

# Audio Transcription

IDAHO TRANSPORTATION DEPARTMENT

In Re: )  
Broadband Utility Accommodation Rulemaking )  
\_\_\_\_\_ )

TRANSCRIPT OF RECORDED HEARING

JUNE 13, 2022

MODERATOR: RAMON HOBDEY-SANCHEZ

TRANSCRIBED BY:

JANET FRENCH

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1           P R O C E E D I N G S  
2  
3           THE MODERATOR: All right. Good afternoon,  
4 everyone. My name is Ramon Hobdey-Sanchez. I am with  
5 the office of Governmental Affairs at the Idaho  
6 Transportation Department. I appreciate everyone  
7 taking their time this afternoon to join us. We have  
8 got a handful here at the east annex over at the State  
9 Street campus, and then the majority of our  
10 participants today are online with Webex, either on  
11 the application or via phone.  
12           Just a couple things I wanted to cover.  
13 Again, I really appreciate everyone taking their time  
14 to begin this process as far as the rulemaking related  
15 to House Bill 640.  
16           I will be the facilitator for today's  
17 meeting, but also wanted to introduce -- to my left is  
18 Mr. Robert Beachler. He is the department's broadband  
19 program manager. And then down the line a little  
20 further we also have our chief engineer, Blake  
21 Rindlisbacher, who is available for any of the  
22 technical type of questions when we get into our  
23 discussion. And then Niki Benyakhelf is helping run  
24 the chat box, as well as keep an eye on things in  
25 Webex. So do -- please feel free to use that chat box

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1 if you have any questions come up during the  
2 presentation.  
3           So for the plan for today, we do have a few  
4 hours and definitely may not take all that time, but  
5 what Robert and I would like to do is kind of set the  
6 stage for where we've been, what we've accomplished  
7 over the last 12, 14 months.  
8           Robert has been getting into the detail of  
9 House Bill 640, which is really the driver for this  
10 year's rulemaking. And then kind of get into those  
11 details in terms of what are the opportunities for  
12 vendors, providers, stakeholders and interested  
13 parties to contribute in terms of participating and  
14 helping us kind of iron out these new details.  
15           So before I get into the actual formal  
16 presentation, I did want to just discuss a little bit  
17 about the rulemaking process in Idaho. There is,  
18 generally speaking, for those that may not be aware,  
19 we are starting a brand new rule making; so we are  
20 going to be using the information and data we were  
21 able to collect last year, but this is a brand new  
22 rulemaking. We are considering it, you know, semi  
23 from scratch.  
24           What we would be doing for this summer is a  
25 negotiated meeting during June -- is where we are at

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1 today, with one or two scheduled in July to really  
2 further get input so we can actually put pen to paper  
3 as far as legislative format and actual draft  
4 language, whether it's changes we make to the actual  
5 chapter, 39.03.43, which is Rules Governing Utilities  
6 on State Highway Right-of-Way, or the document that it  
7 incorporates by reference, which is also known as the  
8 Utility and Combination Policy.  
9           For those that participated in the  
10 rulemaking last year, you'll recall that that's where  
11 the majority of our work was focused, was in the UAP.  
12           So going forward, we have this informal  
13 negotiated process for this month and next month, and  
14 then we start bringing in -- the Idaho Transportation  
15 Board would be part of the vetting process, working  
16 with the Idaho Broadband Advisory Board. So folks are  
17 aware, that that's a legislative created board that  
18 has authority as it relates to the disbursement of  
19 federal dollars and monies.  
20           But before we get to that point, we really  
21 want to emphasize the negotiation in terms of having  
22 stakeholders and interested parties bringing thoughts  
23 and ideas and input directly to us for incorporation  
24 into the Utility Accommodation Policy.  
25           There is going to be opportunity today for

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1 comments on the record, but there is also opportunity  
2 to make comments on the phone with either a phone call  
3 to Robert or I, and then we also encourage folks to  
4 take advantage of submitting written comments. And so  
5 for this first round of the negotiation process we'll  
6 be accepting written comments all the way through June  
7 29.  
8           Again, moving forward through -- towards the  
9 end of the summer, beginning of fall is where we like  
10 to have a little bit more of a draft that we would be  
11 able to present, a little of something that is more  
12 firm, versus kind of concept stages where we are at  
13 right now.  
14           One thing I'd really like to emphasize again  
15 is just the importance of getting contributions and  
16 engagement from stakeholders and interested parties.  
17 We definitely don't want this to be a situation where  
18 the transportation department is driving the  
19 conversation. We want this to be a collaborative  
20 teamwork type of project and so that's really what we  
21 are going to be pushing for as we move forward on some  
22 of this stuff.  
23           So before I get into some of the details  
24 here, let's look at what is going to be covered as far  
25 as material Robert and I will talk about today. I'm

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1 going to highlight some of the goals and objectives  
2 for the year's broadband rulemaking, touch on the 2022  
3 broadband rulemaking and kind of how that evolved,  
4 specifically how we ended up with small wireless  
5 facility policy on the books.  
6 And then I'll hand things over to  
7 Mr. Beachler, and he'll get into kind of the details  
8 of House Bill 640 and specifically the requirements  
9 that that new code section has for the department to  
10 promulgate rules.  
11 Again, please feel free to ask any questions  
12 if they pop up during these next few slides in the  
13 chat box. And then before I hand it over to Robert,  
14 we'll have another opportunity for questions if you'd  
15 like to ask them out loud.  
16 But to get started, so goals and objectives  
17 for this year's broadband ruling -- what are we trying  
18 to accomplish? Well, first and foremost is we want to  
19 make sure that we are managing the state's  
20 right-of-way in the most efficient and effective way  
21 possible, and so this means managing it in a way that  
22 works for all utilities. So although this is a  
23 broadband rulemaking and House Bill 640 specifically  
24 related to broadband and broadband deployments, it's  
25 important that we have engagement from other utilities

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1 on this rulemaking. Because the right-of-way is an  
2 asset that is shared by many different public  
3 utilities and so we want to make sure that we are  
4 working in concert and harmony together.  
5 Another significant goal is implementing the  
6 new Dig Once Policy. And so, again, House Bill 640  
7 created the Dig Once Policy, which is a brand new -- a  
8 brand new venture for the State of Idaho and the  
9 department.  
10 When we think about implementing the Dig  
11 Once Policy, we want to be cognizant of not only the  
12 managing for current needs but future needs. So  
13 whether that's accounting for growth and expansion,  
14 you know, in our rural areas, or also being cognizant  
15 of the different types of technologies that may be  
16 coming in the near future. So that's another  
17 important goal that we will be keeping in mind as  
18 well.  
19 A couple other things, as we get into the  
20 actual policy, the Utility Accommodation Policy  
21 itself, understanding that that's kind of the guiding  
22 document for utilities across the state, we want to  
23 make sure that we have the greatest public interest at  
24 heart and really at the center of what we are trying  
25 to accomplish. And so a lot of times that is

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1 accomplished when you are looking at co-location type  
2 opportunities or space saving practices, shared  
3 resources, and so that's kind of at the heart of the  
4 Dig Once Policy is really trying to leverage --  
5 leverage that ability for us to work together, both  
6 private and public entities.  
7 We also want to make sure that we are  
8 creating a competitively neutral and nondiscriminatory  
9 environment. And so we want to make sure that any  
10 rules, regulations, policy, decisions that are made  
11 are made with the understanding that they apply to  
12 everyone equally and different entities or companies  
13 aren't being treated in a way that is in conflict with  
14 others.  
15 And then another one that is just as  
16 important -- and in no particular order are these  
17 goals or objectives, but once these roll, we want to  
18 make sure that we are supporting not only Governor  
19 Little's desire for broadband infrastructure and  
20 capacity expansion across the State of Idaho, but also  
21 the Idaho legislature and their goals for broadband  
22 expansion across the state of Idaho. So these are the  
23 kind of things that we want folks to be thinking about  
24 when we are bringing forward different types of  
25 thoughts or opportunities for to us make some changes

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1 to current policy.  
2 A couple other things I wanted to mention in  
3 terms of as we are thinking about, you know, what kind  
4 of goals or objectives we do have, I've emphasized  
5 that, you know, it's really important to take a look  
6 at that new 2022 Utility Accommodation Policy and find  
7 where there is going to be the best chance for us to  
8 input some of this new information relating to  
9 broadband and dig once.  
10 And then really a crux of kind of the  
11 implementation on the ground pieces of that Robert  
12 will talk to a little bit is the actual establishment  
13 of permitting and accommodation policy. So this is  
14 just kind of the nuts and bolts of making sure this  
15 kind of work is being processed on the ground as  
16 efficiently as possible.  
17 So just real quickly, I have a real quick  
18 recap of last year. For those that might not be  
19 aware, we had very robust rulemaking project last year  
20 centered around broadband. We had three negotiated  
21 meetings and one public hearing, and it was between  
22 that third negotiated meeting and the public hearing  
23 that we kind of realized we needed to pare down the  
24 rulemaking from broadband and small wireless  
25 facilities to just small wireless facilities. And so

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1 we put a soft spot pause on the broadband and we moved  
2 ahead with rulemaking as it related to small wireless  
3 facilities.  
4 And so if you look at that new 2022 edition  
5 of the UAP and the updated 39.03.43 chapter, you'll  
6 see several things. One of the first things you'll  
7 notice is that the rule has changed to a fee rule.  
8 And so we have adopted the FCC's small wireless  
9 facility fee structure and that is reflected in the  
10 39.03.43 chapter itself.  
11 We also, through that work with the small  
12 wireless facility material, engaged not only the Idaho  
13 Transportation Board, which approved the changes, but  
14 the legislature did as well. And so the changes made  
15 related to small wireless facilities went into full  
16 force and effect on March 31. And so, again, that  
17 will be something that Robert will touch on in terms  
18 of the work we've been doing since then and then  
19 really gearing up so we can hit the ground running  
20 come July 1 when House Bill 640 moves into effect.  
21 A couple of other things as far as small  
22 wireless facilities and last year -- what we  
23 accomplished. One thing you'll see is within our  
24 policy we also adopted what we refer to as shot  
25 clocks, which are essentially just specific time

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1 frames that relate to the processing of permit  
2 applications and access requests. So this is just to  
3 ensure that we are moving at the speed of business and  
4 simple things like permitting process are not going to  
5 hold us in terms of timeline.  
6 We are also going to spend some time  
7 discussing today, and as well as with small wireless  
8 facilities, what we are calling nonexclusive  
9 installation and occupancy agreements. You've heard  
10 these referred to as other things, sometimes a shared  
11 resource agreement, but these are the agreements that  
12 the state will have of the particular vendors and  
13 providers that are requesting and receiving access to  
14 our particular right-of-way.  
15 And then last but not least, as far as the  
16 small wireless facilities and what we were able to  
17 accomplish last year, is we do have a set of  
18 guidelines for design and criteria; so there are  
19 parameters that vendors and providers have to work  
20 with in terms of actually installing those small  
21 wireless facilities within our -- within our state's  
22 right-of-way.  
23 So with that, I'd be happy to answer any  
24 questions that relates to process, if not, I'm to go  
25 ahead and turn things over to Mr. Beachler. He's

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1 going to dive into kind of this House Bill 640. For  
2 those that don't have it in front of you, you can find  
3 the link on our web page. So if you just go to the  
4 [itd.idaho.gov/rulemaking](http://itd.idaho.gov/rulemaking), you'll see a link to that  
5 piece of that legislation and so you can follow that  
6 -- pull that up if you'd like to follow along.  
7 But if there are no questions in the chat  
8 box at this time, I'll go ahead and hand things over  
9 to Mr. Beachler.  
10 ROBERT BEACHLER: Thank you, Ramon.  
11 Good afternoon, everybody. My name is  
12 Robert Beachler. I'm ITD's Broadband Program Manager.  
13 I'm in the division of highways development, planning  
14 services section, and today I'm going to touch on  
15 House Bill 640, the Idaho Broadband Dig Once and  
16 Right-of-Way Act.  
17 At the beginning of the 2022 legislative  
18 session, we saw industry sponsored legislation was  
19 introduced seeking access of state highway  
20 right-of-way for broadband infrastructure. The intent  
21 of the legislation was for ITD to develop rules,  
22 standards, and policies consistent with Dig Once  
23 Policy. So those of who you participated with us in  
24 last year's rulemaking, that was the concept that the  
25 department really tried to foster in order to

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1 effectively manage the right-of-way for all utilities.  
2 So we see this legislation and falling in line with  
3 what the department's goals and objectives for  
4 effectively managing the right-of-way.  
5 The legislation also has broadband providers  
6 coordinate installation of their infrastructure on  
7 highway right-of-way and during ITD sponsored road  
8 construction projects.  
9 So what is Dig Once? So Dig Once is a  
10 policy or practice that minimizes the number and scale  
11 of excavations or construction and costs while  
12 installing broadband infrastructure in the  
13 right-of-way.  
14 Here is a picture on I-90 when we did some  
15 widening in the Coeur d'Alene area about three years  
16 ago. So those are the types of major ground surface  
17 type projects we are looking to coordinate with  
18 broadband providers to ensure that we can accommodate  
19 those facilities, plan for open trenches, work with  
20 our different contractors and subcontractors. So we  
21 see the Dig Once Policy as very beneficial for the  
22 management of the right-of-way and the expansion of  
23 broadband services.  
24 So House Bill 640, Idaho Broadband Dig Once  
25 and Right-of-Way Act has several sections in it that

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1 require the department to promulgate rules for  
2 carrying out the provisions of this section, again, in  
3 a nondiscriminatory, neutral, fair, and objective and  
4 promote competition among broadband providers.  
5 So as I noted, there are several sections in  
6 the legislation for the rulemaking; so I'm just going  
7 to touch on each one of these where it's calling out  
8 for ITD to promulgate rules.  
9 So Section 40-518 (1) ITD to develop a  
10 registry of broadband providers interested in  
11 installing broadband infrastructure.  
12 So in order to accomplish this, not only is  
13 this a requirement of HB640, it's also part of some  
14 Department of Transportation Federal Highway  
15 Administration MOBILE NOW Act. So this broadband  
16 registry kind of supports two pieces of legislation.  
17 And so in order to accomplish this, we set up a new  
18 web page -- a broadband page, so  
19 [itd.idaho.gov/broadband](http://itd.idaho.gov/broadband). And in there, there is a  
20 link in there to go out to a registry. And what we  
21 are going to use this registry for is to provide  
22 annual notification of providers following the  
23 approval of the Idaho Transportation Investment  
24 Program by federal highway administration, so that's  
25 ITD's 7 year transportation project timeline.

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1 And so when those get approved every year --  
2 it's usually in January and the notice goes out in  
3 February. So providers are going to go to this page  
4 and register for notification. So we just want simple  
5 information; your name, title, company, email address,  
6 and then also what type of provider are you.  
7 In the legislation and with our stakeholder  
8 engagement this year we have a larger set of  
9 stakeholders to be included in our notifications. So  
10 that includes any entity that can build broadband  
11 infrastructure, including but not limited to boards,  
12 nonprofits, public party to the partnerships, in  
13 addition to your standard more noteworthy broadband  
14 providers; ISPs, cellular providers, cellular  
15 communications providers. So people interested,  
16 entities interested in forming the department are to  
17 go to the registry and that's how we will notify you.  
18 That will typically go out in February of every year.  
19 So we've done that for three years.  
20 Starting in 2020, we sent out our first letter of  
21 coordination and then we have done that subsequently  
22 in '21 and '22.  
23 The next slide, please. All right. So  
24 40-518 (2) ITD to identify projects eligible for the  
25 placement of broadband infrastructure.

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1 So as we've discussed in previous meetings,  
2 the best opportunity to coordinate and -- with  
3 projects with ITD are major ground service type  
4 projects. So this is up in northern Idaho, US-95 and  
5 State Highway 53 interchange. We did widening. We  
6 put in a new bridge structure. Those are the types of  
7 projects where you are really moving dirt. Those are  
8 the best opportunities to coordinate with the  
9 department.  
10 Preservation projects are not applicable.  
11 So if we are coming through and doing a pavement  
12 preservation type projects, we want to chip seal, we  
13 are doing some guardrail, we are doing signing  
14 projects -- projects where we are not disturbing the  
15 ground, those are not applicable.  
16 Okay. 40-518 (3) ITD to notify providers on  
17 the registry of projects suitable for coordination.  
18 So, again, I touched on this a little bit  
19 earlier. We send out an annual letter to providers.  
20 You need to be on a registry because we've maintained  
21 an email distribution list, but people change  
22 positions, someone else is representing a company. We  
23 also bounce this letter off the Department of Commerce  
24 broadband office. They have a really wide stakeholder  
25 list, but we do this every year.

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1 In the letter it provides a link to our Dig  
2 Once web mapping application showing the location of  
3 suitable projects. Again, major ground disturbance  
4 and bridge replacement type projects. And the letter  
5 also provides points of contact with the district  
6 planning and scoping teams. So ITD is comprised of  
7 six districts across the state, and this letter  
8 contains points of contact in all six of those  
9 districts.  
10 So you reach out to those folks. You go on  
11 the app. "Hey, that looks like we want to go through  
12 that part of the highway. Maybe we should get with  
13 the department." So use the app, and you'll note the  
14 project name, the project key number. There is  
15 information on the construction here and there. And  
16 that's the key information you want to plot into our  
17 district planning and scoping team so they can put you  
18 in contact with the right folks.  
19 Okay. 40-518. This is Section 8, sub  
20 bullet "a," procedures consistent with the Dig Once  
21 Policy for processing and reviewing statements of  
22 interest received from a broadband provider by the  
23 department.  
24 So, again, providers on the registry will  
25 receive an annual coordination letter following the

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1 approval of the Idaho Transportation Investment  
2 Program by Federal Highway Administration. Those  
3 providers interested in coordinating with ITD should  
4 submit a letter of interest to the represented  
5 district and planning and scoping section and those  
6 points of contact there. Again, reference the project  
7 name, key number -- so that's a number that's assigned  
8 to each project. It's a five-digit number assigned to  
9 each project. That helps just kind of search for  
10 information and make sure we are talking about the  
11 right projects. What route it's on. Is it on U.S.  
12 95, State Highway 44, wherever your information that  
13 you want to provide. And then provide a description  
14 of the proposed infrastructure. What are you guys  
15 trying to do, what type of facilities do you think you  
16 are envisioning so we can kind of get a handle on what  
17 level of effort we need to help to support you with.  
18 Okay. So the next section, 40-518 (8)(b), A  
19 broadband provider shall be charged for the actual  
20 cost incurred by the department as a result of the  
21 installation of a broadband provider's broadband  
22 infrastructure.  
23 So in the statute, you know, it notes that  
24 if there is multiple providers interested in and  
25 coordinating during the state sponsored project, that

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1 all the providers will share equally in the common  
2 charges of the installation of the broadband  
3 infrastructure, including making the site ready.  
4 ITD may require an advance payment from  
5 providers for utility work. So this is a very common  
6 process that ITD goes through for any construction  
7 projects where we may have both current utilities that  
8 need to be relocated or putting in new utility  
9 infrastructure, we may require advance payment from  
10 providers. You know, part of this could -- or may  
11 require a performance bond from providers to guarantee  
12 work. So we have existing policy contained in our  
13 Utility Accommodation Policy, Section 2.9, that  
14 addresses performance bonds. They may not be  
15 required, but in some cases they may.  
16 The next section is 40-518(8)(c), Criteria  
17 for identifying projects that would be suitable for  
18 placement of broadband infrastructure.  
19 So there is a couple sections within the  
20 statute that call out for the same information. So we  
21 have -- ITD has identified, again, major ground  
22 disturbance of bridge restoration projects as suitable  
23 for the placement of broadband infrastructure.  
24 The next slide, please. Okay. 40-518(8)(d),  
25 Criteria for the installation of the department's own

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1 conduit. Rules may allow use of such conduit by  
2 broadband providers.  
3 So ITD places conduit in projects where it  
4 has an intelligent transportation system requirement.  
5 So what is that -- ITS mean; right? That is -- it  
6 could be signals that need to be interconnected for  
7 coordination. It can also include connectivity to ITD  
8 facilities or assets, such as traffic count recorders,  
9 ports of entry, sheds, and then whatever comes out of  
10 next generation transportation. It's very involved in  
11 connecting autonomous vehicles.  
12 So where we have an intelligent  
13 transportation system requirement, that's where ITD is  
14 putting in conduits. We may also place conduit in  
15 projects with limited right-of-way.  
16 So in last year stakeholder meetings we kind  
17 of highlighted some of these challenging construction  
18 environments. So when the state is going through, we  
19 may place conduits for future use. We know the  
20 right-of-way is very limited and there is no room for  
21 additional utilities to come back or if it's very  
22 difficult, we will place conduits in those types of  
23 areas. But we need to know where providers need to  
24 go.  
25 And I think that is something across the

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1 state, as we look at expanding broadband, that's a  
2 real challenge. Where are these -- well, we all know  
3 there is a lot of underserved areas and unserved  
4 areas, and so we need input from the industry and the  
5 providers on where you need to go. So early  
6 coordination with the department will really help us  
7 identify where we may want to place conduits.  
8 And then on the second part of this section,  
9 rules may allow the use of such conduit by providers,  
10 if providers are interested in gaining access to ITD  
11 owned conduit, they can do that through a Shared  
12 Resource Agreement.  
13 Procedures and forms for permitting  
14 processes. So we permit utilities all the time.  
15 Broadband is now considered a utility under the  
16 statute, and as such there is existing Utility  
17 Accommodation Policy in Sections 2, 2.1, 2.2, and 2.3.  
18 So these sections cover right-of-way and permits,  
19 right-of-way use, pre-existing property interests, and  
20 then permit documents and requirements.  
21 Okay. Section 40-518(8)(f), A contested  
22 case administrative appeals process, pursuant to  
23 administrative procedure act, Chapter 52, Title 67 of  
24 the Idaho Code.  
25 So if there is any contested issues

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1 regarding denial of permit, primarily for whatever  
2 reason --  
3       Sorry about that. We had the window opened  
4 there. Excuse me.  
5       So there is an existing administrative  
6 procedures act that cover the appeal process. There  
7 is also additional information located in the Utility  
8 Accommodation Policy in Section 2.4.  
9       So this next set of rules to be promulgated  
10 by the department are contained in Section 40-520(7),  
11 Governing the installation, operation and maintenance  
12 of broadband infrastructure granted longitudinal  
13 access pursuant to this section.  
14       So once again, we have existing utility  
15 accommodation policies that cover the installation,  
16 operation, and maintenance of utility infrastructure.  
17 So I will refer you to Sections 2.5, Requirements of  
18 the Permittee; Section 2.6, Emergency Repair and  
19 Maintenance; Section 3.1 covers maintenance by  
20 utilities; Section 5 describes location; and Section 6  
21 goes into details on construction.  
22       THE MODERATOR: And, Robert, if I could just jump  
23 in real quick. We had a couple folks ask about the  
24 slides. We will go ahead and get these posted to the  
25 website tomorrow; so for those that may be scrambling

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1 to take notes, we will post this online.  
2       And then to give you a little context --  
3 further context, in terms of, as Robert is walking  
4 through this slide, what we are doing is we are taking  
5 the particular code section as it relates to the Dig  
6 Once Right-of-Way Act. There is multiple sections  
7 sprinkled throughout the several code sections that  
8 say the department shall promulgate rules.  
9       So what Robert has done is he has pulled  
10 those pieces out, and then these references are to  
11 that Utility Accommodation Policy. So that's the  
12 number one document you see at the top of the list on  
13 the rulemaking page. And so what we are trying to do  
14 is just play a little connect the dots.  
15       We've got, you know, requirements that are  
16 now part of the code, and we are looking at what is  
17 already on the books in terms of, you know, making  
18 sure we are not duplicating efforts, repeating any  
19 work that may already exist, and so we just need to  
20 update with certain references.  
21       And so that is kind of what Robert is doing  
22 with us right now is he's talking about the new code  
23 section from HB640 and then he is talking about the  
24 applicable sections from the UAP.  
25       Now, obviously we are doing this in a

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1 presentation style format, but what will really be  
2 important for the interested stakeholders is for you  
3 folks to go home and do that well. Look at the code  
4 section, see if you are in an agreement with the  
5 sections of the UAP that we think correlate, and  
6 that's where we would expect, you know, potential  
7 opportunities for modification of the changes.  
8       Thanks, Robert.  
9       MR. BEACHLER: Yeah, thank you, Ramon.  
10       Yeah, as Ramon noted, we don't want to  
11 create, you know, undue additional language or  
12 documentation, especially when the department already  
13 has existing policy regarding utilities located within  
14 the right-of-way.  
15       The next slide, please.  
16       Okay. 40-520(7)(b); Specifying the  
17 procedures for establishing an agreement for a  
18 longitudinal access for a broadband provider.  
19       So the statute in its definitions section  
20 describes -- defines longitudinal access as 100-plus  
21 feet within the state highway right-of-way. So that's  
22 longitudinal access. So what are those procedures for  
23 establishing agreement for longitudinal access?  
24       Well, the provider will enter into a  
25 non-exclusive installation and occupancy agreement

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1 with the Division of Highways. So we are envisioning  
2 that as an umbrella type of agreement between the  
3 department and the provider.  
4       And then individual permits will be issued  
5 by the appropriate district office.  
6       So you enter into an agreement. We will  
7 have all the terms and conditions identified in there  
8 very similar to what we accomplished last year with  
9 the small wireless facilities. That gives you an  
10 umbrella agreement in the state, and then the  
11 individual billable infrastructure projects will be  
12 permitted by the district offices.  
13       Okay. 40-520(7)(c); Specifying criteria for  
14 the installation of the department's own conduit and  
15 use of such conduit by broadband providers consistent  
16 with this section.  
17       So, no, you didn't have deja vu. We did  
18 have this a little bit earlier in -- I didn't double  
19 on my slides there. This was in a very earlier  
20 section. I discussed this.  
21       You know, we will be placing conduits in  
22 projects that have an intelligent transportation  
23 system's requirement. Again, something like a  
24 corridor signal interconnect to one of those signals  
25 in coordination and/or connectivity to ITD facilities

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1 or assets.  
2 You know, we may place conduit in projects  
3 with limited right-of-way and providers can gain  
4 access to ITD owned conduit through a Shared Resource  
5 Agreement.  
6 THE MODERATOR: Real quick, Robert. We have got  
7 a question. We have got some examples of those shared  
8 resource agreements --  
9 ROBERT BEACHLER: We do.  
10 THE MODERATOR: -- that we used last year?  
11 ROBERT BEACHLER: Yes.  
12 THE MODERATOR: Okay. So what we will do is when  
13 we post this presentation on the rulemaking web page  
14 tomorrow, we will also include an example or two of a  
15 Shared Resource Agreement.  
16 ROBERT BEACHLER: Yeah. Do I need to clear that  
17 with -- I don't know if I need clear that with --  
18 THE MODERATOR: I think it will be fine. I think  
19 we shared a couple last year.  
20 UNIDENTIFIED SPEAKER: We can call those  
21 something else, or we can try to match the small cell  
22 language.  
23 ROBERT BEACHLER: Well, in regards to, you know,  
24 using our facilities then we would have different  
25 terms than installation, you know, for project

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1 infrastructure. So that's the Shared Resource  
2 Agreement we've done with providers since the early  
3 2000 time frame. Initially on Interstates I-84 and  
4 I-90 and then there have been done throughout the --  
5 at the district level multiple cases where we have  
6 state conduits that we can -- you know, we have  
7 spares. We will do an exchange, either dark fiber,  
8 lit fibers, services, some level of exchange with the  
9 provider for gaining access to those state facilities.  
10 So those can vary a little bit between, you  
11 know, the distance that they are going, what the  
12 provider -- you know, how much the conduit they need  
13 to access and can provide an exchange with the  
14 department. So they can kind of vary. There is some  
15 standard language in there, but, you know, they can  
16 vary depending on the proposed project.  
17 Okay. Section 40-520(7)(d); Providing for  
18 the relocation or removal of broadband infrastructure  
19 for needed changes to a highway on the interstate  
20 system.  
21 So interstates are controlled access  
22 highways and in addition to approval by ITD, they also  
23 need to be approved by Federal Highway Administration.  
24 And access to those -- there is no lateral bills to  
25 customers or anything like that. You can only get off

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1 the interstate at interchanges. So they are a  
2 controlled access area.  
3 So outside of that -- you know, on the state  
4 highway system is a little bit different, but this  
5 section of the statute noted interstate as opposed to  
6 interstate and state highway systems. I want to make  
7 that distinction between the interstate and the state  
8 highway system in the U.S. routes.  
9 So the relocation or removal of any  
10 utilities facilities, including broadband  
11 infrastructure, applies to all of the state highway  
12 system and interstate roadways and are covered under  
13 the Utility Accommodation Policy Section 2.5,  
14 Requirements of the Permittee; Section 4.2, Relocating  
15 Costs; and then again, I also want to note -- because  
16 the statute says interstate system, Section 5.7  
17 through 5.72 of the Utility Accommodation Policy  
18 provides specific information on controlled access  
19 highways, such as the interstate or expressways. A  
20 little differentiation there.  
21 So real quickly, just to summarize my  
22 information I wrote -- in regards to House Bill 640,  
23 we wanted to address all those sections within the  
24 statute that required the department to promulgate  
25 rules. Fortunately for everybody, we already have

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1 existing policy to accommodate utilities and broadband  
2 is considered a utility in regards to the statute; so  
3 we can accommodate them with existing policy as much  
4 as possible.  
5 So at this point in our presentation, we  
6 really like to hear from the folks in -- on --  
7 participating with us. If you have any comments  
8 regarding House Bill 640 and what the department is  
9 proposing to meet the requirements of --  
10 I would just like to thank everybody  
11 participating. I was looking at the participants in  
12 the chat and I see people from water districts and the  
13 Port of Lewiston. There is a lot of different  
14 providers in here.  
15 And I think probably the biggest takeaway  
16 for us with this bill is the expansion of broadband  
17 providers and entities that install broadband  
18 infrastructure.  
19 So if you are that local jurisdiction, local  
20 government, water district, you now can be eligible  
21 for infrastructure bills, you know, that coincide with  
22 some projects that ITD is doing we want to coordinate  
23 with you also.  
24 You know, our district folks are probably  
25 doing that, but the statute increases that stakeholder



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1 list and we are happy to see utility companies. There  
2 is a lot of innovation happening in electrical  
3 utilities providing broadband services over their  
4 existing infrastructure and especially in rural areas.  
5 So bringing those folks to the table who -- you know,  
6 all of those for ISPs and broadband providers at last  
7 year's meetings where this -- we are happy to take  
8 comments and discussion items, concepts from these  
9 wider variety of stakeholders.

10 THE MODERATOR: Thank you, for that, Robert. I  
11 appreciate that.

12 So, yeah as you can tell, I mean, there is  
13 quite of bit of information packed into that Dig Once  
14 and Right-of-Way Act. Rob, you did a great job of  
15 kind just pulling out specifically the pieces that  
16 relate to the rulemaking and the language that those  
17 dictate shall promulgate rules.

18 So, yeah, we really want to open it up to  
19 folks that are either here in person or on the line on  
20 Webex. We did have a little bit of feedback so we put  
21 everyone on mute. So if you would like to engage or  
22 you have any questions or thoughts, simply take  
23 yourself off mute or throw something in the chat. We  
24 would be happy to answer any questions or address any  
25 concerns that may be out there.

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1 I mean, Robert and I can continue to go  
2 through a few more details, but I think we probably  
3 know it as well if not better than most folks. So we  
4 are here answering questions. You know, it's often  
5 easier for stakeholders to engage when you've got a  
6 piece of paper in front of you. It's got the red  
7 lines. It's got the blue lines, and you can just kind  
8 of start throwing darts at it, but what we are really  
9 trying to accomplish is a collaborative engaged type  
10 of interaction.

11 So we want the providers who are interested  
12 in this policy, that are interested in this work to be  
13 the ones that come forward with the ideas that we can  
14 start vetting and discussing, and so that's really  
15 where the value is in terms of us taking the time and  
16 the time to meet. You know, Robert and I could sit in  
17 a room and we could write up all this policy and have  
18 Blake sign off and we'd be done, but that's not  
19 necessarily how it works and that's not the position  
20 we want to be in come January when we are working with  
21 the legislature.

22 So it is definitely key that for those that  
23 have any interest that this is definitely the  
24 opportunity to engage is at this time if you would  
25 like to.

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1 ROBERT BEACHLER: So we got a question in chat  
2 from Brandon. How does this legislation affect city  
3 fiber and conduits across bridges that are set to be  
4 replaced in Coeur d'Alene along I-90.

5 So, Brandon, get a hold of me. There is my  
6 contact info. I am stationed at the District 1  
7 headquarters office in Coeur d'Alene.

8 So one of -- we have some major  
9 transportation expansion and congestion mitigation  
10 projects to occur on Interstate I-90 in Kootenai  
11 County, and we will be doing a lot of widening and  
12 work on the roadmap and the third lanes and some other  
13 auxiliary lanes. It's in the early design phases of  
14 this.

15 So getting across the interstate there, we  
16 want to gauge the interest from providers or, you  
17 know, city water districts, whoever we need to get  
18 across these facilities so we can accommodate those  
19 early in our planning and design phase.

20 So, Brandon, there is my contact info. Go  
21 ahead and reach out to me. Send me an email, and I  
22 can coordinate with you on those projects.

23 So those transportation expansion and  
24 congestion mitigation projects is a large bonding  
25 authority to get into ITD to address some of the

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1 transportation needs across the state. These are  
2 happening in corridors -- what do we got? 13  
3 corridors across the state.

4 So the department -- and these are somewhat  
5 an accelerated -- or can be to take advantage of some  
6 of the funding opportunities the department has. So  
7 some of these projects may not be on that long 7 year  
8 planning horizon where we get a project into the  
9 program and we got to wait 7 years for it to come  
10 along.

11 So some of these will be coming on earlier  
12 so it's important to reach out to our district  
13 planning and scoping teams. They will put us -- put  
14 you in contact with our design folks, our consultants,  
15 whoever is working on those projects to ensure that we  
16 can accommodate, plan for -- find the best path for  
17 your broadband infrastructure.

18 THE MODERATOR: I think we got another chat  
19 there, Robert.

20 ROBERT BEACHLER: Yeah. So I see another one  
21 here. We got Kyle Marine, CA Water Department.  
22 "Would you be willing to come to the Kootenai County  
23 Utility Council and go over your upcoming project?"

24 Absolutely, Kyle. I know Bruce, who is  
25 the -- I think he's your county chapter lead for that

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1 council. I'll schedule a presentation to go over  
2 those projects to the Kootenai County Utility Council.  
3 Good question. Thank you.  
4 So if we don't have any other questions in  
5 the chat, what we can do is a live demo, which is  
6 always risky; right? All right. Let me see if I can  
7 share my screen here.  
8 THE MODERATOR: So you will recall Robert spent  
9 some time specifically talking about the vendor  
10 registry that we are actually standing up and going  
11 live today for the first time. He's been working on  
12 this with our web developer ever since the end of the  
13 session, and so this is the registry that we would  
14 want to make sure all the utilities are participating  
15 in, providing their information. And this is how you  
16 are going to find out what projects may or may not  
17 apply to operations that you are trying to conduct.  
18 And so this a little walk-through that we  
19 are able to do. And, again, this is live and so folks  
20 can start submitting their information on here as soon  
21 as possible.  
22 NIKI BENYAKHLEF: I assume it works. You didn't  
23 tell me it didn't.  
24 ROBERT BEACHLER: On a mobile device, it works.  
25 THE MODERATOR: That's great news. We like that.

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1 ROBERT BEACHLER: Live demos are always a little  
2 risky.  
3 But, anyway, the web site is  
4 [itd.idaho.gov/broadband](http://itd.idaho.gov/broadband). So kind of like the  
5 Department of Commerce, we want to keep that kind of  
6 consistently going between the state agencies.  
7 So this is our public facing site, and we  
8 have got a couple of tabs at the top. We have got  
9 Broadband Registry, Wireless Facility Permit Process,  
10 and Contacts and Resources. So, again, it's for the  
11 broadband expansion across the state. We want to  
12 attract businesses and enhance quality of life.  
13 You know, ITD is providing information on  
14 future highway construction, realignments, widening,  
15 expansion, bridge replacement types of projects.  
16 So these projects are the ones that provide  
17 an opportunity to coordinate with ITD to accomodate  
18 future broadband infrastructure during the project,  
19 development, and construction phases.  
20 So ideally we are coordinating with you  
21 early in our design process. Again, we have about a 7  
22 year planning horizon to get a project through the  
23 program and constructed. So that's not the speed of  
24 business, but it's speed of construction for large  
25 transportation projects.

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1 So early coordination with the department is  
2 always best. And, again, to get notifications on  
3 this, we are going to have you go to this page and  
4 sign up on our Broadband Provider Registry.  
5 So this is a requirement of House Bill 640  
6 and the Federal Highway Administration MOBILE NOW Act.  
7 So I'm going to show you how you do that.  
8 You just go and click on this link. Fingers crossed.  
9 Here we go. So anyway, we are just asking you to  
10 provide your contact information, and then we will  
11 give you our annual notification letter with links to  
12 our web map and application that you can also get at  
13 the broadband page.  
14 So just your name, your title, what company  
15 you are representing, email address, mailing address.  
16 We don't do too much hard copy mail, but I just want  
17 to provide that. We will take it.  
18 And then select on the type of provider. So  
19 we try to capture all the different types of providers  
20 noted in House Bill 640. What is -- the definition of  
21 what a broadband provider means and there is also  
22 another in there. So if you don't fit in any of these  
23 boxes, just plug something in there, hit submit, and  
24 then that will create our registry that we will use  
25 for notifications.

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1 So there is no, like, read -- you know,  
2 jurisdictional area of where you are going to get. We  
3 are just going to send you an annual letter. I'm not  
4 going to send you one -- "Oh, I think this one would  
5 be a good project for this company." We are just  
6 going to send you a notification letter.  
7 Okay. So also on here we have kind of got  
8 our annual letter to providers, again, showing that  
9 the department wants to coordinate and expand  
10 broadband through our transportation -- state  
11 sponsored transportation projects. There is a link in  
12 there that will take you to our Dig Once web mapping  
13 application.  
14 And it also has information on our points of  
15 contact. Again, as I noted, ITD is administering six  
16 districts across the state, and we have the points of  
17 contact for all six districts to submit your letter of  
18 interest to and where our regional offices are -- our  
19 district offices.  
20 Okay. So we have our Dig Once web app here.  
21 So what -- the categories of our projects that we  
22 identified as suitable for broadband infrastructure,  
23 again, are those major ground disturbance and bridge  
24 replacement type projects.  
25 So this service is covering fiscal years '22

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1 to '28. That's our 7-year planning horizon. So you  
2 can zoom in to part of your state. Let's not go to  
3 Boise, right. So what you can do here is click on a  
4 project. This is a safety and capacity project. So  
5 as I note in your letter of interest, please put down  
6 your key number and description of the project.  
7 So our key number is 2641 on this one. It's  
8 a safety and capacity project. And we are putting in  
9 a signal at state Highway 53 and Ramsey Road. So we  
10 are going to be disturbing that intersection and  
11 that's going to accommodate any types of additional  
12 broadband facilities.  
13 So it has a description on it of what  
14 highway it's on, the milepost. This is the  
15 information that you can determine and put in your  
16 letter of interest in coordinating with the  
17 department.  
18 You might also see a one of two here at the  
19 top and there a little carat there. That means there  
20 is some other information under there. And it just  
21 tells you, "Oh, hey, you are in District 1." So I  
22 would contact the District 1 planning and scoping  
23 point of contact.  
24 Okay. So what are all these colors and dots  
25 and all that? So what does a blue dot mean? So if

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1 you click on this bottom anchor tool bar, you have our  
2 legend. So this will tell you what type of project it  
3 is; so either a bridge restoration, safety and  
4 capacity projects.  
5 So those projects that may not be that long  
6 -- you know, a mile long -- miles long projects, they  
7 will be represented as a point feature. And linear  
8 projects can be represented as a line feature.  
9 So this legend tool, you can access at the  
10 bottom of the tool bar, and it just shows you the  
11 symbology of what is being displayed within the map.  
12 The next tool over is a layer list tool. So  
13 this allows you to just kind of toggle projects off  
14 and on, depending on the area you are looking at and  
15 it let's you see what types of different projects are  
16 available.  
17 This second one is a base map gallery. So  
18 right now it's just kind of a neutral background  
19 showing the locations of projects across the state of  
20 Idaho. As you drill down into an area -- let's go  
21 here, and you are like, "Oh, I don't know what  
22 milepost that is or whatever. I need -- I'm used to,  
23 you know, like a Google Map or something." So this  
24 base map gallery tool allows you to change the  
25 background base map of the web map and then you can

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1 zoom in a little bit more and getting to see what's  
2 that cross street there. You can select a different  
3 base map so you can see the names of the roads. So it  
4 gives the user the ability to change base maps. You  
5 know, some people relate to, you know, a quadmap.  
6 They are used to this. If you are a transportation  
7 guy, maybe you want to see, you know, just the names,  
8 street -- you know, this gallery -- base map gallery  
9 allows the user to select that.  
10 I keep walking my way across the tool bar  
11 here. You see some tools here to make measurements.  
12 So you can make area measurements or linear  
13 measurements. So let's say, you know, you wanted to  
14 know how far a distance was in feet or miles, you  
15 could just set those units here. And then, you know,  
16 click along here and say, "Well, I'm probably  
17 interested in about, you know, half a mile on your  
18 project, your project to connect my two customers on  
19 the community street." So this gives you a very  
20 simple tool you can use to measure distances or areas.  
21 You can also output a quick map. So this is  
22 my area of interest. I can just capture out a  
23 screenshot here, and I can save it in a variety of  
24 graphic file formats, pdfs, jpgs. And then you can  
25 also determine the size of the map. You want to do a

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1 standard, letter, landscape, letter, or portrait.  
2 Tabloid is 11 by 17. So there is some options here to  
3 generate some output maps. Just one, I guess. I can  
4 make a pdf. Everybody wants pdfs.  
5 Okay. And so all you do is select that file  
6 format, hit print. It's going to generate a new pdf  
7 of what is in the map expanse here. And when it's all  
8 done, it gives you this little web map icon, and there  
9 is your map. Very simple graphic map that you can  
10 generate using this app.  
11 So, yeah, there is a transportation project,  
12 but how do I know where it overlaps with my  
13 information? So there is a widget in here to add data  
14 to the map. So you may have a lot of KML. KMGs are  
15 used in preliminary planning for broadband  
16 infrastructure; so if you got a KMG of your network,  
17 you can load it into this. And it's just for the  
18 session. I'm not going to -- it's not stored or  
19 anything. It's just for your web browser session.  
20 You can upload KMZ, a shade file, a service and  
21 overlay your network infrastructure with the  
22 transportation projects.  
23 So that allows you to really quickly see the  
24 coincidence of projects with where your existing  
25 infrastructure is and can I get through their project

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1 and expand mine that way.  
2 And then the last little widget we got here  
3 is share this. So you got to send this to your buddy  
4 down the hall in the design section, you can just use  
5 this. This will generate a copy of your URL, and you  
6 can email him that link or you can share it on a  
7 social media of your choice.  
8 THE MODERATOR: Thank you for that, Robert.  
9 ROBERT BEACHLER: You are welcome.  
10 THE MODERATOR: So, yeah, so for the providers  
11 that are interested in participating in Dig Once, not  
12 only is it key to make sure that you submit your  
13 information in the registry, but also start exploring  
14 these maps as it relates to, again, planned projects  
15 that have major ground disturbances. That's what we  
16 are trying to coordinate here. And so the department  
17 is taking the time to put that data and information  
18 out there; so we are looking for providers to then  
19 touch base with us in terms of what may or may not  
20 work for your particular business plan or operations.  
21 So we did get a question in here, and this  
22 is a little bit more of an exciting one, and I'm not  
23 sure if we got an answer for it yet. I think this is  
24 why we are here.  
25 But "Could we provide more detail on the

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1 future conduit lease or purchase process?"  
2 Robert or Blake, would either of you like to  
3 take that one?  
4 ROBERT BEACHLER: We -- on the conduit lease or  
5 purchase process?  
6 THE MODERATOR: Yeah, additional info.  
7 ROBERT BEACHLER: So I guess that's up for  
8 discussion with folks. You know, we are not in the  
9 conduit business nor do we want to be. So, you know,  
10 within the industry, I know there is, you know, pretty  
11 standard stuff, or even if you had extra capacity,  
12 you'd sell it at the cost of what it would cost you to  
13 construct it.  
14 You know, we don't want to get into a bunch  
15 of really complicated financial transactions. We  
16 don't plan on leasing it -- conduit. We are not here  
17 to compete with providers. If the state has, you  
18 know, spare capacity, we typically have used shared  
19 resource agreements so where we grant access to those  
20 conduits in exchange for darker lit fiber. And the  
21 provider gets to maintain those systems for the term  
22 of the agreements.  
23 We may ask you to keep -- "Hey, can you keep  
24 going down the road and hook us up to the shed?" So  
25 those are the things that can be -- once the shared

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1 resource agreement is established, can be amended over  
2 time.  
3 So if you -- there are several providers who  
4 have done multiple -- done shared resource agreements  
5 and then those are amended as new opportunities -- or  
6 facilities are identified.  
7 But I didn't -- when we were doing our  
8 stakeholder meeting last year, I think we may have --  
9 there wasn't a lot of -- you know, we weren't  
10 advocating it, but there wasn't a lot of interest in a  
11 provider installing additional capacity and then,  
12 what, leasing it, selling it. It didn't seem like  
13 something providers were interested in. But we are  
14 open -- that's why we are here, you know, to  
15 understand these different business models and, you  
16 know, how we can dig once, provide enough capacity  
17 there to get people through both for current and  
18 future needs.  
19 So I don't know who was on the chat -- do  
20 you got any ideas?  
21 THE MODERATOR: So we have got Bret McKinney.  
22 ROBERT BEACHLER: But, yeah, that was something  
23 we definitely -- providers did not -- initially we  
24 thought, "Hey, maybe we are going to come compete  
25 against the providers," and that's not the intent of

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1 the department at all.  
2 So Ramon has our 2022 to 2023 legislation up  
3 there on the board and a couple other things on top of  
4 it, but we are here today for broadband rulemaking.  
5 And, again, if you haven't already --  
6 especially if you are a -- I don't want to say  
7 nontraditional type provider, but, you know, a lot of  
8 people didn't know about this bill going through. And  
9 again the stakeholder list has expanded; so I  
10 encourage you to go read the house bill and there was  
11 some amendments there.  
12 I've forgotten. I wanted to -- I'm going to  
13 put this out there. I'm in the chat now. Okay? So  
14 this is one we didn't address in our slides, but one  
15 of the amendments that came in at the last minute  
16 there was amendment to Section 4. I'll just read down  
17 to the bottom there.  
18 "Consistent with the Dig Once Policy, the  
19 department shall issue rules that restrict speculative  
20 processes that may unduly impact and congest the  
21 department's right-of-way."  
22 So we discussed that internally, like, what  
23 is speculative practices? And we went, "Oh, I don't  
24 know. Like guys investing in infrastructure, is that  
25 speculative?" So I would reach out to people to

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1 provide comments on what those speculative practices  
2 may be.  
3       So we wouldn't want to grant somebody access  
4 or -- you know, if we had spare conduits -- "I'll take  
5 all of your spare conduits." That was -- you know,  
6 that would be anti-competitive and speculative in  
7 nature. So that's probably the one section within the  
8 bill -- again, amendment to Section 4 on what is a  
9 speculative practice. So any comments or concerns  
10 from the industries on what would be considered  
11 speculative process would help us address that section  
12 in the statute.  
13       And then I had one more thing --  
14       BLAKE RINDLISBACHER: Can I comment on that?  
15       ROBERT BEACHLER: Please.  
16       BLAKE RINDLISBACHER: Just one thing in our  
17 normal rules governing utilities on highway  
18 right-of-way. When we issue a permit, there is a  
19 deadline or an expiration on that permit so it's six  
20 months or a year or something. I forget the timeline.  
21 I think we would expect that same kind of language to  
22 fall into any broadband permit that we would issue,  
23 whether it's a permit for a new facility. We wouldn't  
24 want somebody to tie up the right-of-way so another  
25 utility couldn't apply, nor if we went to a situation

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1 where we had a spare conduit and put it out there and  
2 said who would want to be in there, we wouldn't let  
3 somebody tie that up indefinitely before they occupied  
4 it.  
5       So that was at least my thought of the kinds  
6 of things that we would put into the rule that would  
7 help people -- if you are going to get your broadband  
8 and you are going to put efforts toward a  
9 right-of-way, then let's do it. And we are here to  
10 help you get that done, but if you are here to talk  
11 about it and limit other people from doing it, then we  
12 want to have rules in place that mean people that are  
13 here serious and they are actively engaged in this  
14 business, we create an environment where we take the  
15 ability for somebody to come in and tie up all the  
16 right-of-way or tie up all the facilities and keep  
17 others from engaging in business.  
18       So that's kind of at least my take on  
19 speculative practice.  
20       UNIDENTIFIED SPEAKER: So one comment on that --  
21 just input. Currently all of our permits are in here,  
22 and that's really nice especially -- you know, in  
23 Idaho, we have some weather that will start in the  
24 fall and end in the spring for construction. You  
25 know, you can't work in the winter months; so it is

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1 nice to have that full year to be able to complete  
2 your project if you, you know, run into situations  
3 like that; so instead of 6 months.  
4       ROBERT BEACHLER: Right. So for folks online or  
5 who may have not permitted with IT before, so when we  
6 issue a utility encroachment permit, it is valid for  
7 one year.  
8       When you begin work, you are supposed to  
9 notify the area foreman at least five days ahead of  
10 time. ITD has its own infrastructure. It is not on  
11 Digline, 811. It is an in your permit packet approval  
12 provides you a contact phone number to call ITD's  
13 district of electricians so they can locate our  
14 infrastructure.  
15       So a lot of times people are, like, "Yeah.  
16 Hi, I got my permit approved," and they don't call our  
17 signal foreman to locate electrical by -- our  
18 infrastructure -- you know, it's limited to, you know,  
19 intersections and areas like that, but, you know, we  
20 do have infrastructure out there. You have to contact  
21 for locates there.  
22       Once you begin work, you have 30 days to  
23 complete it. So, like you said, especially now with  
24 supply chain issues -- "Well, I know I want to build  
25 this. I've got my permit in there." We can resolve

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1 any issues in the permitting process, whether it be  
2 traffic control or access or anything like that. Have  
3 that in the cue while you wait for your materials.  
4       Again, then notify the area foreman on your  
5 permit that you are going to start work. And then you  
6 have 30 days to complete it. But what we wouldn't  
7 want to see is, again, people putting in a bunch of  
8 facilities, like, "Oh, well, that provider" -- you  
9 know, he put in a bunch of conduits so he must be  
10 wanting to build something so I'm not going to go into  
11 this market and then they don't do anything with it  
12 and use up this valuable right-of-way space that  
13 nobody else can do it. So, again, if you go through  
14 that process, you know, you got to build it.  
15       THE MODERATOR: So as Robert said, what we have  
16 on the screen right now is the rulemaking web page.  
17 So we have got the link there to House Bill 640. It  
18 says the department shall promulgate rules. The  
19 associated rule is 39.03.43, highlighted right here.  
20 And then that rule incorporates by reference this  
21 Utility Accommodation Policy. And so it's kind of,  
22 again, a review of these three documents and making  
23 sure that they are all coinciding and meshing well  
24 together. That's really the whole goal.  
25       ROBERT BEACHLER: So our '22 policy, as we noted

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1 earlier in the discussion -- you know, we went through  
2 our stakeholder meetings last year. A very interim  
3 process. It was very informational and educational  
4 for the department, again, because we build  
5 transportation facilities. We accommodate utilities  
6 whenever we can. We saw this increase in demands on  
7 right-of-way from broadband providers so we -- you  
8 know, it had been about 10 years since we updated our  
9 policy. And where we couldn't even accommodate small  
10 wireless facilities, they actually drove us to update  
11 how we deal with broadband utilities.  
12 So we got that approved by the Idaho  
13 Transportation Department in December, and we squeaked  
14 it in getting it on the calendar for the '22  
15 legislative session. We briefed the house and senate  
16 transportation committees on access to state highway  
17 right-of-way to accommodate small wireless facilities,  
18 and it was approved. And you know, we will do that  
19 same process in regards to House Bill 640, taking  
20 those inputs from providers to help us, again, update  
21 our policy for fixed wire line and other types of  
22 broadband infrastructure.  
23 So we'll go through that process again. As  
24 Ramon noted, we have this meeting, a couple in July.  
25 We'll present those findings to the Idaho

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1 Transportation Board in August and get their input on  
2 what we determine from our stakeholder meetings in  
3 June and July.  
4 We'll take any recommendations from the  
5 board to adjust our policy and then Ramon will take  
6 this downtown and get it on the calendar.  
7 We'll, again, present in front of the house  
8 of senate transportation committees on implementing  
9 this statute.  
10 THE MODERATOR: Very good. Anybody have any  
11 questions?  
12 UNIDENTIFIED SPEAKER: Okay. So what about  
13 Verizon? You guys are pretty happy with the small  
14 wireless facilities situation?  
15 UNIDENTIFIED SPEAKER: Yeah, I think we are  
16 getting there. The department (inaudible). We are  
17 here to see what the next few steps are?  
18 UNIDENTIFIED SPEAKER: Yeah.  
19 UNIDENTIFIED SPEAKER: Do you guys have a big  
20 (inaudible) on fixed wire broadband.  
21 BLAKE RINDLISBACHER: Get -- well, fixed -- so we  
22 do have a department within Verizon that does have  
23 fiber. It's more on the East Coast. But we do have  
24 that (inaudible) that kind of goes into Coeur d'Alene.  
25 Not down here.

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1 UNIDENTIFIED SPEAKER: Not down here.  
2 BLAKE RINDLISBACHER: So -- but, you know.  
3 UNIDENTIFIED SPEAKER: Yeah, exactly. It is  
4 changing so rapidly.  
5 THE MODERATOR: So one thing I will add is -- you  
6 know, I totally understand folks may be shy or  
7 bashful. Obviously there is a whole bunch of  
8 different entities participating in this rulemaking,  
9 so that may be a reason for some hesitancy in terms of  
10 open public comments right now, but we do strongly  
11 encourage that we get written comments and that  
12 written comments -- that stage is open through the end  
13 of this month.  
14 And the reason I want to really emphasize  
15 that is. Is without written comments being submitted,  
16 the department doesn't have anything to build off of  
17 for our July meetings. And so if we are going to  
18 continue to push this ball down the hill, down the  
19 court, we need to make sure we have got vendor and  
20 stakeholder input on the records so we can start, you  
21 know, putting together what this potential language  
22 could look like.  
23 So it is really vital to our success, you  
24 know, not only long term but just immediate for the  
25 couple meetings that are possible in July. We really

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1 do need to get some comments so we can analyze those  
2 and put some language together.  
3 ROBERT BEACHLER: I have a question for any reps  
4 from the cable broadband providers. So a section of  
5 the statute, this is 40-520(4), and we are talking  
6 about these.  
7 UNIDENTIFIED SPEAKER: Let me get there. 4520.  
8 Okay.  
9 ROBERT BEACHLER: Section 4. So the last -- you  
10 know, this is talking about fee structures. So the  
11 department will require the same fees from a broadband  
12 provider under this section for longitudinal access of  
13 the right-of-way as a public utility; however, fees  
14 charged to a cable provider shall be in accordance  
15 with applicable federal law.  
16 So we need more specific citation on what  
17 federal law and fees should be charged cable  
18 providers. So we weren't necessarily planning to  
19 charge them more or anything. We just -- this part of  
20 the statute is a little vague on what reference  
21 applicable federal law.  
22 So I did a little work in this. I mean,  
23 there is a ton of cable federal laws regarding  
24 franchise fees or -- all kinds of different stuff. So  
25 I -- we -- the department needs more information in

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1 regards to this section of the statute.  
2 We would, you know -- we probably didn't  
3 make any distinction between a cable provider and an  
4 ISP or a broadband provider. You are all going to be  
5 treated as a utility and pay the same fees, but the  
6 code calls out that these charges of the cable  
7 providers will be in accordance with applicable  
8 federal law.  
9 So please provide any background information  
10 on that so you help the department address the fee  
11 structure for cable providers.  
12 RON WILLIAMS: This is Ron Williams. Can you  
13 hear me.  
14 ROBERT BEACHLER: Yes, sir.  
15 THE MODERATOR: Mr. Williams, how are you?  
16 RON WILLIAMS: Good. I'll provide some  
17 additional clarity to you on that.  
18 ROBERT BEACHLER: Thank you.  
19 MATT DETURA: Robert, this is -- can you hear me?  
20 This is Matt DeTura from CTIA.  
21 ROBERT BEACHLER: Oh, yes, sir. Got you.  
22 MATT DETURA: Excellent. Thank you for putting  
23 this together. We appreciate it. Just a couple --  
24 two quick administrative questions.  
25 One, I noted is the GUM from 2012 had been

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1 linked even though it appeared that the UAP were from  
2 the most round in the wireless small cells in 2022.  
3 Is there an updated version of the overall  
4 GUM that we are working off of, and if so, will that  
5 be posted?  
6 ROBERT BEACHLER: We were updating that in -- at  
7 the same time as our utility and combination policy  
8 last year. We had -- that was circulated as drafts,  
9 but when we looked at our existing code, 39.03.43,  
10 rules governing utilities, it references --  
11 incorporates by reference to the department's Utility  
12 Accommodation Policy, which, by the way, was an  
13 appendix to our guide for utility management, which is  
14 an internal staff document to help our folks  
15 internally as to how to deal with utilities. But in  
16 reality, it stands -- the Utility Accommodation Policy  
17 is what stands on its own. You know, we can publish  
18 that outside IDAPA.  
19 But we did updates to that, and we have new  
20 chapters in there specifically to broadband. And  
21 recognizing that we weren't going to get through all  
22 of that complex issues last year, we just focused our  
23 updating on Utility Accommodation Policy because  
24 that's what's really referenced in the code.  
25 MATT DETURA: Excellent. Thank you. I guess the

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1 other question I had is, you know, to the extent you  
2 are looking for written comments, you know, is it kind  
3 of a broad comment on the GUM or UIP? I mean, should  
4 we limit ourselves to kind of the specific issues here  
5 or if, you know, if we have any thoughts on, you know,  
6 potential improvements to the UAP process, you know,  
7 from our perspective, should we offer those as well?  
8 ROBERT BEACHLER: I -- yes, please offer any  
9 comments on that. I see -- you know, we are  
10 discussing adding a new chapter to our utility  
11 accommodation for broadband infrastructure; so that  
12 would address any policy issues that were not already  
13 identified in our Utility Accommodation Policy. So if  
14 there was a piece of the statute or -- again, new  
15 definitions. So I see the Utility Accommodation  
16 Policy needed an update with new definitions from the  
17 statute on what is a broadband provider or who  
18 installs broadband infrastructure.  
19 Some of these other sections that we do not  
20 have existing policy on, will be probably addressed in  
21 a new broadband chapter we'll probably present in  
22 July.  
23 But we are looking for initial feedback from  
24 our stakeholders in regards to House Bill 640, and  
25 that will help us provide content and context to a new

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1 broadband chapter within our Utility Accommodation  
2 Policy.  
3 I mean, I showed you a lot of different  
4 sections where we already had existing policy that  
5 addressed the sections of the statute that require the  
6 department to promulgate rules as much as we could.  
7 Some other stuff that we receive input from during  
8 this meeting will help drive that content.  
9 MATT DETURA: Excellent. Thanks, Robert.  
10 ROBERT BEACHLER: Thank you, sir.  
11 THE MODERATOR: Do you want to take a break?  
12 ROBERT BEACHLER: Yeah, let's take a break.  
13 THE MODERATOR: Yeah, Robert and I have been  
14 talking a bit. We will take, let's see a 7-minute  
15 break and start back up at 5:00. If we see some new  
16 people, we can dive into some of the informational  
17 educational material and then we will also keep an eye  
18 out for any questions to come through on the chat.  
19 (Recess taken.)  
20 THE MODERATOR: And so please even unmute  
21 yourself and feel free to ask any question or pop one  
22 into the chat. We would be happy to take a look at  
23 it.  
24 As far as additional new material, I think  
25 Robert and I have covered everything that we had

1 originally planned to do so this afternoon.  
2 So I will go over again, this is the  
3 [itd.idaho.gov/rulemaking](http://itd.idaho.gov/rulemaking) web page. When you pull it  
4 up, there is two accordions. Utility accommodation.  
5 That's where we are focusing today. And, again, we  
6 have got the Dig Once Idaho Right-of-Way Act right  
7 here, House Bill 640, 39.03.43, Rules Governing  
8 Utilities on State Highway Right-of-Way. That's the  
9 chapter. That incorporates by reference the Utility  
10 Accommodation Policy.

11 So we really want folks to take their time,  
12 look at House Bill 640. There is two sections in  
13 there that specifically require the department to  
14 promulgate rules, and we want to make sure that those  
15 requirements are captured within the Utility  
16 Accommodation Policy. So that's really what we are  
17 soliciting input and feedback on.

18 All right, folks, Ramon Hobdey-Sanchez here.  
19 We are just getting ready to wrap things up for our  
20 negotiated rulemaking meeting regarding broadband and  
21 House Bill 640 from this past legislative session.

22 It's Monday, June 13, and we are at the 6:30  
23 p.m. Mountain Time. Appreciate everyone participating  
24 and joining today. Again, comment period will run  
25 through June 29. Please submit those written comments

1 to myself or Broadband Program Manager Robert  
2 Beachler. We are also available on the phone or via  
3 email.

4 So please visit  
5 [www.itd.idaho.gov/rulemaking](http://www.itd.idaho.gov/rulemaking). A couple commitments we  
6 did make to some stakeholders earlier was we will post  
7 today's presentation online so it will be under the  
8 federation rulemaking accordion, and we will also  
9 provide an example of a Shared Resource Agreement. So  
10 we will work on that first thing tomorrow.

11 We do expect to have at least one, if not  
12 two negotiated rulemaking meetings in July, but that  
13 will definitely be based on the amount and type of  
14 comments and input we get over the next two weeks or  
15 so.

16 So, again, I want to thank everyone for  
17 taking the time, appreciate your engagement. And,  
18 again, please let Robert Beachler or myself, Ramon  
19 Hobdey-Sanchez know if you have any questions or  
20 comments.

21 I hope everyone has a great night. Thank  
22 you.

23 (The proceedings concluded.)  
24  
25

1 CERTIFICATE OF TRANSCRIPTION

2  
3  
4 I, Janet L. French, hereby certify:  
5 That I correctly and accurately transcribed  
6 and typed the above transcript from the audiorecording  
7 of the hearing, which was recorded on June 13, 2022;  
8 that the foregoing pages are a true and correct record  
9 of that proceeding, to the extent that the  
10 audiorecording from which it was transcribed was  
11 audible and discernible.

12 Dated and certified on this 30th day of  
13 June, 2022.

*Janet L. French*

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A			
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