committees have to allow us to present  
 24 our respective pending changes. That -- there are no  
 25 guarantees there.

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1 So again, we're set up in a great  
 2 position. We'll be ready and able to -- at the  
 3 beginning of January, to present when called upon.  
 4 But just a little something for our stakeholders to  
 5 keep in mind is that if we want the rule to be fully  
 6 successful, we do need a -- these changes to be heard  
 7 and approved by both -- by both the House and the  
 8 Senate.  
 9 Again, written comments all the way until  
 10 November 24th on the drafts that we've got posted  
 11 online. Really appreciate everyone's engagement to  
 12 this point.  
 13 We want to remind everyone of our  
 14 administrative rulemaking web page,  
 15 "itd.idaho.gov/rulemaking," where you can see all the  
 16 updated information, and that's where we'll get the  
 17 transcripts of this meeting posted as soon as its  
 18 available.  
 19 So with that, I'd be happy to stand for  
 20 any questions. If there are none, I'll -- I'd go  
 21 ahead and hand it over to Mr. Beachler for his  
 22 portion.  
 23 All right.  
 24 MR. BEACHLER: Thank you.  
 25 THE MODERATOR: Mr. Beachler.

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1 MR. BEACHLER: Thank you, Ramon.  
 2 Again, my name's Robert Beachler. I am  
 3 the Idaho Transportation Department Division of  
 4 Highways Broadband Program Manager located in our  
 5 Planning Services section, and I'm going to provide a  
 6 brief overview of the small wireless facilities and  
 7 how we would engage providers with that.  
 8 So the Division of Highways and the  
 9 wireless providers would enter into a Master License  
 10 Agreement setting forth the terms and conditions for  
 11 authorizing the use of specified rights-of-way for the  
 12 purpose of installing, placing, mounting, operating,  
 13 modifying, maintaining, upgrading, replacing, and  
 14 removing wireless telecommunications facilities.  
 15 After the Master License Agreement is  
 16 executed between the Division of Highways and the  
 17 provider, permitting is done at the district level.  
 18 So ITD has six districts throughout the state, and  
 19 permitting those facilities requires executing at the  
 20 district level.  
 21 The fees for permitting small wireless  
 22 facilities are based on the number of facilities to be  
 23 deployed, either by attachment to an existing  
 24 structure or new structure installation.  
 25 So staff recommends the adoption of the

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1 Federal Communications Commission's Ruling 18-133 for  
 2 their small wireless facilities. So these fees  
 3 include a \$500 nonrecurring fee including a single  
 4 up-front application that includes up to five small  
 5 wireless facilities with an additional \$100 for each  
 6 small wireless facility beyond five, so it's per  
 7 collocation or attachment.  
 8 Or if a new facility is to be installed,  
 9 there is a \$1,000 nonrecurring fee for a new pole  
 10 installation that could support one or more small  
 11 wireless facilities.  
 12 And third, there's a \$270 per small  
 13 wireless facility per year that covers all recurring  
 14 fees, including right-of-way access or attachment to  
 15 structures within the right-of-way.  
 16 From our stakeholder inputs over the  
 17 summer, from wireless providers and trade  
 18 associations, staff is recommending that we implement  
 19 FCC's small wireless facility permit review guidance,  
 20 commonly known as "Shot Clocks." Shot Clocks include  
 21 a 60-day review of an application for collocation of  
 22 small wireless facilities using a pre-existing  
 23 structure, so just a signal structure or a luminaire.  
 24 Upon receiving the permit application,  
 25 district permitting staff will have 10 days to review

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1 the application and notify the applicant of any  
 2 missing information to be addressed.  
 3 New, dedicated standalone small wireless  
 4 facilities or structures, as pictured in the lower  
 5 left image -- or excuse me -- lower right  
 6 image -- there's a 90-day review period.  
 7 Next, I want to touch on -- as part of our  
 8 research, we've been touching on what other state DOTs  
 9 are doing around in our region, and I just wanted to  
 10 touch on some of these so stakeholders in Idaho know  
 11 what other states are doing.  
 12 So in Utah they basically implemented a  
 13 similar structure to what we're proposing. They have  
 14 a nonrefundable \$100 application review fee for each  
 15 small wireless facility collocated on an existing or  
 16 replacement utility pole. There's a \$250  
 17 nonrefundable application review to install, modify,  
 18 or replace a utility pole associated with a small  
 19 wireless facility.  
 20 They have annual right-of-way access fees  
 21 of \$250 per small wireless facility and an annual  
 22 attachment fee of \$50 per small wireless facility  
 23 collocated on the Utah Department of Transportation's  
 24 approved utility poles. It's very similar to what  
 25 we're proposing.

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1 In Colorado they've implemented the FCC's  
 2 small wireless fee structure, the same structure we're  
 3 proposing.  
 4 In Montana, the Montana DOT has not had to  
 5 respond to any small wireless facility requests yet.  
 6 And they've noted that the FCC's order is in conflict  
 7 with some of their statutes regarding fees. So  
 8 currently Montana statutes do not provide the  
 9 authority to collect fees, and their legal staff has  
 10 been asked to review and advise. So we're working on  
 11 it.  
 12 In Wyoming they've had limited experience  
 13 with 5G applications or small wireless facilities.  
 14 There's currently only one approved application in the  
 15 Wilson area, but there's also a recent legislation to  
 16 limit the number of applications allowed inside  
 17 highway right-of-ways for safety reasons. They  
 18 are -- they are not familiar with the FCC fee  
 19 structure that we're proposing, but they  
 20 are -- they're going to look at that.  
 21 Fees of such lease agreements would be  
 22 similar to any other land use agreement. That's how  
 23 they kind of view it. But [unintelligible] -- they  
 24 also noted that they would likely follow the FCC's  
 25 schedule for the majority of installations.

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1 In North Dakota they have a state law that  
 2 provides the authority to a local entity for all  
 3 utility installations within city-platted areas.  
 4 Therefore, they've delegated responsibility to the  
 5 larger cities within North Dakota.  
 6 The cities, though, are required to follow  
 7 the established guidelines for installations with the  
 8 state -- within the state highway right-of-ways, as  
 9 documented in their utility accommodation policies.  
 10 And they are also -- let's see. North Dakota is  
 11 updating the policy in 2020 [sic] to accommodate  
 12 wireless facilities, so they're -- they're also  
 13 working on it.  
 14 In South Dakota, they've drafted some  
 15 supplemental language to be used with their standard  
 16 utility permits, specifically to allow cellular  
 17 communications to collocate on DOT facilities,  
 18 primarily light poles or luminaires.  
 19 So in conclusion, I would like to say that  
 20 our utility accommodation rulemaking process for  
 21 broadband facilities has been a very beneficial  
 22 process for the Department. We have been actively  
 23 engaged with our different stakeholders through a  
 24 series of public meetings. We've learned a lot about  
 25 broadband technologies and deployments. We've

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1 expanded our outreach and coordination efforts to  
 2 broadband providers by providing advanced notification  
 3 of State-sponsored transportation projects.  
 4 The Department looks forward to working  
 5 with the new Idaho Broadband Advisory Board and  
 6 helping the Advisory Board Subcommittees on  
 7 establishing "dig once" and "hang once" policies as  
 8 well as determining how the Department can support  
 9 broadband expansion across Idaho.  
 10 Staff will continue stakeholder engagement  
 11 regarding how ITD can refine conduit management and  
 12 exchange concepts in support of "dig once" and the  
 13 efficient management of rights-of-way for current and  
 14 future use during the next year.  
 15 That kind of concludes our presentation.  
 16 And at this point, we're open for  
 17 questions and comments from our stakeholders onsite  
 18 here and those online.  
 19 BEN ARON: So I can kick us off. I've got a  
 20 handful of questions.  
 21 MR. BEACHLER: That would be great.  
 22 THE MODERATOR: And -- and just for -- for  
 23 everyone online and for our recordkeeping, if you  
 24 could please just identify yourself and who you  
 25 represent before any questions or comments, and it'll

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1 help with the transcription.  
 2 BEN ARON: Sure. I probably should have  
 3 remembered that. Sorry.  
 4 So Ben Aron. CTIA.  
 5 I had -- so a few of these are sort of  
 6 specific to the documents and a few of these are just  
 7 general, but the first question I have is specific to  
 8 the UAP.  
 9 In Section 2.7, the UAP points to the  
 10 [unintelligible] -- points to the Master License  
 11 Agreement in reference to the fees and the rates, but  
 12 the rule itself accurately captures what you've  
 13 described, which is the FCC's rates.  
 14 Now, if there's ever any difference  
 15 between the one and the other -- you know, it's a bit  
 16 of an academic concern, but the question of curiosity  
 17 is, wouldn't it -- would it be better -- would it be  
 18 possible to have the UAP just reference the rule where  
 19 the correct rates are actually listed?  
 20 The issue, of course, being that if the  
 21 Master License Agreement diverges, it just takes away  
 22 the ability, whether it be any dispute over which one  
 23 is governing it, is --  
 24 UNIDENTIFIED SPEAKER: Yeah. I think that's a  
 25 great point.

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1 BEN ARON: So -- so that's one.  
 2 And I -- I -- we will -- I didn't know we  
 3 had a deadline for the 24th, but we will do everything  
 4 in our power to get these to you in writing, so we'll  
 5 see if we can't do that.  
 6 THE MODERATOR: Would you mind clarifying, since  
 7 I have it pulled up -- where were you at in the UAP?  
 8 BEN ARON: Yeah, 2.7.  
 9 MR. BEACHLER: Section 2.7.  
 10 Okay. Thank you for that.  
 11 BEN ARON: Yeah. Yeah.  
 12 THE MODERATOR: Yeah. So you're thinking right  
 13 here, just directly reference the administrative rule  
 14 itself?  
 15 BEN ARON: Yeah, so at the -- the bottom one  
 16 there -- right? -- it says that these are based on the  
 17 Master License Agreement, but in reality --  
 18 THE MODERATOR: [Unintelligible] based on the  
 19 rule?  
 20 BEN ARON: Yeah, so that -- we thought that  
 21 would be a better --  
 22 THE MODERATOR: Yeah.  
 23 BEN ARON: -- reference there.  
 24 So that's -- that's one.  
 25 The second one's nitpicking, but -- but

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1 it's in the -- well, I'll tell you what. Because we  
 2 have the UAP up, let me just run through UAP things,  
 3 and then I'll get to the rest.  
 4 THE MODERATOR: Sure.  
 5 BEN ARON: So I'll just double check.  
 6 This is rule. This is rule.  
 7 UAP. So 5.9 in the UAP. And this has to  
 8 do with aesthetics if I remember right, and this is  
 9 something that we commented on over the summer.  
 10 And the -- the way that this is  
 11 drafted -- like a highway rest stop -- right? -- would  
 12 be treated the exact same -- or even a truck weigh  
 13 station -- right? -- would be treated the exact same  
 14 as an environmentally sensitive area -- right? -- or a  
 15 scenic, you know, area or historic area.  
 16 And the -- there's every reason for both  
 17 you guys and for us to want to have our equipment in  
 18 places like truck rest stops and like weigh stations  
 19 because nobody cares how they look.  
 20 I shouldn't say, "Nobody cares how they  
 21 look," but they care more -- less about how they look  
 22 there than they care in the middle of, you know, a  
 23 beautiful, scenic area. So one of the thoughts was to  
 24 introduce, you know, a slight difference in the way  
 25 they're treated.

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1 I've got to admit I didn't write down the  
 2 exact spot where it -- where it looks at them the same  
 3 way, but I will -- again, we'll get you a specific  
 4 reference. I think we commented on this over the  
 5 summer, so it's probably already in writing with ITD.  
 6 But this was a, you know, I think, a minor concern,  
 7 but we definitely have been [unintelligible], so we'll  
 8 suggest upon there.  
 9 I -- I think Rob had mentioned -- and,  
 10 Rob, if it wasn't you -- if it was Ron, then I'm  
 11 sorry, but somebody had mentioned "Shot Clocks."  
 12 And I guess the one question is, will they  
 13 be incorporated in either the UAP or the rule or where  
 14 would those sit in writing anyways?  
 15 MR. BEACHLER: They'll be in the Master License  
 16 Agreement.  
 17 BEN ARON: The MLA?  
 18 MR. BEACHLER: Yeah.  
 19 BEN ARON: Okay. And then --  
 20 MR. BEACHLER: And then when -- when we go for  
 21 our bigger update to our Guide for Utility  
 22 Management --  
 23 BEN ARON: Yeah.  
 24 MR. BEACHLER: -- they'll also be included in  
 25 there.

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1 BEN ARON: Okay.  
 2 MR. BEACHLER: So we did not pursue the  
 3 full -- what we were doing, our Guide for Utility  
 4 Management, a full update if we [unintelligible].  
 5 We're just moving forward with small wireless. So we  
 6 will -- when we complete the fiberoptics side of the  
 7 house --  
 8 BEN ARON: Yeah.  
 9 MR. BEACHLER: -- we'll do a final update to our  
 10 Guide to Utility Management. "Shot Clock" information  
 11 will be included in there also.  
 12 BEN ARON: All right. That was another question  
 13 that you already answered.  
 14 So the GUM itself, when the overall -- the  
 15 terrestrial broadband is addressed, that'll be part of  
 16 the GUM.  
 17 UNIDENTIFIED SPEAKER: Right.  
 18 BEN ARON: It will be done in that  
 19 [unintelligible] --  
 20 UNIDENTIFIED SPEAKER: Yeah.  
 21 BEN ARON: -- with that -- okay. That makes  
 22 sense. I kind of suspected that was going to be the  
 23 answer, but -- yeah.  
 24 Okay. So --  
 25 THE MODERATOR: Now, if I could ask there too,

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1 though.  
 2 So are you recommending the "Shot Clock"  
 3 language be in the UAP versus the GUM or --  
 4 BEN ARON: So candidly --  
 5 THE MODERATOR: -- or -- yeah -- versus the  
 6 Master License Agreement, kind of just like the other  
 7 stuff or...  
 8 BEN ARON: Well, I -- I guess -- so if  
 9 you -- one question about the MLA.  
 10 So are MLAs "Take it or leave it?" In  
 11 other words, is this a, "Here is the document. Just  
 12 sign it" or is it subject to negotiation by the  
 13 parties?  
 14 Because if it's the latter, if it's  
 15 subject to negotiation by the parties, it's probably  
 16 to have it -- better to have it somewhere that it's  
 17 fixed --  
 18 UNIDENTIFIED SPEAKER: Permanent?  
 19 BEN ARON: Yeah. So as between the MLA and the  
 20 GUM or the UAP or the rule, I don't know that to  
 21 have -- I don't mind which of those three, the latter  
 22 three, it sits in, but in terms of having it only in  
 23 the MLA, maybe not the best solution, just for  
 24 certainty that we know what applies.  
 25 UNIDENTIFIED SPEAKER: Absolutely.

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1 BEN ARON: So that would be the suggestion, as  
 2 between sort of where it sits.  
 3 And then the -- it sort of raises the  
 4 other question, which is -- so the -- we're struggling  
 5 with the relationship between the GUM, the rule, and  
 6 the UAP. I mean, they're -- they all seem to have  
 7 some role in governments -- right? -- and we respect  
 8 that. I'm not sure we know how to unpack it.  
 9 Now, if they all say the right thing, it  
 10 doesn't really matter how we, you know -- where it  
 11 sits and what it does, but we -- we actually were sort  
 12 of curious. What -- what is that? When you guys look  
 13 at those three, how do they function as a unit? What  
 14 is its -- do they have separate roles?  
 15 And we recognize that you're going back to  
 16 the GUM, so don't worry about the -- you know, we had  
 17 a lot of comments about the GUM, but set that aside.  
 18 Just curious about how those three kind of work in  
 19 tandem.  
 20 THE MODERATOR: Yeah. That's a great question.  
 21 And, you know, we probably haven't been as clear as we  
 22 could about that because it does get complicated.  
 23 When I think about this legal authority  
 24 and legal hierarchy -- so we've got the administrative  
 25 rule at the very top. Now what that does, is it

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1 incorporates by reference the UAP, which essentially  
 2 gives the same legal authority to that policy.  
 3 BEN ARON: Right.  
 4 THE MODERATOR: So essentially, the UAP and the  
 5 chapter have the same legal authority. And then, as  
 6 it relates to the GUM, that's more of an  
 7 internal -- that is more of an internal piece.  
 8 Now, the way we've had it set up in  
 9 yesteryears, in the past, is we just have tucked in  
 10 the UAP, which is the incorporated policy, as an  
 11 appendix --  
 12 BEN ARON: Right.  
 13 THE MODERATOR: -- to that GUM, but as -- the  
 14 GUM doesn't have the same legal standing that the UAP  
 15 or the rule does.  
 16 BEN ARON: Okay. That's helpful.  
 17 THE MODERATOR: And -- and so  
 18 that's -- that's -- that's something, I think, that  
 19 could be part of our continued conversation as we  
 20 continue working on the GUM is, should the GUM be  
 21 incorporated by reference.  
 22 BEN ARON: Right.  
 23 THE MODERATOR: So again, you know, we're  
 24 only -- we've only tagged the UAP. Is that something  
 25 that maybe we should discuss further? I think that

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1 question's definitely on the table.  
 2 But to Rob's point, right now we thought  
 3 it was more prudent -- because the majority of the  
 4 work, if you'll recall, from the GUM was really  
 5 Chapter 6.  
 6 BEN ARON: Yeah.  
 7 THE MODERATOR: It was all the new stuff, and  
 8 then we did some cleanup and updating in other  
 9 sections.  
 10 So that was the thinking behind breaking  
 11 that off for -- for this point in time, but that would  
 12 kind of be the explanation I'd provide as far as how  
 13 the three relate.  
 14 BEN ARON: So I'll make just the one observation  
 15 that -- so the rule, if it incorporates the  
 16 UAP -- right? -- it is approved by the legislature.  
 17 And so the question, then, is, does that fix in place  
 18 the UAP no matter what. In other words, can that  
 19 change later even though it was approved by the  
 20 Legislature and the [unintelligible]?  
 21 THE MODERATOR: And so it can change with the  
 22 authority and approval of the Legislature.  
 23 BEN ARON: All right.  
 24 THE MODERATOR: So if we -- if we were to go  
 25 through this session, make the updates and changes,

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1 and then next summer on the broadband it was like,  
 2 "Oh, we need to change some more things in the  
 3 UAP," --  
 4 BEN ARON: Right.  
 5 THE MODERATOR: -- we've got to go back to the  
 6 Legislature and make sure that we get permission and  
 7 authority for any UAP changes.  
 8 BEN ARON: All right.  
 9 THE MODERATOR: And so that's the -- that part  
 10 of the -- that's the flip side of incorporating the  
 11 GUM.  
 12 BEN ARON: Right.  
 13 THE MODERATOR: So you think about -- that's  
 14 really an internal document for --  
 15 BEN ARON: Yeah.  
 16 THE MODERATOR: -- procedures and process. We  
 17 want to be a -- we want to have, probably, a little  
 18 bit more flexibility with that and not have to go  
 19 every year when -- you know, if we want to make a  
 20 change. So that is the discrepancy on those two.  
 21 BEN ARON: Yeah. I -- I was going to sort of  
 22 observe the same thing and almost behoove you to keep  
 23 one of them -- right? --  
 24 UNIDENTIFIED SPEAKER: Yes.  
 25 BEN ARON: -- as your own, so you don't have

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1 to -- if anything happens -- and who knows what the  
 2 unforeseen thing is? -- you guys have some ability to  
 3 deal with one of the documents in the --  
 4 UNIDENTIFIED SPEAKER: Right.  
 5 BEN ARON: -- [unintelligible] way in order to  
 6 address the issue. Anyway.  
 7 But -- okay. No, that's definitely  
 8 helpful.  
 9 And then I'm -- I -- you know, one of  
 10 these days I'm actually going to get bifocals, but  
 11 that day's not today -- not today. So --  
 12 JASON VERDUZCO: Is it okay if I just add --  
 13 BEN ARON: Yeah.  
 14 JASON VERDUZCO: -- one thing as well to  
 15 what you were just saying?  
 16 BEN ARON: Yeah.  
 17 JASON VERDUZCO: Not to -- yeah. Just because  
 18 as we -- it's -- it was more of a language thing in  
 19 the sense of like broadband has always been kind of --  
 20 you know, it's fiber stuff, and wireless is wireless.  
 21 We kind of separated the two.  
 22 As wireless becomes just as dependable as  
 23 fixed -- you know, as fiber -- you still need both.  
 24 I'm not saying one's better than the other. You know,  
 25 so you still need both.

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1 So we -- what I've noticed is, is that  
 2 industry and even some, you know, public entities are  
 3 starting to view broadband as both/and, and so they  
 4 call it "Fixed Broadband" and "Wireless Broadband."  
 5 And so just as -- as you guys kind  
 6 of -- you finesse language within the GUM --  
 7 THE MODERATOR: Yep.  
 8 JASON VERDUZCO: -- that may be something that  
 9 you guys might want to think of like -- and it may  
 10 have been in there like that too. So I can't  
 11 remember. I'd have to double-check it. But just the  
 12 idea of like "fixed broadband" and "wireless  
 13 broadband" [unintelligible].  
 14 THE MODERATOR: Yeah. I think that's another  
 15 great distinction to make.  
 16 JASON VERDUZCO: Yeah.  
 17 BEN ARON: And I'll -- I'll make this sort of  
 18 follow-on point. It's a great point.  
 19 You know, there's -- there's -- in the  
 20 neighborhood of \$3 billion that's coming to Idaho from  
 21 the Federal Government.  
 22 UNIDENTIFIED SPEAKER: Yeah.  
 23 BEN ARON: And the -- a big crunch of that money  
 24 is NTIA's money. Their initial definition of  
 25 "broadband" is 100 down and 20 up. And one of the

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1 reasons that it's 100 down and 20 up is that fixed  
 2 wireless broadband functions at that level today;  
 3 right?  
 4 So the Verizon fiber, the [unintelligible]  
 5 fiber, the [unintelligible] fiber, the 5G to the home  
 6 or 5G to the business, those are numbers that they can  
 7 meet. And NTIA recognized the utility  
 8 [unintelligible] were obvious solutions.  
 9 So as that --  
 10 UNIDENTIFIED SPEAKER: Okay.  
 11 BEN ARON: -- money comes into Idaho, it -- it's  
 12 helpful to have those definitions at that level. And  
 13 that way, in -- you know, the suggestion -- I've  
 14 always said it this way: There are areas where your  
 15 best solution's going to be a wired solution; right?  
 16 We don't deny that. We're not going to stand in the  
 17 way of that, but there are going to be times where  
 18 your best solution is going to be a wireless solution.  
 19 I was at a conference this summer in New  
 20 Mexico with the Wyoming Consumer Advocate, and he was  
 21 explaining how, at his house, he actually has  
 22 broadband throughout -- you know, from the wireless  
 23 tower nearby, and it's -- does great by him, but it's  
 24 a good example of -- there are a lot of folks out  
 25 there that are enjoying it today. The speeds are just

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1 improving with 5G deployment. So getting  
 2 those references right and getting the speeds right  
 3 and all those -- those are things that we're very  
 4 concerned with.  
 5 So --  
 6 UNIDENTIFIED SPEAKER: Yeah.  
 7 BEN ARON: -- we'll definitely be working with  
 8 you guys to nail those definitions [unintelligible]  
 9 here.  
 10 So then -- all right. So -- I -- so I  
 11 have a couple things on the rule. I don't know. Did  
 12 you want to call the --  
 13 THE MODERATOR: Oh, the rule?  
 14 BEN ARON: Yeah, the rule.  
 15 UNIDENTIFIED SPEAKER: [Unintelligible].  
 16 BEN ARON: Yeah. It's -- so the first one is  
 17 in -- let's see. They're all in 4. So I guess it's  
 18 4a Roman i, 6. And this one's nit-picky, but -- so it  
 19 says, "The facilities do not result in" -- "exposure  
 20 to radiofrequency radiation in excess of the  
 21 applicable safety standards."  
 22 The preference from the industry would be  
 23 the applicable -- the applicable federal safety  
 24 standard as codified in 47 CFR 1.1310.  
 25 And the issue is that there is no

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1 permitted RF regulation at any level other than the  
 2 federal level. So to the extent that this rule  
 3 exclusively talks about RF, Radio Frequency, then that  
 4 would be sort of a harmless addition.  
 5 We'll get it in writing.  
 6 I -- I will self-critique by noting that  
 7 it says "applicable safety standard." And if the only  
 8 thing applicable is the federal standard in sort of  
 9 cell building as is -- nevertheless, we like to  
 10 nitpick.  
 11 THE MODERATOR: No. I really appreciate that  
 12 suggestion. I can -- I can analogize it to the  
 13 rulemaking we do when it comes to [unintelligible]  
 14 vehicles. And predominantly, that's what industry  
 15 prefers is, instead of us mentioning safety standards,  
 16 let's just cite the CFR in the rule.  
 17 BEN ARON: Yeah.  
 18 THE MODERATOR: And that way, you have that  
 19 clarity.  
 20 BEN ARON: Yeah.  
 21 THE MODERATOR: So I think that's a great  
 22 suggestion.  
 23 BEN ARON: So we'll get that to you guys in  
 24 writing.  
 25 The -- the next one is 2a, which, I guess,

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1 is -- is that up or below? I don't know -- Roman N 2.  
 2 Oh, actually -- 2a -- from the "5G" and  
 3 small cells -- so where is -- let's see. 'A'. Maybe  
 4 I just meant "2." It's got to be Roman N 2, "5G."  
 5 Sorry about that.  
 6 THE MODERATOR: No, you're fine.  
 7 BEN ARON: Just scroll down.  
 8 UNIDENTIFIED SPEAKER: Yeah.  
 9 UNIDENTIFIED SPEAKER: [Unintelligible] not  
 10 here.  
 11 BEN ARON: I think I added an 'A' that doesn't  
 12 exist on the page. That's my fault.  
 13 Yeah. So it's --  
 14 THE MODERATOR: Five?  
 15 BEN ARON: Yeah. It's just Roman N 2 there.  
 16 So this is the quirk. So this, I think,  
 17 is under the definitions of "small cells;" right? And  
 18 it focuses on 5G, which is sort of problematic -- can  
 19 be problematic. So let me sort of play this out for  
 20 you.  
 21 The [unintelligible] -- so one. 5G is not  
 22 even referenced in the UAP or anywhere else in the  
 23 rule, so having it defined for no other reason doesn't  
 24 seem to make a whole lot of sense. So there's that.  
 25 It may be -- I haven't looked at the GUM

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1 in a while, but I do wonder -- maybe it's in the GUM.  
 2 And if it is, I [unintelligible].  
 3 THE MODERATOR: I think we just -- we have it in  
 4 a definition so [unintelligible] the UAP or the GUM  
 5 and just drag it over.  
 6 BEN ARON: Okay. So I think it's in the GUM.  
 7 The -- in the GUM it's just a -- it's just  
 8 a definition. Here, it's a definition under small  
 9 cells, which is kind of problematic in two different  
 10 ways.  
 11 So the -- the most prevalent wireless  
 12 service today in America is 4G; right? I mean, that  
 13 is what most of us -- I probably shouldn't admit this,  
 14 but I have an old phone -- I have -- I need to update  
 15 it.  
 16 UNIDENTIFIED SPEAKER: [Unintelligible] 5G  
 17 [unintelligible].  
 18 UNIDENTIFIED SPEAKER: [Unintelligible].  
 19 BEN ARON: [Unintelligible]. I just use the  
 20 [unintelligible].  
 21 UNIDENTIFIED SPEAKER: [Unintelligible].  
 22 BEN ARON: I'm a [unintelligible] guy.  
 23 But the -- I don't actually have 5G on my  
 24 phone; right? I have to get a new phone, but I get  
 25 service all across America; right?

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1 And, you know, I landed in Boise, rented a  
 2 car, drove here. I have no idea where I'm going. I  
 3 never have any idea where I'm going. I just -- the  
 4 phone tells me where I'm going. All of that's  
 5 happening on -- on 4G network.  
 6 UNIDENTIFIED SPEAKER: 4G.  
 7 BEN ARON: You know, this year alone, that's,  
 8 you know, getting from Albuquerque up to Santa Fe.  
 9 It's, you know, getting from, you know, my house up to  
 10 Rhode Island for another conference, et cetera.  
 11 UNIDENTIFIED SPEAKER: Yeah.  
 12 BEN ARON: But just -- it's all happening on 4G.  
 13 4G still has, probably, another 10 years ahead of it  
 14 before its end-of-cycle life cycle; right? So  
 15 it's -- it is not done.  
 16 And a lot of the services that we have  
 17 will continue to be on 4G, and that's not a bad thing;  
 18 right? I mean, if you have two different networks and  
 19 they're both running and you can do some things  
 20 perfectly well -- they're not high-demand -- high-data  
 21 demand services, you might want this to be under a 4G  
 22 system.  
 23 And conversely, from the State's  
 24 perspective, you don't want to discourage investment  
 25 in 4G because of that; right? There may be things

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1 that are better done on 4G, low latency. Things that,  
 2 you know, [unintelligible] a ton of quick reaction  
 3 time, that's going to be your 5G stuff, but there's a  
 4 lot of, you know, just -- you know, low-elevated  
 5 [unintelligible].  
 6 You might have a soda machine in the  
 7 lobby -- right? -- that's connected to, you know,  
 8 Verizon's network. It's just a little data  
 9 transmission. And all it ever does during the day is  
 10 say, "I am out of Sprite. I'm out of Sprite. I'm out  
 11 of Sprite." That doesn't need to be timely, and it  
 12 doesn't need to be -- you know, latency doesn't  
 13 matter; right? It's a perfect example of something  
 14 that can be done on any low-level network.  
 15 But if these guys are out there and  
 16 they're still investing in 4G and that money can come  
 17 into Idaho and you have a rule on the books that  
 18 really defines small cells and the ability to deploy  
 19 them as "5G," that's, today, slightly problematic  
 20 because a lot of 4G investment is still going on.  
 21 And if anybody likes Coke better than  
 22 Sprite, then, "I'm out of Coke. I'm out of Coke. I'm  
 23 out of Coke."  
 24 But then the flip side to that is, as you  
 25 go forward in the future, you want to have to go back

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1 to the Legislature to get more small cells --  
 2 UNIDENTIFIED SPEAKER: [Unintelligible].  
 3 BEN ARON: -- for the next generation of  
 4 [unintelligible]. Not really; right? It  
 5 doesn't -- it doesn't really help anybody.  
 6 So defining the, you know, "small wireless  
 7 facilities" specifically as "5G" might be more  
 8 problematic than supportive. It might be exclusionary  
 9 for types of development and technology deployments  
 10 that can be helpful.  
 11 So the suggestion would be either to have  
 12 it as something defined separately if you wanted to  
 13 define it -- there's no harm in defining it -- but not  
 14 defining a "small wireless facility" as a "5G  
 15 facility."  
 16 So --  
 17 UNIDENTIFIED SPEAKER: That's helpful. Thanks.  
 18 THE MODERATOR: Or -- or could I ask -- just  
 19 simply striking it?  
 20 BEN ARON: Yeah. I mean, I would. I would  
 21 suggest that.  
 22 THE MODERATOR: Yeah.  
 23 BEN ARON: I mean, everything else in that  
 24 definition, I think, is spot on from my recollection.  
 25 So --

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1 THE MODERATOR: And to your point, it's very  
 2 specific to small wireless facilities --  
 3 BEN ARON: Yes. Right.  
 4 THE MODERATOR: -- so it's all building off of  
 5 that?  
 6 BEN ARON: Yeah. So -- so --  
 7 JASON VERDUZCO: Yes. [Unintelligible] --  
 8 BEN ARON: It is --  
 9 JASON VERDUZCO: -- [Unintelligible].  
 10 BEN ARON: Yeah.  
 11 JASON VERDUZCO: So like --  
 12 THE MODERATOR: Real quick. Just for the people  
 13 on the line --  
 14 JASON VERDUZCO: Oh, yeah. Yeah. Yeah. Sorry.  
 15 THE MODERATOR: -- [unintelligible].  
 16 JASON VERDUZCO: Yeah. So Jason Verduzco.  
 17 Verizon Wireless Government Affairs.  
 18 THE MODERATOR: Thank you.  
 19 JASON VERDUZCO: Thank you.  
 20 Yeah. I mean, because the reality is, if  
 21 small cell is a -- is the -- you know, essentially the  
 22 infrastructure, and the spectrum is -- is what's  
 23 defining "5G." It's a higher -- it's a higher  
 24 frequency spectrum. That's why we're using 5G.  
 25 So right now, currently, in this -- you

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1 know, city of Boise, we have 4G small cells, we have  
 2 4G/5G-combo small cells, and then we have the 5G small  
 3 cells; right? So "small cells" is -- is the -- it's  
 4 the infrastructure --  
 5 UNIDENTIFIED SPEAKER: For all three types.  
 6 JASON VERDUZCO: Exactly. So --  
 7 UNIDENTIFIED SPEAKER: [Unintelligible].  
 8 JASON VERDUZCO: So just to kind of -- yeah.  
 9 UNIDENTIFIED SPEAKER: Thank you for that.  
 10 JASON VERDUZCO: Yeah.  
 11 BEN ARON: All right. So [unintelligible] that.  
 12 So the only other thing that I had written down to go  
 13 over, really, is just macro cells.  
 14 And knowing that we're going to go back  
 15 into the GUM at some point, you know -- we'll get  
 16 another bite of the apple, and I don't know that it  
 17 needs to be a 'now' thing.  
 18 But I -- I kind of make the sort of double  
 19 observation or the sort of two-pronged observation  
 20 that there may be -- probably not going to be a lot of  
 21 them, but there may be deployments where the  
 22 definition of small cell -- and it's probably,  
 23 literally up there, but, you know,  
 24 it's -- what? -- 50 feet in height or, you know,  
 25 whatever the case may be. But there may be a spot on

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1 the map where you need a 55-foot pole; right? So that  
 2 technically wouldn't fit the definition of "small  
 3 cell."  
 4 But that deployment is still equally  
 5 important. In fact, you know, it might be a 55-foot  
 6 facility that is, by antenna -- I forget where the  
 7 antenna language is. There it is -- and 3; right? So  
 8 it's a 28-cubic-foot box and a 3-cubic-foot antenna.  
 9 That stuff might be correct; it just needs to be in a  
 10 55-foot pole -- so whatever topographical issue it's  
 11 trying to correct for. So it's not a "small cell" by  
 12 definition, but the facility's the same, yet it would  
 13 be a "macro" deployment.  
 14 And, yeah, if you're going to go back in,  
 15 and you're going to, you know, hit this in the GUM,  
 16 then, you know, maybe there's sort of another time and  
 17 place for that discussion. But when we think of  
 18 "macros," the first thing that comes to mind, of  
 19 course, is, you know, your traditional, big radio  
 20 tower at 300 foot. And we're not saying that you can  
 21 get that right next to the highway. We get that  
 22 concern.  
 23 But, you know, a -- if you have a, you  
 24 know, a light pole -- a "luminaire" I think you called  
 25 it; right? So if you have a luminaire that's 70-foot

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1 tall at some spot on a highway -- I don't know if you  
 2 have such a thing. But if you put a small cell up  
 3 there, then it's not a "small cell." Now it's a  
 4 "macro deployment;" right?  
 5 So it doesn't always have to be a -- you  
 6 know, this very separate radio tower deployment. It'd  
 7 literally be a 3-foot -- 3-cubic-foot box, 28 -- I  
 8 should know this stuff by now -- 28-cubic-foot -- it's  
 9 very helpful to have it up there. It could be that  
 10 deployment, just on something taller, in which case it  
 11 doesn't fit this definition, but you still want those  
 12 to come in; right?  
 13 So our suggestion would be -- and we can  
 14 maybe make a suggestion now. And, you know, if you  
 15 want to table it and do that during the next tranche,  
 16 we get that. But I wouldn't exclude the possibility  
 17 that you might want to allow for more than just "small  
 18 cells," again, because it might be, you know, a couple  
 19 of feet taller. It might be --  
 20 UNIDENTIFIED SPEAKER: Slightly outside of  
 21 [unintelligible].  
 22 BEN ARON: Yeah. Yeah. I would say it's  
 23 unlikely that it'll -- it'll miss -- that a -- a cubic  
 24 foot because there's no other manufacturing for it.  
 25 So that's the existing definition of a "small cell."

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1 And then they're not going to make a -- you know, a  
 2 3.1-foot antenna. Why would you?  
 3 So it's more likely than not that you're  
 4 going to be seeing heights that are a little bit out  
 5 of that definition, and that would put you in a  
 6 "macro." So it's -- that's the more likely case.  
 7 But you might have, you know, a slightly  
 8 one-off, where you do want something that's -- it's a  
 9 macro tower, and you want it near an office on the  
 10 property, but it's slightly off the right-of-way or  
 11 it's a wide right-of-way. [Unintelligible].  
 12 So -- and then the [unintelligible] part  
 13 of it is -- you know, Jason was saying a minute ago  
 14 that Verizon has -- is using -- they are -- a  
 15 high-band spectrum for 5G.  
 16 5G, as a technology standard, can use  
 17 lower-band spectrums as well. So while Verizon's  
 18 concentrating on high-band/mid-band right now, some of  
 19 the other carriers are using the lower-band spectrum  
 20 to do their [unintelligible] deployment.  
 21 So depending on which area or which  
 22 frequency bands, you might see people coming in, and  
 23 they'll be telling you, "Well, I can't do it on small  
 24 cells. I need a macro deployment."  
 25 UNIDENTIFIED SPEAKER: Macro.

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1 BEN ARON: And, again, it doesn't always mean a  
 2 300-foot tower, but it -- you know, it might differ  
 3 slightly in what's deployed.  
 4 So that's a mouthful and a long way of  
 5 saying we like what we have. We have -- we -- we  
 6 definitely want to accommodate macro.  
 7 We can give you some suggestions on  
 8 language and writing. And if it has to come up at  
 9 your next tranche, the -- you know, the GUM and  
 10 the -- you know, the terrestrial broadband, we can  
 11 deal with it then too. We're happy to remain engaged.  
 12 But it's -- that's a lot. So...  
 13 THE MODERATOR: Well, and, you know, too, what  
 14 caught my attention in those comments was just the  
 15 geography, and Idaho has very unique geography.  
 16 I mean, north Riggins -- and we struggle  
 17 with connectivity and wireless connectivity in north  
 18 Idaho. We hear it all the time. And so I could see  
 19 those situations, where there's a grove of trees or  
 20 there's a hill or a mountain that's a little bit too  
 21 much in the way. And you don't need a 300-footer --  
 22 BEN ARON: Right.  
 23 THE MODERATOR: -- but you need a little bit  
 24 something more to get the signals right -- the right  
 25 direction. So, yeah.

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1 UNIDENTIFIED SPEAKER: Yeah.  
 2 THE MODERATOR: Appreciate that.  
 3 BEN ARON: So it's -- you know, it's important.  
 4 So -- well, like I said, we'll -- we'll get something  
 5 to you. And if it can go in this round, great. Love  
 6 it. If it is the next round, then, like I said, we'll  
 7 [unintelligible]. We'd be happy to see it in the  
 8 rules or the UAP, either way. But we'll -- we'll get  
 9 you something. Yeah.  
 10 THE MODERATOR: We do appreciate that. We'll  
 11 definitely keep that in mind.  
 12 UNIDENTIFIED SPEAKER: Thank you.  
 13 BEN ARON: And that's all I have.  
 14 THE MODERATOR: Well, that was great.  
 15 BEN ARON: Other than that --  
 16 THE MODERATOR: [Unintelligible] to us.  
 17 BEN ARON: Always come armed with a bunch of  
 18 stats and numbers [unintelligible]. I don't want  
 19 to [unintelligible] you. So I'll throw them out if we  
 20 get really bored and have more time.  
 21 UNIDENTIFIED SPEAKER: We're probably good for  
 22 now.  
 23 BEN ARON: I'll -- I'll -- I'll shut up and let  
 24 others talk. So...  
 25 MR. BEACHLER: We talked just internally about

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1 that. It was -- what we -- when we do think of macro  
 2 towers --  
 3 BEN ARON: Yeah.  
 4 MR. BEACHLER: -- you know, it's the big, fake  
 5 tree --  
 6 UNIDENTIFIED SPEAKER: Mm-hmm.  
 7 MR. BEACHLER: -- where there's a lot of  
 8 supporting infrastructure, the back-up generator,  
 9 there's [unintelligible] vaults. There's all kinds of  
 10 stuff.  
 11 And so those -- you know, we are -- we're  
 12 not -- in the scope of our rulemaking and  
 13 consideration for, you know, errant  
 14 vehicles and -- they take up kind of a big footprint.  
 15 So that might be something that -- we could refine  
 16 that.  
 17 So in specific cases where we have  
 18 those -- those types of topographic challenges, that  
 19 might be something to -- that we could have a variance  
 20 to or something like that. We're just trying to stay  
 21 in accordance with the FCC ruling and what is --  
 22 BEN ARON: Yeah.  
 23 MR. BEACHLER: -- a small cell, and that was the  
 24 scope.  
 25 BEN ARON: Yeah, I -- you know, I don't have an

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1 easy answer to this because, to your point, like,  
 2 yeah, you can't have a rule that's so wide open that  
 3 you can have something --  
 4 MR. BEACHLER: We've got to draw the line.  
 5 BEN ARON: -- right -- that's got to be out over  
 6 there. It can't be next to the highway; right? And I  
 7 get that. So it's -- I mean, you're right.  
 8 How do you draw the line? And I -- you  
 9 know, candidly, right now, there's one line.  
 10 It's -- you've got your small cells and then  
 11 everything else, but that's an awkwardly broad line on  
 12 the non-small-cell side.  
 13 So I -- you know, we'll -- we'll try to  
 14 think of a way to rationalize that if we can. And if  
 15 not, then maybe we can table and get back to it the  
 16 next round after we can think about it a little  
 17 longer.  
 18 But -- but the deployments are very much  
 19 top-of-mind for the industry. The concerns are also,  
 20 obviously, like you said, can -- I think it's  
 21 [unintelligible]; right? Hey. It's 5 foot too tall.  
 22 It's not really [unintelligible] --  
 23 UNIDENTIFIED SPEAKER: What if it's 10?  
 24 BEN ARON: Right. Yeah. And now -- now it's  
 25 100 feet too tall.

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1 UNIDENTIFIED SPEAKER: Right.  
 2 BEN ARON: But it's -- maybe a little bit -- so  
 3 I -- you know, we -- we get it. Like it's -- the  
 4 concerns are rational, and they're legitimate.  
 5 You know, I don't know that we have an  
 6 easy answer for how do you define whatever that sort  
 7 of muddy, middle area is, where it's a little bit  
 8 beyond or whatever. So -- but -- but if we can figure  
 9 something out --  
 10 UNIDENTIFIED SPEAKER: Okay.  
 11 BEN ARON: -- we'll get it to you. If we can't,  
 12 then we'll go next round, and you can  
 13 [unintelligible].  
 14 UNIDENTIFIED SPEAKER: [Unintelligible]  
 15 discussion.  
 16 BEN ARON: Yeah.  
 17 UNIDENTIFIED SPEAKER: [Unintelligible].  
 18 MR. BEACHLER: Thanks, Ben.  
 19 THE MODERATOR: Yeah. Thanks a lot.  
 20 BEN ARON: Thank you, guys. We appreciate it.  
 21 UNIDENTIFIED SPEAKER: [Unintelligible]  
 22 appreciate that. That was great.  
 23 THE MODERATOR: You -- anything that you would  
 24 like -- we've got a lull here in the room. Any  
 25 comments at this point?

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1 UNIDENTIFIED SPEAKER: Just listening.  
 2 THE MODERATOR: Any -- any comments in terms of  
 3 questions about us breaking -- breaking things  
 4 out -- breaking the broadband away from the small  
 5 wireless?  
 6 UNIDENTIFIED SPEAKER: Nope.  
 7 THE MODERATOR: Okay.  
 8 UNIDENTIFIED SPEAKER: We mostly just want to  
 9 make sure we didn't miss anything.  
 10 THE MODERATOR: Yeah.  
 11 UNIDENTIFIED SPEAKER: We're mildly interested  
 12 in the wireless and greatly interested in the  
 13 broadband.  
 14 THE MODERATOR: Okay. Good. Well, yeah,  
 15 definitely -- then stay -- yeah, when it comes up  
 16 [unintelligible] --  
 17 UNIDENTIFIED SPEAKER: Stay tuned.  
 18 THE MODERATOR: Stay tuned. And then  
 19 the -- again, the Idaho Broadband Advisory Board, to  
 20 give a little context there, what they've done is they  
 21 broke -- broke up into subcommittees to dive into  
 22 doing deeper dives within the topics that we've talked  
 23 about.  
 24 So on Day 1, this was like a big  
 25 one -- now they've got like a "Dig Once," little

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1 subcommittee. So these smaller subcommittees of the  
 2 Advisory Board are holding their own meetings with the  
 3 stakeholder industry.  
 4 And so, again, right now, it's just a lot  
 5 of information gathering. I think they're trying to  
 6 get up to speed as quickly as they can for the  
 7 endeavor of coming up with a State Broadband Plan.  
 8 And so that's kind of their -- their main motivation.  
 9 So with that, I open it up for anyone that  
 10 is online listening or logged into the Webex. We'd be  
 11 happy to field any questions or go over any of the  
 12 materials.  
 13 And if you -- if you do have comments to  
 14 make, you should be able to un-mute yourself. We  
 15 don't have -- we don't have too many on there.  
 16 There's only about 20 or so, so I don't think we'd get  
 17 too many people talking over each other. But again,  
 18 if you'd like to make any comments or ask any  
 19 questions, we'd be happy to field those.  
 20 I think -- yeah. This is a little bit  
 21 what we -- we expect. A lot of people kind of just  
 22 checking in, getting the vibe of what we were going to  
 23 be up to, find out if there was going to be a little  
 24 more clarity as it relates to a process going forward  
 25 and what to expect over the next eight or so weeks.

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1 BEN ARON: I'm going to -- I'm going to take  
 2 credit for it. I've talked so long [unintelligible]  
 3 that they all [unintelligible] --  
 4 MR. BEACHLER: You got all their questions  
 5 out --  
 6 BEN ARON: [Unintelligible].  
 7 MR. BEACHLER: -- there.  
 8 THE MODERATOR: Yeah. Yeah, man. You covered  
 9 it all.  
 10 BEN ARON: They [unintelligible] sleeping  
 11 [unintelligible]. I don't know.  
 12 THE MODERATOR: Well, we really appreciated  
 13 that. It's the attention to detail that really helps,  
 14 different perspectives, another set of eyes,  
 15 and -- yeah.  
 16 I mean, this is -- like the rule language  
 17 itself, yeah, that was our first blush at it, and we  
 18 will see if the Board Members have some comments as  
 19 well, so they'll have their opportunity over the next  
 20 few weeks as well.  
 21 With that, Robert and I didn't have much  
 22 else to add. I don't know  
 23 that -- [unintelligible] any comments?  
 24 UNIDENTIFIED SPEAKER: No.  
 25 THE MODERATOR: Okay. So we're pretty set in

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1 terms of the information we wanted to share.  
 2 Again, written comments are accepted  
 3 through November 24th. You'll see a pending rule will  
 4 be published at the beginning of January, so  
 5 that's -- that'll be after the Board makes their final  
 6 decision in December, and that will be the language  
 7 that would be presented to the Idaho Legislature.  
 8 Again, we've had some funky situations  
 9 with rules. The last few years, sometimes we've had  
 10 opportunities to present; sometimes we haven't. So  
 11 again, we definitely want to make sure that we get the  
 12 opportunity to present to both respective committees  
 13 because this is now -- this is now a fee rule.  
 14 Let's see. Yeah. I don't see anyone. We  
 15 don't have any chats either. Feel free to ask any  
 16 questions in the chat box if you're feeling a little  
 17 shy. We can address those as well.  
 18 MR. BEACHLER: Should we take a 10-minute break,  
 19 and then we'll see --  
 20 THE MODERATOR: How many are left?  
 21 MR. BEACHLER: -- see how many --  
 22 THE MODERATOR: Yeah. Why don't we do that?  
 23 So this is right at about 3:52 -- oh,  
 24 let's see. Oh, we do have a question. We've got a  
 25 little chat here.

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1 So Walker -- Liz -- Liz Walker [phonetic]  
 2 wants to know, when will ITD be sharing a draft MLA.  
 3 That's a good question.  
 4 MR. BEACHLER: That's a good question.  
 5 THE MODERATOR: That's a really good question.  
 6 MR. BEACHLER: We want to incorporate all the  
 7 comments that we've received through the process to  
 8 see if we have any changes to the Master License  
 9 Agreement. We -- we've made one -- [unintelligible]  
 10 added a [unintelligible] a ways back. We wanted  
 11 to also circulate any changes we have to our Legal  
 12 Department.  
 13 And so I would say we'll have that --  
 14 THE MODERATOR: In the summer?  
 15 MR. BEACHLER: Yeah.  
 16 THE MODERATOR: I think mid-December is probably  
 17 something that would -- would work for us to try to  
 18 get that put together.  
 19 And to Rob's point, we want to be sure we  
 20 capture as much from our meetings with the  
 21 stakeholders as possible.  
 22 Thank you.  
 23 That was a great question.  
 24 MR. BEACHLER: Was that from Liz?  
 25 THE MODERATOR: Yeah.

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1 MR. BEACHLER: Okay.  
 2 BEN ARON: It's sort of -- it's almost a related  
 3 question. But there's a reference in the UAP to ITD  
 4 218 [sic] for a small wireless facilities form. Is  
 5 that out yet? Or is --  
 6 MR. BEACHLER: That's a -- that's also a draft  
 7 form.  
 8 BEN ARON: Okay.  
 9 MR. BEACHLER: So that's a -- that's a whole  
 10 new -- we have -- currently we have two encroachment  
 11 forms. One is for access onto the State Highway  
 12 System, so those are for approaches, and then we have  
 13 a standard utility-type encroachment permit.  
 14 So the 2118 is a new one specific to small  
 15 wireless facilities.  
 16 BEN ARON: Yeah.  
 17 MR. BEACHLER: So the fee -- so one of the  
 18 boxes is the fee to be charged, so that depends on how  
 19 many you're putting in --  
 20 BEN ARON: Yep.  
 21 MR. BEACHLER: -- you know, what we're going to  
 22 request as far as how many facilities and  
 23 [unintelligible] operating. So --  
 24 UNIDENTIFIED SPEAKER: [Unintelligible].  
 25 MR. BEACHLER: -- that one's very similar to our

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1 utility -- to our standard utility permit, but it's  
 2 not [unintelligible], you know, you can't accommodate  
 3 [unintelligible], but there is a draft form.  
 4 BEN ARON: Got you. Yeah, that -- the, you  
 5 know, my -- not that you're interested in seeing it,  
 6 but maybe what I can do in the meantime is to look at  
 7 the accommodation -- look at the forms that are  
 8 already out there that would be similar, just adapt it  
 9 [unintelligible] --  
 10 MR. BEACHLER: Right. Because there's a block  
 11 in there that says "fee."  
 12 BEN ARON: Right.  
 13 MR. BEACHLER: And, you know, how much is it?  
 14 Well, if I'm doing three wireless facilities --  
 15 BEN ARON: Yeah.  
 16 MR. BEACHLER: -- it would be 500. Or if I'm  
 17 doing 10 --  
 18 BEN ARON: Yeah.  
 19 MR. BEACHLER: -- it's 1,000. Or I'm just doing  
 20 one pole.  
 21 BEN ARON: Yeah.  
 22 MR. BEACHLER: So...  
 23 BEN ARON: Okay.  
 24 THE MODERATOR: Okay. Great questions.  
 25 All right. Well then, yeah. We'll take a

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1 little, 10-minute break here. So come back live at  
 2 4:05 Mountain Time and see if we've got any new  
 3 questions or inquiries.  
 4 Again, Robert and I are happy to answer  
 5 anything as it relates to the proposed language and/or  
 6 the process. All right. See you in 10.  
 7 (Recess taken from 0:56:32 to 1:01:33 of  
 8 audio file.)  
 9 THE MODERATOR: Thanks for sticking with us.  
 10 This is Ramon with the ITD Office of Governmental  
 11 Affairs here with our Broadband Program Manager Robert  
 12 Beachler and Niki Benyakhlef helping us out with  
 13 today's meeting.  
 14 We're just now approaching the 5:00 hour,  
 15 and so that is the time we had scheduled for today's  
 16 administrative rule hearing. We got some great  
 17 comments, great feedback. We appreciate everyone's  
 18 participation.  
 19 Again, just a reminder, comments will be  
 20 accepted through November 24th; there'll be a draft  
 21 presented to the Idaho Transportation Board this  
 22 Thursday, the 18th of November; and then final drafts  
 23 of the Administrative Rule 39.03.43 and the  
 24 incorporated Utility Accommodation Policy will be  
 25 presented to the Idaho Transportation Board on

1 December 9th, preparing us for presentation during the  
2 2022 Idaho Legislature.

3       So as always, please feel free to contact  
4 myself or Robert. And encourage folks to keep an eye  
5 on the rulemaking website at  
6 "itd.idaho.gov/rulemaking." And if there are  
7 substantive or significant updates, we will be sure to  
8 contact everyone via e-mail.

9       Again, thanks a lot for your participation  
10 at today's administrative rulemaking.

11       This is ITD signing off.  
12       (End transcription at 1:03:10 of audio  
13 file.)

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<p><b>4</b></p>			
<p><b>4 (1)</b> 29:17 <b>4:00 (1)</b> 1:12 <b>4:05 (1)</b> 53:2 <b>47 (1)</b> 29:24 <b>4a (1)</b> 29:18 <b>4G (12)</b> 32:12;33:5,6,12,13,17,21,25; 34:1,16,20;37:1 <b>4G/5G-combo (1)</b> 37:2</p>			
<p><b>5</b></p>			
<p><b>5 (1)</b> 44:21 <b>5.9 (1)</b> 18:7 <b>5:00 (1)</b> 53:14 <b>50 (1)</b> 37:24 <b>500 (1)</b> 52:16 <b>55-foot (3)</b> 38:1,5,10 <b>5G (19)</b> 13:13;28:5,6;29:1;31:2,4,18,</p>			