

IDAHO TRANSPORTATION DEPARTMENT

In Re: )  
Broadband Utility Accommodation Rulemaking )  
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TRANSCRIPT OF RECORDED HEARING

JULY 11, 2022

MODERATOR: RAMON HOBDEY-SANCHEZ

TRANSCRIBED BY:

JEFF LAMAR, C.S.R. No. 640, Notary Public

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1 (Beginning of video file.)  
 2 THE MODERATOR: All right. Well, good afternoon  
 3 again. Appreciate everyone taking the time to join us  
 4 both here in person and the handful that we have  
 5 participating via WebEx.  
 6 Just for clarity's sake, again, my name is  
 7 Ramon Hobdey-Sanchez. I'm in the Office of  
 8 Governmental Affairs here at the Idaho Transportation  
 9 Department in one of my roles as the Department's  
 10 administrative rules coordinator.  
 11 I'm also accompanied by Niki Benyakhlef,  
 12 who is going to be assisting with keeping track of  
 13 everyone on WebEx and making sure we're staying on top  
 14 of questions.  
 15 And then we also have Mr. Robert Beachler.  
 16 He is our broadband program manager. So he and I will  
 17 be covering the majority of the remarks today.  
 18 And then we're also here with Blake  
 19 Rindlisbacher, who is the Department's chief engineer.  
 20 And so he'll be available for our discussion and the  
 21 question-and-answer period.  
 22 So again, really just want to thank  
 23 everyone for taking their time in joining us today.  
 24 Before I get started, just a few opening  
 25 comments just to make sure everyone kind of knows where

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1 we're at. This is our second negotiated rulemaking  
 2 meeting as it relates to IDAPA 39.03.43, rules  
 3 governing utilities on a state highway right-of-way.  
 4 We had our first negotiated rulemaking meeting in June.  
 5 And really, really appreciate the wonderful turnout.  
 6 We had over 40 people that joined us online and over a  
 7 half dozen in person. And so it's turning out to be a  
 8 similar -- similar crowd this afternoon. So we really  
 9 appreciate that.  
 10 We did have an open comment period during  
 11 the first negotiation phase. And so part of the  
 12 presentation today will be going through the comments  
 13 that were submitted. For those that are interested,  
 14 all of that information is posted online at the  
 15 [itd.idaho.gov\rulemaking](http://itd.idaho.gov/rulemaking) web page. So if you didn't  
 16 attend the first meeting, you can review the  
 17 transcript, you can review the PowerPoint presentation,  
 18 and then you can also review all of the submitted  
 19 comments that were made.  
 20 So essentially for those that have been  
 21 with us, you realize that the chapter itself is fairly  
 22 short in terms of content, 39.03.43, but the  
 23 significant piece is that it incorporates by reference  
 24 the Department's Utility Accommodation Policy.  
 25 So that's really where the meat and

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1 potatoes are in terms of us trying to solicit impacts  
 2 and interests from stakeholders, but also where we've  
 3 made some proposed changes. And so we're hoping that  
 4 based on the comments we received, you recognize some  
 5 of that being incorporated in the document, as well as  
 6 just getting a chance to take a first blush at that.  
 7 I believe Robert sent -- Robert and I sent  
 8 that out right before the 4th of July, and so there is  
 9 a draft copy, draft No. 1, circulating around as it  
 10 relates to that UAP, and it is online as well. So  
 11 that's really kind of where the majority of proposed  
 12 changes and modifications would be making.  
 13 As we go forward, so again, our second  
 14 negotiated rulemaking meeting, we also have a second  
 15 comment period. And so we now have a full draft that's  
 16 in legislative format with strike and underscore, and  
 17 so it can be a little easier for individuals to engage  
 18 that way, because you've got, you know, the language  
 19 right in front of you in terms of what it may look like  
 20 operationally or when it comes to interpretation.  
 21 So we do have that second comment period  
 22 runs through July 28th. And one thing I want to  
 23 emphasize for the group is you'll notice online and via  
 24 our legal notices, we've tentatively scheduled a second  
 25 July meeting for Tuesday, the 26th. But that's really

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1 going to be contingent on if we receive comments in  
 2 advance of that second scheduled date.  
 3 So we're going to be looking for comments  
 4 to come in early. It's totally appropriate if they  
 5 don't, if people wait until the end of the comment  
 6 period. But if that's the case, we'll likely cancel  
 7 and not hold a third negotiated meeting. Of course  
 8 there would be other opportunity during the formal  
 9 rulemaking stage where additionally we would have an  
 10 open comment period, and that would be a little bit  
 11 more of a hearing type setup.  
 12 So again, we're going to -- we're going to  
 13 stick with today's, see what discussion today brings  
 14 about. We'll keep an eye out for commenters and  
 15 comments to come in early. And then about July 20th or  
 16 so, we will make a decision on whether we're going to  
 17 hold that third negotiated meeting.  
 18 Then going forward, we're looking at making  
 19 a full presentation to the Idaho Transportation Board  
 20 at their regularly scheduled August meeting. So Robert  
 21 and I would provide a brief overview of meetings that  
 22 we've held, cover the comments that have been  
 23 submitted, and then also cover the draft UAP with the  
 24 Board for the very first time.  
 25 It's about this time frame as well where

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1 we'd enter into that formal rulemaking. And so again,  
 2 there would be an additional comment period, likely a  
 3 scheduled hearing, and then there would be an  
 4 additional meeting where the Board makes a final review  
 5 and/or approval of the changes put forward. So that  
 6 kind of sets us up in terms of being ready to present  
 7 to the legislature in January.  
 8       So if there's no questions, that's kind of  
 9 a quick -- quick synopses of where we're at. And now  
 10 I'll go ahead and jump into our PowerPoint. Let's see.  
 11 It didn't like that one. There we are.  
 12       Do you have a copy of that? Is that up?  
 13 UNIDENTIFIED SPEAKER: What's that?  
 14 THE MODERATOR: On the -- oh, yeah.  
 15 UNIDENTIFIED SPEAKER: You're good.  
 16 UNIDENTIFIED SPEAKER: We're good.  
 17 THE MODERATOR: Thank you.  
 18       So just to cover a little bit of the agenda  
 19 in terms of what we're going to cover today, we're  
 20 going to review the goals and objectives of today's  
 21 administrative rulemaking and the project as a whole.  
 22 We're going to do a quick review of the 2021 broadband  
 23 rulemaking. Mr. Beachler is going to cover House Bill  
 24 640, the dig-once law, and then again how that leads  
 25 into the proposed changes on the Utility Accommodation

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1 Policy, specifically the brand-new section 7 reflecting  
 2 broadband infrastructure.  
 3       So some of the goals and objectives: First  
 4 and foremost, we want to make sure that we are using  
 5 the State's right-of-way in the most efficient and  
 6 effective manner possible for all utilities. And I  
 7 think that's an important emphasis to make, is although  
 8 the HB 640 and the significant work being done to the  
 9 UAP is broadband based, it's really important that the  
 10 other utilities are a part of this conversation because  
 11 the right-of-way is used by sewer, water, gas, power,  
 12 et cetera. And so we do have some of those  
 13 stakeholders with us here in person and online. So  
 14 that's definitely an important goal for us.  
 15       Another one is simply the implementation of  
 16 the State's new dig-once policy. We want to be sure  
 17 that the policy manages the right-of-way, not only for  
 18 current needs, but future needs. So we want to make  
 19 sure there's a clean planning component.  
 20       Additionally, some other goals that we have  
 21 as far as what we're trying to accomplish here, we want  
 22 to have policies that serve the greatest public  
 23 interest. And many times that's accomplished through  
 24 co-location and other space-saving techniques.  
 25       We want to ensure a competitively neutral

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1 and nondiscriminatory environment. And as I go through  
 2 some of the comments, you'll really see that emphasized  
 3 from our stakeholders.  
 4       Another important goal: Support the  
 5 strategic deployment of broadband infrastructure across  
 6 the state of Idaho, not only on behalf of  
 7 Governor Little, but also the Idaho legislature.  
 8       And then when it comes to managing the  
 9 right-of-way itself, a main goal, and I think a lot of  
 10 work has already been demonstrated in this area, but is  
 11 the efforts being made to update the Utility  
 12 Accommodation Policy, as well as establish permitting  
 13 and accommodation policies and procedures that  
 14 specifically address broadband itself.  
 15       So here I'd like to go through a few of the  
 16 comments. Again, all of these are available in depth  
 17 at the web page. But I'm just going to go through some  
 18 of them that Rob and I pulled out that were either  
 19 significant comments or there are a handful that were  
 20 repeated from multiple stakeholders.  
 21       So the first slide here regarding comments  
 22 from our June 13th meeting, wanting to recognize that  
 23 the UAP and the GUM, Guide on Utility Management, it's  
 24 an internal document, do not specify the small wireless  
 25 facility fees as stated in IDAPA.

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1       (Audio cut out) ...rulemaking. It can  
 2 often be easier to have the specifics when it comes to  
 3 fees and numbers in one location, therefore when you go  
 4 to make those changes you're not changing multiple  
 5 different documents and going through multiple  
 6 different processes. So just a little background on  
 7 that. But that was something that was pointed out to  
 8 us.  
 9       The UAP did not describe FCC shot clocks.  
 10 So I think that's something Robert will address today,  
 11 is in that original UAP before draft No. 1 came out,  
 12 there wasn't any reference to that. And so -- and so  
 13 we're hoping that we were able to address that with  
 14 this newest iteration.  
 15       A third one: ITD should consider macro  
 16 wireless towers in the state's right-of-way. And so  
 17 again, that's kind of a little bit of a holdover from  
 18 our rulemaking from 2021 that specifically relates to  
 19 small wireless facilities.  
 20       A few more here: Build for the future.  
 21 You heard that in the objectives and goals, but making  
 22 sure that ITD facilitates access and plans for multiple  
 23 providers, and that there is thought given to the  
 24 placement of additional capacity that could potentially  
 25 support growth and promote competition.

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1 And so as staff sits here today, we'll be  
 2 interested to kind of flush out that a little bit more,  
 3 what that really means for providers and stakeholders  
 4 here today.  
 5 And then this third one also, we heard this  
 6 from a couple different stakeholders, but concern from  
 7 public and nonprofit providers that speculative  
 8 practices by private or closed network providers may  
 9 limit competition. So again, just kind of that same  
 10 thought of making sure that access is available for all  
 11 sorts of entities that may want to participate in using  
 12 that conduit.  
 13 Joint use program. Again, you kind of --  
 14 you kind of feel the same philosophy and tenor coming  
 15 through here for newly added capacity for both public  
 16 and private providers.  
 17 Dedicate a portion of added capacity to  
 18 public use. So there was some early discussion when we  
 19 went over House Bill 640 and some of the language in  
 20 that new enabling statute that relates to some limited  
 21 government use, but you can see here by this submitted  
 22 comment opening that up a little bit more and  
 23 specifically addressing education and health.  
 24 And then further dedicate a portion of  
 25 added capacity to any entity to bolster network models

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1 and investment. So I think this ties in really nicely  
 2 to just the expansion of broadband infrastructure  
 3 across the state as a whole. And so making sure that  
 4 we can identify those specific needs and areas.  
 5 So a few more here: Limit awarding  
 6 additional capacity to any one provider. And so kind  
 7 of just keeping that fairness idea in play.  
 8 Consider open access providers for priority  
 9 access to projects with limited capacity. So if we're  
 10 working in those areas with canyons, rocks, creeks,  
 11 rivers, maybe have a little different process for  
 12 that -- those situations.  
 13 And then recognize ITD's efforts to include  
 14 different types of providers in discussions. And so  
 15 yeah, whether you are a provider that is installing  
 16 installation from one side of the state to the other,  
 17 or maybe you're just providing Internet service for a  
 18 particular small, geographical area, whether it's the  
 19 middle mile, last mile, we want to make sure that the  
 20 policy is applicable to everyone in an equitable  
 21 manner. And we heard that in the comments.  
 22 Again, more comments on open access, shared  
 23 access, easy access for the broadband infrastructure  
 24 that is installed.  
 25 A level playing field. Again, really a

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1 strong sense of competition and healthy, safe  
 2 competition.  
 3 And collaborate with rural partners,  
 4 nonprofits, traditional providers, and local  
 5 governments. So again, making sure that all the  
 6 different ISPs can work together and have some kind of  
 7 a process that is applicable to all.  
 8 Definition of broadband providers,  
 9 including nonprofits. This was a suggestion, again  
 10 kind of in line with what we've covered here in the  
 11 first few slides.  
 12 Ensure potential participants are aware of  
 13 the Broadband Provider Registry and are eligible to  
 14 participate. If we have extra time today, Robert will  
 15 go over that. But for those in the first meeting,  
 16 you'll recall we do have a brand-new, up and running  
 17 registry online that is directly related to this  
 18 particular comment.  
 19 And then the last couple here, equitably  
 20 prioritize requests from our participants. Again, I  
 21 think, you know, that fair, balanced, competitive  
 22 environment is really what customers and stakeholders  
 23 are striving for.  
 24 And ensure projects provide open access and  
 25 address long-term growth in Idaho. So again, not only

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1 planning for the current needs, but making sure to plan  
 2 for the future needs. And so it's really great to see  
 3 how some of these comments have fed in nicely with the  
 4 goals and objectives from the beginning.  
 5 And so with that, I would be happy to stand  
 6 for any questions if there are on that part. If not,  
 7 I'd be handing things over to Mr. Beachler, who is just  
 8 going to do a quick review of House Bill 640 and then  
 9 dive into the all important section 7 of the UAP.  
 10 So do we have any questions before I hand  
 11 it off?  
 12 Okay. Mr. Beachler.  
 13 ROBERT BEACHLER: All right. Good afternoon,  
 14 everybody. Thank you for joining us this afternoon.  
 15 My name's Robert Beachler. I'm ITD's broadband program  
 16 manager.  
 17 And today I'm going to cover how the  
 18 Department is addressing House Bill 640, as amended by  
 19 the Senate in our 2022 legislative session. And that  
 20 is titled the Idaho Broadband Dig Once and Right-of-Way  
 21 Act.  
 22 Next slide.  
 23 So at the beginning of legislative session  
 24 in January, industry-authored legislation was  
 25 introduced seeking access to the State highway

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1 right-of-way system for broadband infrastructure.  
 2 The intent of this legislation was for ITD  
 3 to develop rules, standards, and policies consistent  
 4 with the Dig Once Act and to help coordinate the  
 5 installation of broadband infrastructure in the State  
 6 highway right-of-way, and specifically during  
 7 ITD-sponsored road construction projects.  
 8 So what is dig once? This is from the Act,  
 9 and I think it's a very good definition of what we're  
 10 trying to work towards, and that is a policy or  
 11 practices that minimize the number and scale of  
 12 excavations or construction and the costs associated  
 13 with installing broadband infrastructure within highway  
 14 right-of-way.  
 15 So during our stakeholder meetings last  
 16 year, we were really fostering this concept to dig  
 17 once. The right-of-way is a very limited resource.  
 18 It's purchased for transportation purposes. And  
 19 whenever we can, we accommodation utilities.  
 20 Okay. So with that stakeholder engagement  
 21 last year, we updated our Utility Accommodation Policy  
 22 to address broadband infrastructure. And that was  
 23 approved by Idaho Transportation Board and subsequently  
 24 the State legislature.  
 25 During last year's stakeholder meetings we

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1 recognized that we had a lot more work to do with our  
 2 fiber and cable wire line type broadband providers, but  
 3 we were able to accomplish rulemaking in regards to  
 4 small wireless facilities.  
 5 So as I noted earlier in the 2022  
 6 legislative session, we were met with new legislation  
 7 to help us address fixed wire line broadband  
 8 infrastructure within the right-of-way.  
 9 And so one of the things we did is we  
 10 looked through the requirements. There was two  
 11 sections within the statute that required the  
 12 Department to promulgate rules. And we looked at what  
 13 those requirements were and identified existing Utility  
 14 Accommodation Policies that apply to all utilities that  
 15 were applicable to the requirements of the statute.  
 16 Where there was requirements within the  
 17 statute that was not addressed with existing policy, we  
 18 sought to address those by including a new section in  
 19 our Utility Accommodation Policy. That's section 7  
 20 entitled Broadband Infrastructure.  
 21 So this new section we added in on our  
 22 stand-alone Utility Accommodation Policy, section 7.  
 23 So at the very beginning of our Utility  
 24 Accommodation Policy, there's a definitions section.  
 25 So we added several new broadband-related definitions

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1 to include the definition of "What is broadband?"  
 2 So our current definition, as -- as noted  
 3 in the statute, includes broadband as a 100 megabit per  
 4 second download and 20 megabit per second upload.  
 5 There was also definitions including what  
 6 is a broadband provider. In some of the initial drafts  
 7 there was some -- some entities that are broadband  
 8 providers or builders of broadband infrastructure that  
 9 were not initially included, and that was addressed in  
 10 the final amendment by the Senate to include broadband  
 11 providers who build broadband infrastructure, including  
 12 but not limited to courts, nonprofit organizations, or  
 13 public-private partnerships established for the purpose  
 14 of expanding broadband in the state.  
 15 So that amendment into that legislation  
 16 kind of addressed some of those comments that Ramon  
 17 noted earlier that we want to make sure we're including  
 18 all our broadband stakeholders and entities. So that  
 19 is an updated definition within our Utility  
 20 Accommodation Policy.  
 21 In addition, we included a definition to  
 22 dig once. So those are those practices and policies  
 23 that minimize the number and scale of excavations, of  
 24 construction, and costs associated with broadband  
 25 infrastructure installation. So that is also a new

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1 definition.  
 2 And we also adopted the definition of  
 3 longitudinal access along the State highway system  
 4 right-of-way. And that is any build that is 100 feet  
 5 or more.  
 6 So those are some of those new definitions.  
 7 THE MODERATOR: And, Robert, I'll jump in here  
 8 too.  
 9 ROBERT BEACHLER: Yeah.  
 10 THE MODERATOR: So what we've done here in the  
 11 PowerPoint is we're going to walk through the  
 12 particular sections of -- within section 7 that address  
 13 some of the requirements in House Bill 640, but for  
 14 those of you that are -- are joining us online or here  
 15 in the room with your laptops, it may be just as easy  
 16 to follow along with the actual UAP draft. So that's  
 17 what he's speaking to is the new Utility Accommodation  
 18 draft No. 1.  
 19 Thanks, Robert.  
 20 ROBERT BEACHLER: Yeah, thank you, Ramon.  
 21 That's good to point out. There's much more detail on  
 22 that, and please refer to that as your reference.  
 23 Okay. So go back up one more slide,  
 24 please.  
 25 Okay. So section 7.2 addresses the

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1 requirements within House Bill 640 that the Department  
 2 develop a registry of broadband providers to receive  
 3 notifications of State-sponsored road construction  
 4 projects where there could be potential to place  
 5 broadband infrastructure.  
 6       So throughout our negotiated rulemaking  
 7 process with our stakeholders, we noted to those folks  
 8 that the Idaho Transportation Department has identified  
 9 major ground disturbance and bridge replacement type  
 10 projects as suitable for the placement of broadband  
 11 infrastructure. So those are those major widening,  
 12 expansion, reconstruction of the roadways that require  
 13 significant movement of earth and materials.  
 14       That also includes when we're  
 15 reconstructing bridges that we adequately provide  
 16 enough conduits for providers who need to get across  
 17 those.  
 18       So the purpose of our broadband registry is  
 19 to allow providers, again, to log in and create a --  
 20 register with the Department, and then we'll send you  
 21 those notifications. And you can access and join the  
 22 registry by going to ITD's broadband page. So that's  
 23 [itd.idaho.gov/broadband](http://itd.idaho.gov/broadband).  
 24       Go ahead and scroll down a little bit. And  
 25 we have our dig once app on there, and we also have our

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1 broadband provider registry, where you can sign up for  
 2 updates on our projects.  
 3       Okay. So following your registration with  
 4 the Department to receive notifications on those major  
 5 ground disturbance type projects and bridge replacement  
 6 type projects, we have a requirement to develop  
 7 procedures for processing and reviewing statements in  
 8 interest.  
 9       So you go on the dig once app, you look at  
 10 a project, you see it's a couple years out, and you're  
 11 very interested in coordinating with the Department to  
 12 place your broadband infrastructure in coordination  
 13 with our projects.  
 14       This is the procedures we identified for  
 15 you to -- for the Department to process and review  
 16 statements in interest. So following the approval of  
 17 our seven-year Idaho transportation investment program  
 18 approval by the Federal Highways Administration, the  
 19 divisions of highway development will issue an annual  
 20 notification letter to registered providers with  
 21 information on how to contact ITD to express interest  
 22 in placing broadband infrastructure on eligible federal  
 23 aid projects.  
 24       So it's important to note that this year in  
 25 February we sent out our third annual letter to

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1 providers to solicit interest in coordinating with the  
 2 Department on these types of projects.  
 3       So our stakeholder list is growing as we  
 4 talk to the folks that we've already permitted from  
 5 past projects at the district level, and we've used  
 6 that to kind of build our stakeholder list. And we  
 7 have the Department of Commerce broadband office that  
 8 also helps disseminate this same information.  
 9       But we have done this for three years in a  
 10 row, and we really need the support and participation  
 11 from broadband providers to know where they need to go  
 12 and how we can accommodate them in these projects.  
 13       So the provider will prepare a letter of  
 14 interest addressed to the district planning and scoping  
 15 section points of contacts that are listed in the  
 16 coordination letter.  
 17       So for those who aren't familiar, the Idaho  
 18 Transportation Department is organized with six  
 19 districts throughout the state. Each one of those  
 20 districts has a planning and scoping team, and points  
 21 of contacts are contained within those outreach  
 22 letters.  
 23       So what we need you to do is prepare a  
 24 letter of interest to -- addressed to those planning  
 25 and scoping sections personnel, and they will review

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1 your letter of interest and coordinate with the  
 2 individual project managers to coordinate the placement  
 3 of those infrastructures.  
 4       It's important to note, and it's also noted  
 5 in the legislation, that the Department will have the  
 6 final determination on the suitability of the placement  
 7 of broad infrastructure and may prescribe specific  
 8 conditions, requirements, restrictions or other  
 9 provisions associated with placing those facilities in  
 10 conjunction with our projects.  
 11       Again, the right-of-way access is very  
 12 limited. And another restriction we may have is if --  
 13 placing these types of utilities in our facilities may  
 14 compromise the safe, efficient, and convenient use of  
 15 the highway right-of-way.  
 16       The next section, 7.4, addresses the  
 17 requirements for the Department to develop agreements  
 18 with providers seeking access to the State highway  
 19 right-of-way. So similar to what we accomplished with  
 20 small wireless facilities, broadband providers would  
 21 enter into a nonexclusive installation and occupancy  
 22 agreement with the Department, which details the terms  
 23 and conditions of the agreement between ITD and the  
 24 provider.  
 25       The agreement will be in place prior to the

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1 issuance of the utility -- individual utility  
 2 encroachment permits for each respective build.  
 3 Each separate permit that you obtain at the  
 4 district level describes the installation of the  
 5 broadband infrastructure to be placed in that project.  
 6 It's important to note that, you know, you  
 7 may have a long build that you plan to do, let's say  
 8 it's a hundred miles, the Department will permit that  
 9 build in buildable sections. So you don't have an  
 10 open-ended permit to build 100 miles of broadband  
 11 infrastructure that takes you two years to do.  
 12 The permits that are specific -- or not  
 13 specific, but apply to all utilities, is that all the  
 14 work -- the permit's good for a year. All the work has  
 15 to be completed within 30 days of commencement. So  
 16 when you're scaling up your projects, you're designing  
 17 them, you know, look at buildable sections, and that's  
 18 how we're going to permit those.  
 19 It's also important to note that these --  
 20 as conditions of being allowed to encroach in the  
 21 right-of-way, that these utility encroachment permits  
 22 do not convey any equitable or legal title to the  
 23 right-of-way. You're there by permit.  
 24 ITD may grant access for broadband  
 25 infrastructure for public safety, may be granted,

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1 access to broadband infrastructure that providers build  
 2 for public safety warnings, road notifications, and  
 3 Amber alerts. So that is also an additional provision  
 4 that was included in the statute, so we're very happy  
 5 about that. That helps ITD get that public safety  
 6 information out there. So our dynamic message boards,  
 7 our Amber alerts can go out through private  
 8 infrastructure in partnership with the Department. So  
 9 that could be part of the nonexclusive installation and  
 10 occupancy agreements.  
 11 THE MODERATOR: And then -- go ahead, sir.  
 12 ADAM: I was curious to public safety, is that  
 13 only public safety to motorists, or is that public  
 14 safety to everyone?  
 15 ROBERT BEACHLER: In the statute it's geared  
 16 towards motorists. So these would be those big signs  
 17 you see on the highway.  
 18 ADAM: Thank you.  
 19 ROBERT BEACHLER: So currently a lot of our --  
 20 those types of facilities are operated on cellular  
 21 networks. So, you know, those can have -- they don't  
 22 have as high a reliability as let's say on a fiber  
 23 network. So --  
 24 ADAM: I'm curious about maybe like a 9-1-1  
 25 dispatch center, linking them together for greater

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1 resiliency and such like that, right, would be ideas  
 2 that come to mind?  
 3 ROBERT BEACHLER: Yeah.  
 4 ADAM: [Unintelligible.]  
 5 ROBERT BEACHLER: We'll note that. That would  
 6 be nice to include. This -- this part of that statute  
 7 was just allowing the Department to hook up our DMS  
 8 signs. But that's a good comment. If --  
 9 THE MODERATOR: Yeah.  
 10 ROBERT BEACHLER: -- you could help capture that  
 11 in the comment period and submit that, that would be  
 12 awesome.  
 13 THE MODERATOR: And then -- and then just for  
 14 the some housekeeping, if you wouldn't mind your name  
 15 and who you represent.  
 16 ADAM: Adam, City of Boise.  
 17 THE MODERATOR: Okay. Thank you very much.  
 18 And then I also wanted to add as we're  
 19 here, the only request that was made during our June  
 20 meeting that has not yet been fulfilled was to provide  
 21 templates or examples of what some of these agreements  
 22 may look like. And so obviously we had some that were  
 23 proprietary information. We've been working to create  
 24 those templates, and hope to have them posted on the  
 25 web page by the end of the week.

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1 ROBERT BEACHLER: Okay. Next section is 7.5.  
 2 This is titled "Shared Resource Agreements." So for  
 3 over 20 years the Idaho Transportation Department and  
 4 multiple broadband providers have entered into shared  
 5 resource agreements where providers are granted access  
 6 to State-owned conduits and vaults located on the State  
 7 highway system.  
 8 And in exchange for that access to those  
 9 conduits, the Department can receive different  
 10 broadband infrastructure facilities, including dark or  
 11 lit fiber or services in exchange for access to those  
 12 State facilities.  
 13 And that's been the Department's preference  
 14 to facilitate that through exchanges, as opposed to  
 15 charging fees or leasing. Facilities were not in here  
 16 to compete with industry. But the State and the  
 17 taxpayers need to receive some value for those State  
 18 facilities.  
 19 So we do place conduit infrastructure,  
 20 especially in projects where the State has an  
 21 intelligent transportation system requirement or trying  
 22 to connect sheds or we have limited right-of-way, the  
 23 State may install additional conduits that exceed its  
 24 requirements, and those could be made available through  
 25 shared resource agreements.

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1 RON WILLIAMS: Excuse me. This is Ron Williams.  
 2 I had a question on that.  
 3 Is this the time to do that, or should I  
 4 wait until later?  
 5 ROBERT BEACHLER: Sure.  
 6 RON WILLIAMS: Oh, okay.  
 7 THE MODERATOR: Absolutely.  
 8 RON WILLIAMS: I did provide comments. I didn't  
 9 see them in your summary of comments with respect to  
 10 compensation, either financial or shared resources  
 11 agreements, that relate to kind of the unique nature of  
 12 the cable industry and how that's already covered in  
 13 other sections of both federal law and state law. But  
 14 I didn't see any of that showing up in this section on  
 15 shared resource agreements.  
 16 Had you thought about that?  
 17 ROBERT BEACHLER: Yes, sir, Mr. Williams, we  
 18 took that under consideration. This is specific to  
 19 gaining access to State conduits and vaults.  
 20 RON WILLIAMS: I understand that. But I think  
 21 my letter was pretty clear that with -- regarding the  
 22 cable industry, we're already paying for that through  
 23 franchise fees, and the law is pretty clear that we  
 24 can't be double-charged for that. So --  
 25 ROBERT BEACHLER: So -- so I think --

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1 RON WILLIAMS: [Unintelligible.]  
 2 ROBERT BEACHLER: -- there's a little bit of  
 3 confusion there.  
 4 So you may pay franchise fees to local  
 5 municipalities. We -- the Idaho Transportation  
 6 Department does not receive any of those franchise  
 7 fees, nor do we charge those. We're -- shared resource  
 8 agreements are specifically tailored to providers  
 9 seeking access to State-owned conduits and vaults.  
 10 RON WILLIAMS: And we -- we can have this  
 11 discussion offline, but I think you're misreading the  
 12 law on that. So -- so in order to head off a later  
 13 confrontation on that, I just -- we'll need to have  
 14 some clarification discussions on that, because while I  
 15 agree with you that our payments are to local -- to  
 16 franchise authorities, actually the State of Idaho is  
 17 the franchising authority for cable systems. We don't  
 18 get franchises from local authorities. However, we do  
 19 pay local authorities franchise fees.  
 20 So if there needs to be a statutory  
 21 adjustment on that, it could happen. But right now I  
 22 think it's pretty clear that we're already paying for  
 23 access to rights-of-way that includes ITD's. And I  
 24 think maybe you need to take another look at that.  
 25 ROBERT BEACHLER: Okay. So correct me -- I'm

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1 just trying to understand this.  
 2 So yes, through the statute you're granted  
 3 access to the State highway right-of-way for broadband  
 4 infrastructure.  
 5 RON WILLIAMS: And -- and we pay for that. But  
 6 we do pay --  
 7 ROBERT BEACHLER: Correct.  
 8 RON WILLIAMS: We do pay local franchising  
 9 authorities. But when we make those payments, we're  
 10 not limited to having access to just local  
 11 jurisdiction's right-of-ways. We have access to all of  
 12 the State's right-of-way. And it's --  
 13 ROBERT BEACHLER: Correct.  
 14 RON WILLIAMS: -- pretty clear under both state  
 15 and federal law. We make the payments. We have  
 16 complete access to all rights-of-way in the state. We  
 17 just happen to pay all of the money to local  
 18 franchising authorities.  
 19 I understand your point that you're not  
 20 getting any of that revenue. And maybe that needs to  
 21 be adjusted. But we are in fact paying for access to  
 22 the right-of-way, all of the rights-of-way, including  
 23 ITD's.  
 24 ROBERT BEACHLER: Okay. Correct. So what's  
 25 shared --

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1 RON WILLIAMS: And I made that point in my  
 2 letter.  
 3 ROBERT BEACHLER: So shared -- and in context of  
 4 shared resource agreements between a provider in the  
 5 state, so that's what I was describing earlier. So if  
 6 the State has excess conduits and vaults through  
 7 federal aid projects that the State owns, a provider  
 8 who would like to seek access to those facilities would  
 9 enter into a shared resource agreement between ITD and  
 10 the provider outside of access to the right-of-way.  
 11 We're talking about access to State-owned conduits and  
 12 vaults.  
 13 THE MODERATOR: Existing infrastructure.  
 14 ROBERT BEACHLER: Existing infrastructure.  
 15 RON WILLIAMS: I understand that.  
 16 ROBERT BEACHLER: Okay.  
 17 RON WILLIAMS: All right.  
 18 THE MODERATOR: That's --  
 19 ROBERT BEACHLER: Thanks -- thanks for your  
 20 comments, Mr. Williams.  
 21 RON WILLIAMS: Sure. And I'd be happy to  
 22 offline have some further discussion with you.  
 23 ROBERT BEACHLER: Okay. Perfect.  
 24 THE MODERATOR: Definitely.  
 25 ROBERT BEACHLER: The last section or last



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1 subsection called out for the Department to promulgate  
 2 rules is addressed in our Utility Accommodation Policy,  
 3 7.6.  
 4 And that section is titled "Speculative  
 5 Practices That May Impact or Compromise State Highway  
 6 Right-of-Way."  
 7 So again, State highway right-of-way is a  
 8 limited resource. So we've identified different ways  
 9 of trying to address this to meet the intent of the  
 10 statutes.  
 11 So one of them we looked at is use. Will  
 12 the provider, you know, install this infrastructure and  
 13 get it operational and provide services within Idaho?  
 14 And so we looked at similar language that we used in  
 15 our small wireless facilities. We have our initial  
 16 draft of those agreements in place where we asked those  
 17 providers to provide services within 100 days -- excuse  
 18 me, 180 days of issuance of the permit. That's to make  
 19 sure that people aren't just permitting and taking up  
 20 right-of-way without providing services.  
 21 We would like to have documentation  
 22 provided showing that those facilities are active and  
 23 operational and providing services. This is probably  
 24 one of the most more difficult parts for the Department  
 25 to promulgate rules on and to determine for us what is

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1 speculative in nature within the industry. So we are  
 2 again seeking additional comments from -- from our  
 3 stakeholders on what may constitute speculative  
 4 practices.  
 5 So a couple of those were addressed in some  
 6 of the earlier comments we received that -- you know,  
 7 and I think we can integrate that if there is  
 8 additional capacity, that it's not granted to one  
 9 provider, or someone comes in and buys up all the spare  
 10 conduits or leases. And that is anticompetitive.  
 11 So we're going to look at those comments  
 12 and see if we can adopt some of that language and  
 13 include it in this section of our Utility Accommodation  
 14 Policy. So again, this one was probably one of the  
 15 tougher ones.  
 16 You know, what's speculative? That could  
 17 be someone's long-term investment. But again, if we  
 18 have limited right-of-way and someone places a lot of  
 19 facilities that can now not accommodate any other  
 20 providers and they sit on it, that could be considered  
 21 speculative, too, because I've put out other entities  
 22 that may want to install broadband infrastructure in a  
 23 limited right-of-way. So again, we seek comments from  
 24 folks on that.  
 25 Yes, sir.

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1 MIKE CANNELL: Mr. Chair, Mike Cannell  
 2 [phonetic] with the City of Emmett.  
 3 On 7.6, I don't see anything in there  
 4 that's -- that does result in a permit and agreement  
 5 termination. What ends up happening with that  
 6 infrastructure? Does it default to ownership to ITD?  
 7 Or what happen ends up happening to that? And I'll  
 8 certainly submit my comments through the portal for you  
 9 as well.  
 10 THE MODERATOR: Great question.  
 11 MIKE CANNELL: Has there been any talk on that  
 12 part?  
 13 ROBERT BEACHLER: No, sir. Thank you for your  
 14 comment.  
 15 THE MODERATOR: Yeah, that's a good one.  
 16 ROBERT BEACHLER: But that's a good one.  
 17 THE MODERATOR: Yeah.  
 18 ROBERT BEACHLER: I think we -- I've got another  
 19 informal comment that someone mentioned something very  
 20 similar. Does it default to the State?  
 21 MIKE CANNELL: Right.  
 22 ROBERT BEACHLER: I don't think that would be  
 23 the case. But we would address that with our legal  
 24 team --  
 25 MIKE CANNELL: Sure.

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1 ROBERT BEACHLER: -- once we can get that.  
 2 So, you know, those are those really  
 3 helpful comments/suggestions on how we could address  
 4 that requirement within House Bill 640 and help us  
 5 develop rules to address speculative practices.  
 6 So yeah, in the case of a default. We've  
 7 had other instances, and there's a lot of money coming  
 8 in for development. There's a lot of startup  
 9 companies, out-of-state providers that could come in.  
 10 They say they're going to build these facilities and  
 11 they're going to grant additional access, and they go  
 12 bankrupt in the process.  
 13 MIKE CANNELL: Right.  
 14 ROBERT BEACHLER: And we've had a case where we  
 15 had to go into litigation, and it was bankruptcy  
 16 courts. Not that we were litigating. What we were  
 17 monitoring was the bankruptcy proceedings of this  
 18 provider, and the successor did not want to honor those  
 19 facilities. So that's a challenge for us to -- to  
 20 manage those facilities. They're still there. They're  
 21 empty. But we can't gain access to them. We weren't  
 22 able to --  
 23 MIKE CANNELL: Right.  
 24 ROBERT BEACHLER: -- grant any additional access  
 25 to those.

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1 MIKE CANNELL: One additional -- back to 7.4.  
 2 One other thing that came to mind was, has there been  
 3 any discussion entering into any kind of agreements of  
 4 kind of the -- a maximum time limit on the agreement;  
 5 right? So a standard five-year agreement that  
 6 auto-renews every year after that.  
 7 ROBERT BEACHLER: Right.  
 8 MIKE CANNELL: I just didn't see there was a set  
 9 time. And from my experience, oftentimes in  
 10 telecommunications we see a lot of mergers or  
 11 acquisitions.  
 12 ROBERT BEACHLER: Absolutely.  
 13 MIKE CANNELL: And so things can kind of change.  
 14 Something that doesn't lock ITD into something --  
 15 UNIDENTIFIED SPEAKER: In perpetuity or  
 16 something.  
 17 ROBERT BEACHLER: Absolutely, yeah.  
 18 MIKE CANNELL: Okay.  
 19 ROBERT BEACHLER: So, you know, some of our  
 20 earlier agreements put in 20 years ago, you know,  
 21 investment in those infrastructures, you know, those  
 22 providers say "Hey, I need a long-term agreement term  
 23 to realize my investment in capital."  
 24 But as you noted, a lot of these companies,  
 25 they merge, they sell, they go be acquired by a bigger

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1 company.  
 2 MIKE CANNELL: Right.  
 3 ROBERT BEACHLER: And then I got these long --  
 4 and some companies use those agreements to help market  
 5 the sale of their -- their company to, let's say,  
 6 larger providers.  
 7 MIKE CANNELL: Sure.  
 8 ROBERT BEACHLER: So I think we're looking at  
 9 reduced terms, probably in that 20 to 30 year range.  
 10 We got 20 years on small wireless, initial 10 with a  
 11 10-year renewal.  
 12 So, you know, talking to the wireless  
 13 folks, that's about the time they can incur their --  
 14 you know, recover their investment. So we'll probably  
 15 look for something similar, you know, with some renewal  
 16 periods, because at the end of 30 years we're all gone,  
 17 you know.  
 18 MIKE CANNELL: Right.  
 19 ROBERT BEACHLER: The next batch of folks within  
 20 ITD and the providers, you know, they can renegotiate  
 21 those terms. We're not going to make you yank your  
 22 infrastructure out of -- out of there at the end of the  
 23 terms.  
 24 MIKE CANNELL: Right.  
 25 ROBERT BEACHLER: But we got to put some

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1 sideboards on there. And I think in the past we've had  
 2 longer term agreements that have not, you know, served  
 3 either provider or the State very well. They lock in,  
 4 and these companies may change, sell off, go bankrupt,  
 5 and long -- real long-term stuff.  
 6 We want the providers to recover their  
 7 investments, provide services, but also grant every --  
 8 both parties flexibility within those terms in the  
 9 agreements.  
 10 THE MODERATOR: Thank you.  
 11 Yeah, go ahead.  
 12 ALEX WINKLER: Alex Winkler, City of Boise.  
 13 Just more on the speculative piece, just a  
 14 couple ideas about putting into place from the get-go  
 15 in terms of the contract. If indeed kind of -- you're  
 16 going to provide this right-of-way access, kind of  
 17 putting it at the front end, you know, if it's found to  
 18 be speculative, if it's found to default, if it ends up  
 19 bankrupting, then blah, blah, blah. Kind of putting in  
 20 there from the get-go what people can expect will  
 21 happen with those assets.  
 22 And then one of the things if ITD doesn't  
 23 want to take over those as their own assets or can't,  
 24 another option is to put it in the front end, that they  
 25 would default to an open access network in that area to

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1 manage and steward on behalf of other participating  
 2 entities is one idea, so that you guys don't end up  
 3 with a ton of assets you have no interest in managing.  
 4 Maybe that's one way of having them be of use --  
 5 THE MODERATOR: Uh-huh.  
 6 ALEX WINKLER: -- for the greater good, so...  
 7 ROBERT BEACHLER: Thank you.  
 8 ALEX WINKLER: Uh-huh.  
 9 THE MODERATOR: Any other comments online as it  
 10 relates to the speculative practices language?  
 11 Okay. Go to the next section here.  
 12 ROBERT BEACHLER: Yes.  
 13 So again, with the adoption of rules  
 14 regarding access to the right-of-way for small wireless  
 15 facilities, during the 2022 legislative session where  
 16 we were able to grant access to the State highway  
 17 right-of-way for small wireless facilities, the fee  
 18 rule was -- we changed our rule to a fee rule. And  
 19 those fees are in compliance with FCC guidelines, but  
 20 we did not in that section of code reference the permit  
 21 review process.  
 22 So we're addressing it in this section,  
 23 7.7, "Small Wireless Facilities Permit Application  
 24 Review."  
 25 So in that section ITD will review permit

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1 applications for co-location of small wireless  
 2 facilities within 60 days of receiving the application.  
 3 And so that's co-location, the attachment to existing  
 4 facility. So that could be signs, mid-air, signal  
 5 structures. There's 60 days to review those permit  
 6 applications.  
 7 And there's a 90-day review period for the  
 8 installation or modification or replacement of  
 9 existing, stand-alone, small wireless structures.  
 10 That's to be reviewed within 90 days.  
 11 When the Department receives an  
 12 application, we have ten days to review that initial  
 13 application and determine if it is complete or not. So  
 14 if the application is incomplete -- let's say it's  
 15 missing a traffic control plan -- the shot clock stops.  
 16 We notify the provider of the deficiencies. And we  
 17 will reinstate the shot clock when we receive all the  
 18 materials.  
 19 So -- and again, we're trying to be  
 20 implementing existing FCC guidance, again on both fee  
 21 structures and permit review. And we included this.  
 22 It is a new section within our broadband infrastructure  
 23 section to address that, just to make sure that we  
 24 provide policy on how these utilities are to be  
 25 permitted and reviewed.

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1 So we try to process them as quick as we  
 2 can, but some of these are a little more complex,  
 3 especially when we're looking at weight loads placed on  
 4 signal structures or something like that. So we wanted  
 5 to add that so it's clear within our Utility  
 6 Accommodation Policy how we're supposed to handle  
 7 those. So those are specific compliance issues that we  
 8 need to meet.  
 9 Okay. Next slide, please.  
 10 THE MODERATOR: Well, let's see, Ben, did you  
 11 have a question here?  
 12 BEN ARON: Yeah, I did. I did. Thank you. And  
 13 it's good to see you guys. Hope everyone is doing  
 14 well.  
 15 THE MODERATOR: Yeah.  
 16 BEN ARON: So a couple things. So first, thank  
 17 you. We're happy to see the permit application review  
 18 process being prescribed in writing. So that's all  
 19 good.  
 20 We do have a few questions about it, at  
 21 least one of which ties back, I think, to an earlier  
 22 discussion.  
 23 So the first point, the placement of it in  
 24 section 7 overall is a little bit quirky, because  
 25 nothing else in the entire section 7 really applies.

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1 Section 7 is implementing [unintelligible], and  
 2 section 7 is implementing, you know, the shared  
 3 infrastructure provisions and some others, but I don't  
 4 think anything else in section 7 is applicable to 7.7.  
 5 And sort of on the flip side, nothing in 7.7 seems to  
 6 relate to anything else in 7.1 through 7.6.  
 7 So one suggestion would be to either  
 8 include just a -- sort of a reservation language  
 9 indicating that, you know, the placement of this  
 10 section 7.7 in section 7 should not be read to -- you  
 11 know, to have the other requirements apply here or vice  
 12 versa or whatever. Or just make it section 8. So  
 13 that's one, just to separate it out in a way that's  
 14 abundantly clear.  
 15 Then -- and this is really just sort of a  
 16 scrivener's thing, but there's a few spots where it  
 17 describes the company. The "Company" is a capital "C"  
 18 "Company." But I don't think it's a defined term. So  
 19 I'm not sure if there's a reason it's capitalized, but  
 20 I'm not sure that it should be. Usually it's just the  
 21 defined terms and such that are capitalized.  
 22 THE MODERATOR: Okay.  
 23 BEN ARON: So those are a couple points.  
 24 Then the other point I have to go back  
 25 to -- I guess all the way back to section 1.3 -- I

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1 think it's 1.3. Yeah. So if you look at 1.3, the way  
 2 that broadband is defined is 100 by 20. And a  
 3 broadband provider is someone that's providing  
 4 broadband, which includes cellular providers,  
 5 et cetera, et cetera.  
 6 And the reason that this gets a little  
 7 quirky is that wireless provides -- so the 100 by 20  
 8 comes out of the public NTIA, IJAA, I think it is, or  
 9 IJJA. I think I got that backwards. IJJA. That's the  
 10 definition there for broadband. And there's a few  
 11 other definitions at the federal level.  
 12 And this definition in particular works for  
 13 fixed wireless 5G; right? So it's a particular type of  
 14 5G, but it's not really the 5G that you would expect to  
 15 get on the roadside along the rights-of-way that  
 16 provide service to cars and the like.  
 17 So the quirky part here is that there is a  
 18 set of rules that describes wireless in the  
 19 right-of-way, small cells; right? And there's rates  
 20 and everything that are applicable to that.  
 21 But outside of the small cell facility,  
 22 there is now some ambiguity as to whether a 5G system  
 23 that's providing let's say -- and it's usually the  
 24 upload that's slower; right? So maybe you hit the 100,  
 25 but maybe you don't hit the 20. Or maybe you're not

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1 hitting either on a -- you know, again, on a nonfixed  
 2 installation.  
 3 The question then arises whether that  
 4 qualifies for deployment as broadband, whether the  
 5 provider is a broadband provider. And this all becomes  
 6 relevant when you're not installing small cells. Most  
 7 relevant anyways when you're not installing small  
 8 cells, because the treatment for small wireless  
 9 facilities -- right? -- seems to be very clear.  
 10 But to the extent that it sits in 7.7,  
 11 which, just going back, is broadband infrastructure,  
 12 which ties back again to broadband and broadband  
 13 provider. That's where you hit the problem of does  
 14 that 100 by 20 restrict who section 7 covers, which is  
 15 problematic. And then separately, if it's a non-small  
 16 cell facility, presumably wireless, unless we hit 100  
 17 by 20, wouldn't be captured by the definition, in which  
 18 case it wouldn't actually qualify for this treatment  
 19 here.  
 20 So that's a mouthful, and it's probably  
 21 easier to explain all of that in writing. But  
 22 hopefully some of that was at least coherent.  
 23 ROBERT BEACHLER: Yeah. Thank you, Ben. And  
 24 again, thank you for all your comments throughout all  
 25 these sessions. It's been --

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1 THE MODERATOR: Very helpful.  
 2 ROBERT BEACHLER: -- very educational for  
 3 Department staff to understand the role of the wireless  
 4 and overall broadband infrastructure delivery within  
 5 the state of Idaho, and how we do it. And I'll --  
 6 your -- your points are well noted.  
 7 I didn't want to not address the shot  
 8 clocks somewhere in the Utility Accommodation Policy.  
 9 It may be better suited in a different section. Maybe  
 10 our permitting section in section 2. I could move that  
 11 out.  
 12 Would also be interested in maybe a  
 13 different definition for wireless broadband that we  
 14 could integrate in our definitions. Maybe that would  
 15 be helpful.  
 16 But yeah, a lot of people are reliant upon  
 17 wireless for their broadband. You know, anytime  
 18 anybody's on their phone, they're using broadband  
 19 infrastructure and services.  
 20 So we did not want to not address those  
 21 shot clock reviews. You know, we got the fees through  
 22 and the rule, the fee rule, but also wanted to note  
 23 those shot clocks somewhere in our Utility  
 24 Accommodation Policy.  
 25 BEN ARON: Yeah, I would love that.

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1 Richard, could I ask, that 100 by 20, did  
 2 that come from the federal law, or is that embedded in  
 3 the dig-once law that you're implementing from  
 4 [unintelligible]?  
 5 ROBERT BEACHLER: That -- yeah, that came out of  
 6 this definition of the statute. So we -- we --  
 7 BEN ARON: From [unintelligible].  
 8 ROBERT BEACHLER: -- we put that -- that  
 9 broadband, 100 by 20 definition, in our Utility  
 10 Accommodation definition sections, based on us -- the  
 11 Department having to implement rules and address  
 12 broadband infrastructure, so...  
 13 BEN ARON: From the -- from the Idaho statute?  
 14 Okay.  
 15 ROBERT BEACHLER: Yeah, from the Idaho statute.  
 16 BEN ARON: Yeah. So we'll -- you know, we'll  
 17 give some more thought to it. I, you know, there --  
 18 like I said, for small cells it seems that there's a  
 19 separate path anyways; right?  
 20 ROBERT BEACHLER: Right.  
 21 BEN ARON: And largely that work -- and again,  
 22 we really appreciate the shot clocks coming in. But  
 23 we'll give some thought to, you know, the separate  
 24 facilities as broad -- you know, as broadband and what  
 25 the definitions under the Idaho statute do.

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1 There may be a way around it. There -- you  
 2 know, it may be just it's black-letter law and it's  
 3 difficult. But we'll give some thought to that and see  
 4 what we can come up with and, you know, get some  
 5 comments to you guys on that in writing.  
 6 But in any event, you know, thanks again  
 7 for all the hard work. And a special thanks for the  
 8 shot clock. I'm really glad to see those.  
 9 THE MODERATOR: Yeah, absolutely.  
 10 ROBERT BEACHLER: Thank you.  
 11 THE MODERATOR: Thanks, Ben.  
 12 Hey, Rob, I'm also going to take a moment  
 13 here, since we are talking about small wireless  
 14 facilities, we've got a couple questions in the chat.  
 15 Blake, this could be you on deck.  
 16 As it relates to these small wireless  
 17 facilities, has the State asked for providers to  
 18 provide insurance for the health effects from the EMFs  
 19 from these towers?  
 20 And then kind of a follow-up, is the -- is  
 21 the Department aware of the health study coming out of  
 22 New Hampshire as it relates to these small wireless  
 23 facilities?  
 24 So I don't know that we have answers  
 25 immediately on those. But just something I wanted to

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1 mention that we got some feedback in the chat there.  
 2 BEN ARON: So, Ramon, I could shed some light on  
 3 those.  
 4 THE MODERATOR: That would be great. That would  
 5 be great.  
 6 BEN ARON: Yeah. Yeah, so as far as insurance,  
 7 you know, our carriers -- a couple things. At the  
 8 highest level, I think the thing to remember about all  
 9 of this is that there is no credible research that's  
 10 been done in the health organizations worldwide.  
 11 That's the United States Government's health  
 12 organizations, the World Health Organization, the  
 13 American Cancer Society, you know, all of them, have  
 14 looked at this, and none of them have reached the  
 15 conclusion that there's any evidence to show that  
 16 wireless causes cancer. There's no evidence showing.  
 17 So, you know, it's great that people want  
 18 to point to, you know, questionable research and  
 19 questionable, you know, studies from other  
 20 organizations, but the credible organizations, our  
 21 government here in America, the American Cancer  
 22 Society, the World Health Organization, and so on, they  
 23 have not found evidence that links this.  
 24 In fact the incidences of brain cancer,  
 25 brain tumors, that is, are static, even though you've

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1 seen wireless skyrocket. So if you look at the  
 2 incidence of brain tumors in this country in 1980 when  
 3 the wireless industry was just getting started, the  
 4 incidences of it are the same statistically. But our  
 5 service has massively increased.  
 6 So, you know, so the -- at a high level  
 7 what I would say in response to these comments is that  
 8 it -- you know, it's nice to have opinions, but we're  
 9 following the lead of the experts that have put  
 10 evidence-based research out there, all of which points  
 11 to the fact there's no evidence establishing that  
 12 there's any link to cancer.  
 13 I -- I don't even know what to say  
 14 regarding, you know, this ask that there be insurance  
 15 for health effects. I could only say that I think to  
 16 try to impose that would violate the federal law  
 17 against regulating wireless. It would seem that  
 18 preconditioning wireless operations with some health --  
 19 some insurance against -- I don't even know what  
 20 they're suggesting we insure against. So probably  
 21 unsustainable from that perspective.  
 22 If you do review the work in New Hampshire,  
 23 I would say that the -- you know, they reached the  
 24 conclusions they reached. I would urge you to read the  
 25 minority report within the report. The minority report

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1 does an excellent job.  
 2 Beth Cooley [phonetic], who works at CTIA,  
 3 was on that council in New Hampshire that did this --  
 4 that put out this report. We disagree with their  
 5 conclusions.  
 6 The minority report was very good at laying  
 7 out why the majority report was grasping at straws.  
 8 But again, folks can reach the conclusions they want.  
 9 They can offer the evidence they want. The  
 10 science-based evidence offered by those organizations I  
 11 mentioned before shows there is no linkage.  
 12 I would also point out --  
 13 UNIDENTIFIED SPEAKER: Excuse me, can I ask a  
 14 question here.  
 15 BEN ARON: Actually, I'm not done speaking, but  
 16 in a minute you can. Sure.  
 17 I'll also point out that the State of New  
 18 Hampshire has just passed a law requiring a specific  
 19 dedicated wireless fund. So while this report, which  
 20 was a product of a committee put together by the  
 21 legislature, is out there, the government, the full  
 22 government in New Hampshire is actually together a fund  
 23 so that they can get more wireless deployment within  
 24 the state. So I'd urge you to consider that.  
 25 THE MODERATOR: Okay. We appreciate that, Ben.

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1 Thanks for that insight and that perspective.  
 2 Yeah, we've got a Mr. Hank Allen. You've  
 3 got a question or some comments.  
 4 UNIDENTIFIED SPEAKER: Before we go on, going  
 5 back to the safety provisions of the small wireless, in  
 6 the agreement that we would have when we issued the  
 7 wireless providers, the only thing I recall in there  
 8 about health and safety was decommissioning the system  
 9 when an ITD worker was on the pole for ITD's purposes.  
 10 We wanted the ability to call, have them decommission  
 11 that for a short time so that our -- our workers --  
 12 THE MODERATOR: Staff could get in?  
 13 UNIDENTIFIED SPEAKER: -- weren't subject to,  
 14 you know, hitting the wrong thing. And that's included  
 15 in that.  
 16 ROBERT BEACHLER: That's correct.  
 17 UNIDENTIFIED SPEAKER: Whatever we called it,  
 18 nonexclusive --  
 19 ROBERT BEACHLER: Right.  
 20 UNIDENTIFIED SPEAKER: -- use or whatever. That  
 21 was the only thing that I recall from further  
 22 discussions --  
 23 THE MODERATOR: Discussions.  
 24 UNIDENTIFIED SPEAKER: -- from previous  
 25 discussions we've had about health and safety. It was

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1 we wanted to protect our workers from accidentally  
 2 hitting something that might be charged.  
 3 THE MODERATOR: Might be charged. Okay. Yes.  
 4 And the --  
 5 BEN ARON: There generally is a kill switch on  
 6 wireless deployment. So, you know, the standard build  
 7 you would see out there in the market for a small  
 8 wireless facility should include the switch at the  
 9 site.  
 10 So the calling in advance obviously is  
 11 important to coordinate with the carrier. But in  
 12 emergency circumstances, those deployments should be  
 13 able to be turned off at the site so that your workers  
 14 don't have to sort of wait for anybody to get there for  
 15 you to get that work done in an emergency situation  
 16 without, so hopefully that helps.  
 17 I'd also point out that the small wireless  
 18 facility definition that's in I think it's 1.3 of these  
 19 rules does require the facilities to comply with -- by  
 20 the FCC standard, so they are -- there's some safety  
 21 discussion within the definition itself. So hopefully  
 22 that's some guidance and comfort there as well.  
 23 THE MODERATOR: Thank you very much. I  
 24 appreciate that.  
 25 Again, Mr. Hank Allen, you've had your hand

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1 up again, and we've also got a Mr. David DeHaas.  
 2 Mr. Allen, you have a couple comments?  
 3 HANK ALLEN: Yes. Thank you.  
 4 So real quick to address what Ben had to  
 5 say there. So I live here in Eagle, Idaho. And  
 6 Verizon installed a cell tower, and turned it on about  
 7 a year ago 600 yards behind my house.  
 8 And within a week of the cell tower being  
 9 turned on, I went into AFib. I'm a perfectly healthy  
 10 50-year-old male. I've never had problems. And when I  
 11 go in my back yard and I'm exposed to the RF radiation  
 12 at levels that are considered safe by the FCC, I go  
 13 into AFib.  
 14 After about 20 episodes of AFib, I've been  
 15 hospitalized multiple times and cardioverted, I finally  
 16 went through and had a surgical procedure. I had an  
 17 ablation.  
 18 And what's kind of interesting, if you go  
 19 down to St. Luke's Hospital and you talk with their  
 20 electrocardiologist department, they have a year and a  
 21 half backlog of people experiencing AFib. And this has  
 22 all occurred since the rollout of the 5G in the last  
 23 year and a half.  
 24 So there are health effects going on,  
 25 biological health effects that are going on to people

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1 like myself. And unfortunately there's no -- no place  
 2 for me to turn. Once these things are turned on, I  
 3 can't get them turned off and get any kind of special  
 4 help for what's going on. It's made my house pretty  
 5 much inhabitable to myself and my children. And, you  
 6 know, it's kind of -- its kind of sad.  
 7 And I also notice when I'm going through  
 8 your -- your policies here that you're not taking into  
 9 account local zoning ordinances. I know cities like  
 10 Dalton Gardens, Idaho, and then down here at Eagle,  
 11 Idaho, they have wireless ordinances that restrict cell  
 12 towers in residential neighborhoods, school zones, and  
 13 whatnot.  
 14 And if -- if the Idaho Department of  
 15 Transportation was able to restrict the RF radiation to  
 16 the public right-of-way, that would be one thing. They  
 17 can't do that. So now this radiation will be spilling  
 18 over into schools and residential zones that are not  
 19 allowed.  
 20 So it would be helpful if the Department of  
 21 Transportation required a permit from the local  
 22 municipality before getting -- before them issuing  
 23 their permits so that there's coordination there with  
 24 the local ordinances.  
 25 And then my third comment is this: Is if

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1 texting and driving or distracted driving is illegal in  
 2 Idaho, why is the Department of Transportation  
 3 promoting broadband infrastructure that is used for  
 4 streaming videos and texting on our highways?  
 5 Right now we have sufficient wireless  
 6 coverage to text and make phone calls in case of an  
 7 emergency. But for the most part, we should be  
 8 discouraging distracted driving on our freeways.  
 9 And then let's see. That's it. Thank you  
 10 for your time.  
 11 THE MODERATOR: Thank you very much, Mr. Allen.  
 12 We appreciate you joining us this afternoon --  
 13 HANK ALLEN: Absolutely.  
 14 THE MODERATOR: -- and for sharing your story  
 15 with us. We've definitely taken note of that, and it  
 16 will give us some food for thought as we deliberate on  
 17 additional changes. Thanks again. Appreciate that,  
 18 Mr. Allen.  
 19 We've got another -- we've got another hand  
 20 here. Mr. David DeHaas, did you have any comments or  
 21 questions?  
 22 DAVID DeHAAS: Yes, definitely have some  
 23 comments.  
 24 So all due respect to the guy that talked  
 25 previously, August 13th, 2021 the C.D. -- the D.C.

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1 Court of Appeals found against the FCC regarding their  
 2 health safety space under the 1996 Telecommunications  
 3 Act.  
 4 And in fact, they issued the opinion that  
 5 the FCC had been arbitrary, capricious, and illegal  
 6 because they did not provide any safety studies, and  
 7 they remanded it back to the FCC.  
 8 There was over 11,000 documents submitted  
 9 by the Environmental Health Trust and the Children's  
 10 Health Defense Fund. And they all further said to turn  
 11 off any towers over 6,000 megahertz.  
 12 My question to the State is: Are you going  
 13 to limit the power and the frequency on these antennas?  
 14 We know they do cause harm, because there's over 11,000  
 15 documents. I know personally I've interviewed several  
 16 scientists on this topic.  
 17 And furthermore, you're talking about  
 18 stakeholders. Most of what I see here is people in the  
 19 broadband wireless industry. What about the farmers?  
 20 And what about the farmers? Why aren't they here  
 21 today? Because this affects their crops. Bees are  
 22 pollinators. These do kill the bees. And we've seen  
 23 that happening across the country.  
 24 In fact, when I interviewed Dr. Martin Paul  
 25 recently, he brought that to light, that this is a big

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1 problem.  
 2 Further, it enhances the amount of terpenes  
 3 in trees. And we've had a lot of large forest fires  
 4 over the last several years. His paper currently he's  
 5 writing about is how this can increase the terpenes in  
 6 the trees and what's leading to these huge, humongous  
 7 forest fires. Okay. We're a state of trees. We've  
 8 got a lot of trees here.  
 9 So I think the -- and with the health  
 10 effects, I can tell you why they're ignoring this,  
 11 because they can't get insurance for the health  
 12 effects. AM Best, Lloyd's of London will not issue  
 13 insurance policies for the health effects. I'm not  
 14 talking about liability. I'm talking about health  
 15 effects.  
 16 And next, how are you going to accommodate  
 17 the Americans with Disabilities Act? There are a lot  
 18 of people that we know, up to 10 percent of the  
 19 population like Hank, know it. It affects us all. But  
 20 yet how are you going to accommodate those people that  
 21 are driving down the highway and they can't be near  
 22 these types of RF frequencies? It affects them.  
 23 I think this needs to be put on pause. And  
 24 there's a lot of thinking that needs to go along with  
 25 this. I know the industry has ramped up to do this,

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1 but there's other stakeholders that should be a part of  
 2 this, and I don't see them represented here today,  
 3 including the citizens of the state, other than Hank  
 4 and I.  
 5 Thank you.  
 6 THE MODERATOR: Thank you very much, Mr. DeHaas.  
 7 We appreciate that information as well. And you'll  
 8 likely notice several of us scribbling as fast as we  
 9 could. We'll take note of that and do our due  
 10 diligence in terms of our research.  
 11 Again, also encourage folks to submit  
 12 written comments as well for the formal record, so  
 13 [unintelligible] --  
 14 DAVID DeHAAS: Yeah, where do we submit those  
 15 to?  
 16 THE MODERATOR: Oh, we'll provide the contact  
 17 information here at the end.  
 18 DAVID DeHAAS: Okay.  
 19 THE MODERATOR: But either myself or Robert.  
 20 Again, itd.idaho.gov\rulemaking --  
 21 DAVID DeHAAS: Okay.  
 22 THE MODERATOR: -- is where all the information  
 23 can be found.  
 24 So I think that covers section 7.7.  
 25 Robert.

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1 ROBERT BEACHLER: One more slide I'd like to  
 2 discuss.  
 3 THE MODERATOR: Yep.  
 4 ROBERT BEACHLER: So interesting note, Idaho,  
 5 66 percent of it is federally owned. So as such, State  
 6 highway right-of-way may not be owned in fee or under  
 7 the exclusive ownership of the Idaho Transportation  
 8 Department.  
 9 So any utilities wishing to locate along  
 10 the highway right-of-way where ITD does not have deeded  
 11 rights need to acquire approval from federal land  
 12 management agencies prior to being issued encroachment  
 13 permits by the Idaho Transportation Department.  
 14 So some of these agencies include U.S.  
 15 Forest Service, BLM, lands owned or managed by tribes  
 16 or within tribal reservations. So it's incumbent upon  
 17 providers to seek access for their proposed builds with  
 18 those agencies.  
 19 So what we've seen in the last year is a  
 20 lot of inquiries about large -- or excuse me, long,  
 21 longitudinal builds along State highway systems across  
 22 the state. So as these [unintelligible] or data  
 23 centers look to connect to each other, we're seeing  
 24 long, longitudinal build requests along the State  
 25 highway system. And in many cases we do not have

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1 deeded rights over those.  
 2 We may be there by easement with those  
 3 federal land management agencies or tribal governments  
 4 or local governments, so it is incumbent upon broadband  
 5 providers to acquire those permits first before coming  
 6 to ITD, because if you do that, we may just refer you  
 7 to those agencies.  
 8 So we have one long, longitudinal build  
 9 request that will cross three different ITD districts  
 10 over 300 miles, many of it located within national  
 11 monuments, U.S. Forest Service lands, Bureau of Land  
 12 Management, Idaho National Laboratories. These long,  
 13 longitudinal builds need permits from those underlying  
 14 federal land management agencies, which may include  
 15 some environmental assessments or cultural resource  
 16 inventories.  
 17 When we're doing our transportation  
 18 projects, we -- you know, we have a seven-year planning  
 19 horizon on those where we know pretty much where our  
 20 alignment is going. We begin that process early to  
 21 seek those permits from those agencies, which they may  
 22 require us to conduct a cultural resource inventory,  
 23 especially if we're leaving the road prism.  
 24 So if a utility wants to be located, you  
 25 know, within a right-of-way, let's say towards the edge

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1 in undisturbed areas, there's the potential for impacts  
 2 to cultural or environmental resources, and we would  
 3 like to just let providers know that that is a  
 4 requirement, and that may help you with your planning  
 5 in your construction, design, and development of  
 6 projects.  
 7 The Department is here to help facilitate  
 8 broadband within the State highway right-of-way where  
 9 we can accommodate those utilities, but we may or may  
 10 not necessarily own all those sections along your  
 11 proposed builds. So early coordination with those  
 12 agencies will help you work towards those projects.  
 13 Yes, Alex.  
 14 ALEX WINKLER: Alex Winkler, City of Boise.  
 15 Just thoughtful about the timeline here,  
 16 just thinking through it. So ITD starts planning at  
 17 seven years, which is pretty awesome and overthinking.  
 18 I'm just thinking about the different federal grants  
 19 that are coming up for broadband. Those all have to be  
 20 committed and spent in like a two to three-year time  
 21 frame.  
 22 ROBERT BEACHLER: Right.  
 23 ALEX WINKLER: Right. At which point do like  
 24 these things start turning into expensive change  
 25 orders? Like how far out are these ITD projects pretty

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1 much locked and loaded such that something two years  
 2 out would necessitate an expensive change order?  
 3 ROBERT BEACHLER: Right. And that's -- that's  
 4 well noted. I don't know if, Blake, you want to touch  
 5 on that.  
 6 BLAKE RINDLISBACHER: Yeah. I would just say  
 7 that they're really not even connected. What he's  
 8 talking about is when we have ground-disturbing  
 9 project, we put out the word that we're going to be  
 10 there --  
 11 ALEX WINKLER: Uh-huh.  
 12 BLAKE RINDLISBACHER: -- inviting others to  
 13 participate with us.  
 14 ALEX WINKLER: Okay.  
 15 BLAKE RINDLISBACHER: We recognize that there  
 16 are many utility installations, broadband, waters, gas,  
 17 all kinds of things that happen independent of our  
 18 capital facilities program.  
 19 ALEX WINKLER: Uh-huh.  
 20 BLAKE RINDLISBACHER: So if someone wants to  
 21 install any kind of utility in the ITD right-of-way,  
 22 whether it's funded with a grant or company funded --  
 23 ALEX WINKLER: Right.  
 24 BLAKE RINDLISBACHER: -- then they approach us  
 25 through our normal permitting process, and we just go

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1 about our business.  
 2 So they're kind of -- they're not the same.  
 3 They could be linked, but likely these short-term  
 4 grants won't tie with a six or seven-year-out project.  
 5 They'll be in place before we get there.  
 6 ALEX WINKLER: Fair enough. That makes sense.  
 7 Thanks for that explanation.  
 8 ADAM: Adam, City of Boise.  
 9 I mean just to tack onto that, if it is  
 10 your intent in the future to install both types of  
 11 conduit, for your own and extra capacity, it could be  
 12 that it does dovetail into something of a change order  
 13 if like the trench needs to be bigger or you need to  
 14 have some other accommodation made in order to install  
 15 yet another additional capacity within that same  
 16 project. So it could. It could end up being  
 17 [unintelligible].  
 18 THE MODERATOR: Yeah. Yeah. Appreciate that.  
 19 ROBERT BEACHLER: Yeah, you know, with the CARES  
 20 Act grants we received here during the COVID-19, those  
 21 had like really four month turnarounds. So by the time  
 22 they were granted and they had to be constructed -- or,  
 23 you know, designed, permitted, constructed, and  
 24 operational by the end of the calendar year.  
 25 So noting those, in coordination with the



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1 Department of Commerce, we wanted -- you know, give me  
 2 the -- where are those? So when they come across a  
 3 desk, we put them -- you know, we elevate those as much  
 4 as we can and get those approved. Those -- those were  
 5 crazy four-month timelines on those -- on both buckets  
 6 of funding on that, really short timelines.  
 7 So where we had those on our system, I let  
 8 our district permit coordinators know that "Hey, you're  
 9 probably going to see some permits for broadband on  
 10 these extensive highways."  
 11 So those got elevated for review because we  
 12 knew -- you know, and those delays for those could  
 13 impact getting -- you know, and if you didn't meet  
 14 those benchmarks by having them operational by the end  
 15 of the year, I think you bought the whole thing  
 16 yourself.  
 17 So again if those are the case and you have  
 18 a permit that's tied to a grant, you just let the  
 19 Department know.  
 20 BLAKE RINDLISBACHER: Yes. And one other thing  
 21 that I would add, if you -- if you're familiar with  
 22 ITD's capital improvement program, we're typically  
 23 dealing with several miles at most of our project  
 24 length.  
 25 These broadband facilities typically are

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1 much larger than that. So very true, there is a  
 2 potential that we'll have a small project and a larger  
 3 broadband build wants to come in, and then we'd have to  
 4 coordinate that.  
 5 But that's one of the challenges with --  
 6 with this whole process is we're -- we're not typically  
 7 programming projects that are 20, 30 miles long that  
 8 connect one town to the next town. We'll likely do  
 9 that in three or four phases if we do that.  
 10 So that's what makes this particularly  
 11 challenging. So our whole premise is we're trying to  
 12 make the rights-of-way available. If we're going to be  
 13 there and disturb, we're happy to accommodate others as  
 14 we do so. But if others are coming and we don't have a  
 15 project, then we've got to have a way to accommodate  
 16 that as well.  
 17 THE MODERATOR: Yeah.  
 18 BLAKE RINDLISBACHER: So we're trying to build  
 19 both of these in the same Utility Accommodation Policy  
 20 at the same time. And that's -- that's been one of our  
 21 challenges is helping people understand that we're --  
 22 we're just not going out there putting conduit for 30  
 23 or 40 or 50 miles, because that's typically not the  
 24 size of our projects.  
 25 THE MODERATOR: Thanks for that, Blake.

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1 ROBERT BEACHLER: Yeah, thanks, Blake.  
 2 And again to reiterate, one of the sections  
 3 within House Bill 640 was for the Department to develop  
 4 criteria for what types of projects are applicable for  
 5 the placement of broadband, so those are in those major  
 6 ground-disturbance type projects, widening, expansion,  
 7 reconstruction, new bridges.  
 8 And it's important to note even farther  
 9 out, you know, if you -- if you look at where you want  
 10 to get -- build your network and you see those farther  
 11 out, if you can get in and coordinate with the  
 12 Department early, we could scale.  
 13 I had one provider was trying to -- we had  
 14 a brand-new bridge, and we got approached by a provider  
 15 who wanted to bolt on some conduit on this, you know,  
 16 scenic area because all the conduits within the bridge  
 17 and the abutments that channel the conduit through the  
 18 base of the bridges were filled by an incumbent,  
 19 because at the time we asked "Hey, who's out there?"  
 20 Okay. There's one local telephone  
 21 exchange. They filled up all the ducts. So the only  
 22 way to put another conduit on was to bolt it on to the  
 23 side of this nice looking, brand-new bridge and poke  
 24 holes in it and bolt it down. And so that is -- we  
 25 want to make sure we can --

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1 THE MODERATOR: Avoid that.  
 2 ROBERT BEACHLER: -- get those requirements and  
 3 we can scale appropriately.  
 4 And a lot of our new bridge designs have  
 5 quite a bit of conduit available for both electric and  
 6 communications. So early coordination with the  
 7 Department on those requirements are very beneficial.  
 8 THE MODERATOR: Thank you. Great questions.  
 9 Do we have any other questions? We're kind  
 10 of closing out here. Of course, we'd make ourselves  
 11 available after hours if needed. But yeah, are there  
 12 any questions either online or here in person?  
 13 I've got -- it looks like I've got a hand  
 14 raised here.  
 15 Mr. DeHaas.  
 16 DAVID DeHAAS: Yeah, one last question.  
 17 Why don't -- since there is fiber optics  
 18 going from pole to pole here, why don't we just keep it  
 19 totally safe, take out the concern about the harm these  
 20 wireless facilities cause, and just wire fiber optics to  
 21 the premises we've been paying for in our cell phone  
 22 bills for over 30 years? Has that been considered at  
 23 all? That is safer and faster, much faster.  
 24 THE MODERATOR: So if I'm hearing you  
 25 correctly --

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1 UNIDENTIFIED SPEAKER: [Unintelligible.]  
 2 THE MODERATOR: -- Mr. DeHaas, you're basically  
 3 saying yeah, just a heavier investment in hard line  
 4 wire versus small wireless facilities?  
 5 DAVID DeHAAS: Right. It's safer. It's faster.  
 6 Much higher speeds. And it's very safe, especially  
 7 when it comes to security.  
 8 Cell towers can be taken out easily, if we  
 9 were to be attacked by someone, in theory.  
 10 Fiberoptics is the wisest way to go, which  
 11 is why a lot of cities are preferring it.  
 12 THE MODERATOR: I appreciate that. Thank you,  
 13 Mr. DeHaas.  
 14 We've got a couple here. I think the first  
 15 one I saw was Mr. Williams.  
 16 RON WILLIAMS: Yeah, I -- actually, I wanted to  
 17 thank -- thank you, Ramon and Robert, for all the work  
 18 you did on this. And I really appreciate it.  
 19 And as far as I'd like to work with you a  
 20 little bit on the shared-use concept. I know I raised  
 21 some issues and like to have some offline discussions  
 22 with you on that, if you think that's the appropriate  
 23 way to go.  
 24 And then along that same line, I was  
 25 wondering, you know, the statute tweaked the

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1 compensation of broadband -- the broadband -- all  
 2 broadband providers would pay to be roughly equivalent  
 3 to what other regulated utilities are paying, as  
 4 opposed to market based.  
 5 And I just was curious if you thought that  
 6 concept also needed to be referenced in the rule  
 7 itself?  
 8 THE MODERATOR: Thank you very much,  
 9 Mr. Williams.  
 10 We definitely were -- yeah, were a part of  
 11 a lot of those discussions during the session as  
 12 private industry was crafting that legislation. But  
 13 yeah, we'll make a note of that in terms of whether it  
 14 should be in the UAP or not. Appreciate that.  
 15 RON WILLIAMS: And then that could help -- help  
 16 us get to resolution on the cable issue as well,  
 17 because if we're talking a different level of shared  
 18 use compared to where you were last year, that may  
 19 help -- help me resolve some of my concerns about what  
 20 you think would be an appropriate sharing of  
 21 facilities.  
 22 So anyway, thank you very much.  
 23 THE MODERATOR: Fantastic. Thank you,  
 24 Mr. Williams.  
 25 And then another hand here.

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1 Mr. Hank Allen.  
 2 HANK ALLEN: Yeah, one more comment here for you  
 3 guys.  
 4 So another thing, myself having  
 5 sensitivities to RF radiation, one of my major symptoms  
 6 is when I'm exposed to this stuff, I get really  
 7 lethargic and drowsy. So if you start lining these  
 8 freeways with, you know, heavy RF radiation, I think  
 9 we're going to have a lot of people that are going to  
 10 be drowsing off and it's going to be make more of an  
 11 impact on our highways for dangerous driving.  
 12 That's something that happens to me within  
 13 about ten minutes or so of heavy exposure. And people  
 14 that I -- that I know that also have the same symptoms  
 15 also say that they have ting- -- ringing of the ears  
 16 and they feel very lethargic after exposures like this.  
 17 So I think lining our highways with small cells is  
 18 probably not the safest thing for our highway  
 19 department to be -- to be investing in.  
 20 And then also I notice here in your small  
 21 wireless facility infrastructure for the public  
 22 right-of-ways, you have disconnects for when employees  
 23 have to work around these -- these small cells. But  
 24 you also have minimum distances of 10 feet to building  
 25 faces.

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1 So do -- will people living in those  
 2 buildings, will they have access to these disconnects  
 3 so if they get sick or -- or have children living  
 4 within 10 feet of an antenna they can also disconnect  
 5 the power? I think these are things that need to be  
 6 considered by the highway department here.  
 7 Thank you.  
 8 THE MODERATOR: Fantastic. Yeah, thank you very  
 9 much, Mr. Allen.  
 10 All righty. Let's see. Oh, yes. Here in  
 11 person. Yes, sir.  
 12 STEVE O'MEARA: Steve O'Meara with Ada County.  
 13 I really just wanted to come and listen in  
 14 on this. I applaud ITD for what they're working on  
 15 here. I know this is major planning. It's really a  
 16 big deal. Just as I'm sitting here listening and read  
 17 the infrastructure document changes here, perhaps, if  
 18 it will make sense, for ITD to contemplate some sort of  
 19 definition for local government and your consider -- in  
 20 this consideration not necessarily to do something else  
 21 or to do this differently or that sort of thing, but  
 22 more along the lines as local fiber -- local government  
 23 fiber networks start taking off, which I  
 24 [unintelligible] grants that we talked about today  
 25 where we would be partnering with each other across

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1 borders --  
 2 THE MODERATOR: Yeah.  
 3 STEVE O'MEARA: -- across boundaries and  
 4 throughout the state, and with other State agencies,  
 5 including ITD, we won't just be utilizing the ITD  
 6 right-of-ways. We'll also be partnering directly  
 7 [unintelligible].  
 8 Maybe at some level these could be  
 9 considered how you treat a local government versus --  
 10 not a -- not a -- not a commercial wireless carrier,  
 11 obviously.  
 12 THE MODERATOR: Right.  
 13 STEVE O'MEARA: So just throwing that out there.  
 14 Looking forward to this [unintelligible] what I think  
 15 will be incredibly important going forward for the  
 16 State. And yeah, that's [unintelligible].  
 17 THE MODERATOR: Well, thank you very much. We  
 18 really appreciate that.  
 19 A couple of us have had some of those  
 20 conversations in terms of what the future could look  
 21 like, especially in a state like rural Idaho where you  
 22 do have these small towns and cities, there's going to  
 23 be a big benefit to kind of leveraging what power and  
 24 authority is out there. So I think yeah, that's very  
 25 well stated. We appreciate you bringing that up.

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1 ROBERT BEACHLER: That may be covered under  
 2 maybe an open access provider and type definition that  
 3 kind of covers that public, private --  
 4 UNIDENTIFIED SPEAKER: [Unintelligible.]  
 5 ROBERT BEACHLER: Okay.  
 6 THE MODERATOR: I saw another hand over here.  
 7 UNIDENTIFIED SPEAKER: I wanted to second what  
 8 Steve said on that one. I think there's a difference  
 9 between like municipal or government-owned networks  
 10 doing the open access thing and trying to bring in  
 11 other providers and trying to help applications,  
 12 et cetera.  
 13 But there's the other thing about just  
 14 government doing government stuff --  
 15 THE MODERATOR: Yeah.  
 16 UNIDENTIFIED SPEAKER: -- which is all under  
 17 [unintelligible].  
 18 THE MODERATOR: Yeah, but absolutely important.  
 19 And in terms of ITD, we talk a lot about our  
 20 maintenance sheds that are in literally the backwoods  
 21 that are miles and miles from the nearest gas station.  
 22 But with the technology that we use, especially when  
 23 you look at our snowplows and such, I mean we really --  
 24 we really depend on that Internet service.  
 25 And so yeah, how we try to troubleshoot and

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1 mitigate what's the -- what's the best avenue for  
 2 those. So absolutely we can understand that as well.  
 3 Thank you.  
 4 Let's see. Go to the chat one more time  
 5 here. Okay. Fantastic. Well, so --  
 6 UNIDENTIFIED SPEAKER: Do you want to do the  
 7 demo on the registry? Do you want to take a break?  
 8 THE MODERATOR: Do you want to? Well, we are at  
 9 5:00.  
 10 UNIDENTIFIED SPEAKER: Oh, we're at 5:00?  
 11 THE MODERATOR: Yeah.  
 12 UNIDENTIFIED SPEAKER: Okay.  
 13 THE MODERATOR: Do -- so I guess another thing  
 14 in closing here I want to emphasize is, again, we've  
 15 got this tentative meeting on the calendar for Tuesday,  
 16 the 26th. And so really I think what we're going to be  
 17 standing by for are comments.  
 18 And so about July 19th or 20th, a week  
 19 before that meeting, we're going to see if we've got  
 20 early submission comments, see if there's enough for us  
 21 to go ahead and carry on with that meeting on the 26th.  
 22 If not, it's perfectly appropriate. The  
 23 comment period technically doesn't end till the 27th.  
 24 But if we don't receive any early comments, we'll go  
 25 ahead and contact all the stakeholders and let you know

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1 that that -- that that meeting is either on or off at  
 2 least a week in advance. So I just want to leave with  
 3 that note as well.  
 4 Again, if any questions come up between now  
 5 or the next couple weeks, please feel free to contact  
 6 Robert or myself directly, whether that's via phone or  
 7 e-mail. We're happy to have any type of discussion or  
 8 answer questions.  
 9 Robert and I definitely enjoy this stuff,  
 10 and you guys as stakeholders and professionals, I'm  
 11 sure you do as well. So really appreciate the  
 12 engagement and participation this afternoon. It's a  
 13 big help to us in the project.  
 14 ROBERT BEACHLER: I'd like to one last I hate to  
 15 say shameless plug, but for our registry --  
 16 THE MODERATOR: Yes, good plug.  
 17 ROBERT BEACHLER: -- if you want to receive  
 18 notifications from ITD on those major types --  
 19 ground-disturbance type projects where you could  
 20 coordinate with the Department on the placement of  
 21 broadband infrastructure, you need to be on our  
 22 registry.  
 23 We have a stakeholder e-mail list that we  
 24 send out, but it's not complete. And as part of our  
 25 requirements to develop a registry and notify providers

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1 that is included in House Bill 640, we stood that up.  
2 So you can register for those types of updates at  
3 itd.idaho.gov/broadband. Just scroll down a little  
4 bit. It says, you know "Click here to register for  
5 notifications."

6 That will go out once a year. I'm not  
7 going to try to match a project to a provider. So when  
8 our seven-year program is approved in January,  
9 typically by the end of January or February, we send  
10 out that annual notification letter.

11 We also are very -- you know, pleased to  
12 work with the Department of Commerce. That helps get  
13 that out to their distribution list. But we'd like  
14 providers to register for updates.

15 THE MODERATOR: Thank you very much. Appreciate  
16 that, Robert.

17 So again, yeah, itd.idaho.gov\broadband for  
18 the registry, and itd.idaho.gov\rulemaking for all the  
19 information associated with this year's broadband  
20 Administrative Rulemaking IDAPA 39.03.43.

21 All right, folks. Well, really appreciate  
22 everyone taking time out of their day. I think maybe  
23 90 minutes was a little bit better than three hours.  
24 We went all the way up to the end here.

25 And so again, just really appreciate

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1 everyone's participation. We'll stand by for comments  
2 and plan to notify stakeholders right around July 19th  
3 or 20th on that potential second meeting.

4 All right. Thank you.

5 UNIDENTIFIED SPEAKER: Adjourn.

6 (End of video file.)

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1 REPORTER'S CERTIFICATE

2  
3 I, JEFF LaMAR, CSR No. 640, Certified Shorthand  
4 Reporter, certify:

5 That the audio recording of the proceedings were  
6 transcribed by me or under my direction.

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

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

13 IN WITNESS WHEREOF, I set my hand and seal this  
14 21st day of July, 2022.

15  
16  
17  
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19  
20 

21 JEFF LaMAR, CSR NO. 640

22 Notary Public

23 Post Office Box 2636

24 Boise, Idaho 83701-2636

25 My commission expires December 30, 2023

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