

Audio Transcription

IDAHO TRANSPORTATION DEPARTMENT

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In Re: :
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Broadband Utility Accommodation Rulemaking :
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TRANSCRIPT OF RECORDED HEARING
September 20, 2022

MODERATOR: RAMON HOBDEY-SANCHEZ

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1 Transportation Board and we briefed them on our
2 activities through the summer in terms of our work
3 and engagement with the stakeholders.
4 So at this point most know that the
5 chapter itself is pretty short in terms of context
6 and content. So the majority of our work has been
7 in the Utility Accommodation Policy, which is an ITD
8 policy, and it's incorporated by reference within
9 this particular chapter. So in my reference of
10 draft No. 2, we're talking about the UAP.
11 So we're now in the formal stage proposed
12 rulemaking. And we are in a third open comment
13 period. The majority of folks who have been working
14 with us are part of our stakeholder list. And so we
15 sent out draft No. 2 at the beginning of September
16 for review and in preparation of this meeting as
17 well as opening that third public comment period
18 that will run through September 28th. So still
19 about a week or so after this meeting we'll be
20 accepting comments as it relates to draft No. 2.
21 So we encourage folks to ask questions
22 today. Share your thoughts and opinions on the
23 draft to this point. But we also strongly encourage
24 folks to submit written comments as well. And if
25 you've been following our rulemaking this year,

1 (Beginning of video file.)
2 THE MODERATOR: We are covering IDAPA
3 39.03.43, which are rules governing utilities in the
4 state highway right-of-way. Besides myself today,
5 we have D1 planning services manager and acting
6 broadband manager Robert Beachler at the head of the
7 table. We have district three's development
8 services coordinator Niki Benyakhlef managing the
9 Webex and will be tracking the comments for us this
10 afternoon as well as chief engineer Blake
11 Rindlisbacher, who is available for any of the
12 technical questions that may arise. So again we
13 just appreciate everyone being here in person and
14 online. We're eager to get feedback and have a
15 healthy discussion as it relates to the work we've
16 put in this summer on broadband and specifically the
17 Utility Accommodation Policy.
18 So as stakeholders we want to hear
19 directly from you. This public hearing is an
20 opportunity for folks to comment specifically on
21 draft No. 2. That was a result of a couple meetings
22 we had during the summer. Two open negotiated
23 meetings in fact and then two open comment periods
24 to-date. And so that led us to this past August
25 where we presented draft No. 2 to the Idaho

1 keeping up on the web page, you'll see that we have
2 all of our meeting transcripts are posted as well as
3 all of the submitted comments are cataloged and
4 posted for review by our stakeholders and interested
5 parties as well.
6 So what this looks like going forward,
7 after we have today's hearing, staff will stand by
8 until the end of the month, again waiting until that
9 comment period closes September 28th. And we will
10 then take an additional draft to the Idaho
11 Transportation Board in October. And they will have
12 another opportunity to review the draft, provide
13 comments themselves as a governing body as well as
14 make a final approval via resolution. And so those
15 are the next couple formal steps you'll see. This
16 is all in preparation of bringing the rulemaking
17 changes and again the draft UAP modifications to the
18 House Transportation Committee and the Senate
19 Transportation Committee respectfully at the
20 beginning of January. So then trying to get
21 everything lined up for presentation during the 2023
22 legislative session.
23 So with that context, I'll go ahead and
24 jump into a few of the slides here. And the first
25 thing I'd like to discuss is the agenda for today's

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1 meeting. I will go over the goals and objectives of
 2 the broadband negotiated rulemaking that we have
 3 been involved with over the course of last several
 4 months. I'll touch on the comments that were made
 5 during the July 11th meeting as well as the comments
 6 that were submitted during that second round of open
 7 public comment period. And then I'll hand things
 8 over to Mr. Robert Beachler. He'll jump into House
 9 Bill 640, which as most know went into effect the
 10 first of this year, and then really get into the
 11 nuts and bolts of this project, which are the two
 12 brand new sections within the Department's Utility
 13 Accommodation Policy.

14 So speaking to goals and objectives of
 15 this project and this particular rulemaking, at the
 16 top is insuring that we have efficient and effective
 17 use of the right-of-way for all utilities. So
 18 although the focus of this rulemaking this year and
 19 last year has been on fixed wireless broadband and
 20 wireless small facilities, it's also important that
 21 we engage with other utilities because the state's
 22 right-of-way is shared by multiple entities.

23 We also want to make sure that we have a
 24 strong focus on the state's new Dig Once policy and
 25 specifically are managing the right-of-way in a way

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1 that is not only accommodating current needs but
 2 future needs as well. Most in this field and
 3 transportation specifically know that there's a
 4 constant evolution in terms of technology and what
 5 the future might hold as far as potential needs for
 6 broadband and connectivity along our corridors, and
 7 so we want to make sure that's on our minds as well
 8 as we work through this.

9 A couple other goals that are important
 10 is we want to make sure that we have a policy that
 11 serves the greatest public interest. Again, the
 12 state's right-of-way is essentially an asset owned
 13 by the citizens of Idaho. And so we want to make
 14 sure that we're good stewards of that asset and
 15 we're using it in the most public, open, and
 16 transparent way possible.

17 As it relates to ISPs, providers, our
 18 stakeholders, we want to make sure that any
 19 regulations or policy changes put forward create a
 20 neutral environment that is nondiscriminatory. So
 21 we want to make sure that whether you're the middle
 22 miler, last miler, or the large corporations
 23 involved with broadband connectivity across the
 24 state, that all the rules and regulations are
 25 applied equally across the board and not giving any

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1 advantage to one entity or one sector of the
 2 stakeholder group over the other.

3 And then another one that's very
 4 important, not only to Governor Little but the Idaho
 5 legislature, is that we support a strategic
 6 development and plan for broadband deployment across
 7 the entire state. We know the challenges associated
 8 with Idaho in it terms of our urban nature and our
 9 geographical makeup. And so we want to make sure
 10 that any plan going forward for connectivity is
 11 strategic and getting the most bang for the buck in
 12 terms of return on investment.

13 A couple comments on managing the right-
 14 of-way. As far as the rulemaking's concerned, a top
 15 goal is making sure that that Utility Accommodation
 16 Policy spoke specifically to fixed broadband as well
 17 as small wireless. And so that's what you'll see
 18 during today's discussion as Rob dives into the two
 19 new sections within the UAP.

20 And then also a goal and something we've
 21 been working on on the operational level is
 22 establishing permitting and accommodation policies
 23 to make sure that those wanting access to the
 24 state's right-of-way or that are project ready have
 25 the right tools, contact information, forms,

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1 processes to make that as smooth as possible. And
 2 so hopefully we've accomplished that in some of the
 3 amendments and changes we've made to the UAP.

4 So with that I'll jump into the comments
 5 made during our July 11th negotiated meeting and
 6 then again some comments that were submitted during
 7 that second open comment period. So the first one
 8 here is: Allow local communities to determine how
 9 broadband services are deployed. Essentially just
 10 wanting to insure that local jurisdictions, whether
 11 it's a city, a county, or some other quasi-
 12 governmental entity has some say and opportunity for
 13 participation when it comes to decision-making and
 14 permitting for these particular projects. And so
 15 that was something we heard from several different
 16 stakeholders.

17 We also heard from a handful again
 18 focusing on city and council local jurisdictions
 19 having an opportunity to engage on design guidelines
 20 as it relates to potential zoning ordinances or
 21 local jurisdiction requirements. We're thinking as
 22 we talk about this particular topic state corridors
 23 or state highways that go through cities. We've got
 24 a handful here in the Treasure Valley and then
 25 they're also prevalent in rural Idaho when Main

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1 Street is often a state highway. So just a handful
 2 of comments wanting to make sure that those local
 3 jurisdictions don't have regulations coming over the
 4 top of them from the state and that we have a good
 5 working relationship on all fronts.
 6 And then a few others here. If you'll
 7 recall and for those that weren't in attendance, we
 8 did hear some concern about potential health impacts
 9 and environmental impacts from the wireless
 10 facilities. Again, we've been focused on fixed
 11 broadband, but small wireless facilities have
 12 definitely been tangentially related to this
 13 project.
 14 Concerns about the increase in small
 15 wireless facilities or even fixed broadband that
 16 provides connectivity along our corridors
 17 potentially increasing distracted driving. And so I
 18 think the comment and the angle there was that if
 19 there's more access along the freeway, you could
 20 potentially have more people on devices while
 21 they're making their commutes and they're traveling.
 22 And then a third one you'll notice is
 23 making sure that in our UAP we specifically address
 24 broadband infrastructure separately from small
 25 wireless facilities. And so as we dive into kind of

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1 our UAP in draft No. 2 where it's at, you'll see
 2 that we've taken that to heart, and we've done a
 3 good job of breaking up these two particular subject
 4 matter areas.
 5 And then kind of rounding out the
 6 comments, hearing from a handful of local government
 7 agencies again, very interested in coordination and
 8 development of open access broadband infrastructure.
 9 And so again, this is in line with not only
 10 connecting home within communities but actually
 11 connecting communities from one to another with a
 12 real focus on public safety and network resiliency.
 13 So by local government agencies working together,
 14 they can kind of leverage their authority and
 15 jurisdiction to try to achieve again an open access-
 16 type program as it relates to broadband
 17 infrastructure.
 18 And then the last thing I want to mention
 19 here is kind of a side conversation we had at the
 20 end of our July meeting, which specifically related
 21 to utility permitting and the many different
 22 entities or agencies you can be involved with. I
 23 mentioned that several, you know, really want to
 24 make sure that local jurisdictions have a seat at
 25 the table when we are permitting these types of

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1 projects. But as you can see from the screen here,
 2 there are lots of other entities outside of a city
 3 or a county that could be involved. And so whether
 4 it's a federal organization or entity or tribal,
 5 it's just something good for stakeholders and
 6 Internet service providers to be mindful of that it
 7 may not be just Ada County and ITD that you're
 8 working with. It could be a handful of others. And
 9 so we just want to make sure that we're continuing
 10 our communication with those different entities and
 11 making sure that everyone involved and that needs to
 12 be involved is at the table.
 13 And so with that, unless there are any
 14 questions as it relates to this first part of the
 15 presentation, I'd like to hand it over to Mr. Robert
 16 Beachler to go over House Bill 640 and the two new
 17 sections within our Utility Accommodation Policy.
 18 Mr. Beachler?
 19 MR. BEACHLER: All right. Thank you. Do we
 20 have any questions or any comments in the chat from
 21 anybody?
 22 PAUL R.: Just a quick question about
 23 procedure and how we handle public comment. Is that
 24 an open-ended thing? Is that a two minute thing?
 25 What do you guys do?

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1 THE MODERATOR: Thank you for that question.
 2 Yeah. You know, we try to keep this as informal and
 3 conversational as possible. We've got 90 minutes
 4 scheduled today. If there is a point in the
 5 presentation or materials where you'd like to engage
 6 or ask a question, please feel free to chime in. We
 7 do have everyone muted on entry. So if you are
 8 wanting to make a comment at a certain point, please
 9 make sure that you unmute yourself. The chat box is
 10 also an awesome tool to use, and so we've got Niki
 11 monitoring that. And then if we get past our 90
 12 minutes and there wasn't quite the full opportunity
 13 for any opinions to be expressed, again we
 14 definitely encourage written submissions to the
 15 Department as well. And again, you have till the
 16 28th for that.
 17 Does that help?
 18 PAUL R.: Yeah, that's helpful. I think that
 19 whenever it's ready to talk about, and I'll do it
 20 later, but the definitions are a real problem in
 21 your draft two still, and that is because people are
 22 not very clear about what was vacated at the DC
 23 Circuit Court of Appeals. I'll make sure we cover
 24 that clearly, because some of your definitions are
 25 not there. They're not real.

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1 THE MODERATOR: That's perfect. That's
 2 absolutely the kind of feedback and comments we want
 3 to have. So yeah, I think there will be an
 4 opportunity when we get to that section specifically
 5 to talk about definitions. So thank you for that.
 6 MR. BEACHLER: Okay. Thank you, Ramon. My
 7 name's Robert Beachler. I'll be talking to you
 8 about ITD's efforts to address House Bill 640, the
 9 Idaho Broadband Dig Once and Right-of-Way Act that
 10 was approved by our legislature during this session
 11 and went into effect in July. So several -- the
 12 guidance in the act require the Department to
 13 promulgate rules. And so we have addressed those
 14 requirements. And incorporated those in our utility
 15 accommodation draft for 2023.
 16 So again, the beginning of the
 17 legislative session we had legislation introduced
 18 seeking access to the state highway right-of-way for
 19 broadband infrastructure. And the intent of the law
 20 was -- or the act was for ITD to again develop
 21 rules, standards, and policies consistent with the
 22 new Dig Once policy and also for the Department to
 23 coordinate installation of broadband infrastructure
 24 on the highway right-of-way and specifically within
 25 ITD construction projects.

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1 So again getting back to Dig Once,
 2 coordinating utility infrastructure placement with
 3 state-sponsored projects that the Department has
 4 deemed as appropriate for placing broadband
 5 infrastructure in. So what is Dig Once? This might
 6 be a review, but this was what we were really
 7 talking about last year. And you know, the statute
 8 provides guidance to the Department. And Dig Once
 9 is policies and practices that minimize the number
 10 and scale of excavations and construction and the
 11 cost when installing broadband infrastructure in the
 12 highway right-of-way.
 13 So that image on the right, we're doing
 14 some widening on interstate I-90 in Coeur d'Alene.
 15 This was a couple of years ago. These are the types
 16 of comments where we have common open trenches.
 17 These are the best opportunities for providers to
 18 coordinate with ITD for the placement of their
 19 facilities. So again, we can design, engineer,
 20 coordinate the installation of those broadband
 21 facilities in conjunction with our projects to help
 22 insure that we are digging once and that we don't,
 23 you know, have providers just after we complete a
 24 project and, you know, requesting access or cuts in
 25 sidewalks or pavements post construction. So we

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1 really championed that last year. It was one of our
 2 concepts we really tried to emphasize with the
 3 broadband providers and industry as we're very
 4 supportive of this concept of Dig Once.
 5 Okay. So you know, last year or at the
 6 beginning of the session the state -- excuse me --
 7 the House and Senate Transportation Committees
 8 approved our Utility Accommodation Policy for 2022.
 9 So that incorporated changes to the Department's
 10 Utility Accommodation Policy based on last year's
 11 stakeholder meetings. And we updated our policy.
 12 That was approved by our transportation board and
 13 the legislature.
 14 With the drafting and approval of House
 15 Bill 640 and new requirements, so that's what we
 16 were back at this summer's stakeholder negotiated
 17 rulemaking efforts, was to address those
 18 requirements of House Bill 640. And that was
 19 accomplished with the changes to our policy and
 20 updating two new sections to specifically address
 21 broadband infrastructure and wireless communications
 22 that were not already addressed in existing policy.
 23 So there was two sections -- there are
 24 two sections within House Bill 640 that require the
 25 Department to promulgate rules. But when

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1 considering broadband as a utility, most rulemaking
 2 requirements of House Bill 640 were already
 3 addressed under existing Utility Accommodation
 4 Policies. And again, those requirements of House
 5 Bill 640 that were not addressed by our Utility
 6 Accommodation Policies are specifically addressed in
 7 new sections including Section 7, Broadband
 8 Infrastructure, and Section 8, Wireless
 9 Communications.
 10 So I want to touch on this is a new
 11 section to our policy, Section 7, Broadband
 12 Infrastructure. So we've updated some of our
 13 definitions, like what is broadband, what is a
 14 broadband provider? And those definitions came from
 15 the Idaho Broadband Dig Once Act. So we
 16 incorporated those new definitions. We also --
 17 there was a requirement for the Department to
 18 develop a Broadband Provider Registry to receive
 19 notifications of state sponsored projects that the
 20 Department deemed suitable for the placement of
 21 broadband infrastructure. So that Broadband
 22 Provider Registry is available on our new broadband
 23 page itd.idaho.gov/broadband. You can go to that
 24 page and scroll down a little bit, you can see
 25 Broadband Provider Registry.

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1 So that graphic on the right shows where
 2 you put in your contact information, what company
 3 you're working for, what type of provider you are.
 4 And that will be used to assist the Department on
 5 its annual notification to providers of future
 6 transportation projects where they may be able to
 7 coordinate with the Department for the placement of
 8 broadband infrastructure.
 9 If we have time at the end, we'll do
 10 another demo on that. I'll show you how to get
 11 around that page. We have our annual outreach
 12 letter to providers soliciting coordination with
 13 them. There's our registry. There's our Dig Once
 14 app showing the locations of those types of
 15 projects. We have guidance on small wireless
 16 facilities. And then points of contact with our
 17 respective regional district offices. So if we have
 18 time I'll do a little demo on that.
 19 I've got a comment here. Maybe this
 20 would be a time to talk about the gentleman who
 21 provided a comment regarding the definitions section
 22 in our policy --
 23 PAUL R.: Sure.
 24 MR. BEACHLER: -- a specific --
 25 PAUL R.: Yeah. I can give you some

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1 background on that. No. 1, the definition of a
 2 highway according to your document is quite broad.
 3 And so it pretty much encompasses most streets that
 4 get paved; right? Am I wrong about this? I mean,
 5 what about a neighborhood street, is that considered
 6 a highway? And is the public right-of-way next to
 7 that a highway? Don't have to answer that right
 8 now, but the definition of a highway according to
 9 your document is quite broad, which means that this
 10 could very much encroach on local communities.
 11 The definition that's a problem here is
 12 small wireless facilities. Why is that? Because
 13 the definition reaches out to Title 47 CFR 1.1312
 14 Subsection D as in dog. There used to be a
 15 Subsection E, and that Subsection E, which has been
 16 vacated and is gone, used to have the definition of
 17 a small wireless facility. And that definition is
 18 very similar to the one that you're now sticking
 19 into the code.
 20 However, that definition was vacated by
 21 the DC Circuit Court of Appeals in August of 2019 in
 22 the Case 18-1129 Keetoowah, et al., versus the FCC.
 23 They gave a very specific ruling to the FCC saying
 24 we don't buy your arguments here as a new set of
 25 small wireless facilities are established. You

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1 didn't do the proper environmental work in order to
 2 do that. So we went ahead and vacated all of your
 3 special benefits that you attempted to get. We
 4 vacated the definition of a small wireless facility.
 5 And we directed you to go back and do your work to
 6 then do notice of proposed rulemaking and establish
 7 a definition of a small wireless facility.
 8 So what did the FCC do? Well, you know,
 9 you have to pay attention to the timing. In March
 10 of 2018 this order came out. In September of 2018
 11 there was a small cell deployment order. In that
 12 order it said specifically: Consistent with 1.1312
 13 Subsection E, we're going to duplicate the
 14 definition of a small wireless facility in this
 15 order. That's what it said in September of 2018,
 16 and that's what was voted through. Meaning the
 17 foundation for the definition was established in
 18 March, and it was referenced in September.
 19 So then you go forward about another nine
 20 months. You have a lawsuit. The FCC lost the
 21 lawsuit. The FCC lost the definition that the small
 22 cell order was pointing at. That definition went
 23 away. The FCC was then supposed to go through
 24 proper analysis. And they were told to do this by
 25 the court. This is court-mandated work. Proper

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1 analysis, proper notice of proposed rulemaking,
 2 proper recent decision-making to show that this
 3 roll-out will not have undue environmental effects
 4 on the environment. That is the only way that you
 5 can actually get any benefits whatsoever for a new
 6 class of wireless facility called small wireless
 7 facilities. It's very clear in the ruling. You can
 8 see it in plain English. This is in your record
 9 right now. We put it there.
 10 So now what has happened is the FCC has
 11 sat on their hands and done nothing. And they
 12 joined hands with Mr. Aron from the CTIA to try to
 13 bamboozle everyone to say oh, well, you know, this
 14 definition is good enough. Well, the definition is
 15 not good enough, folks. And how do I know?
 16 Garnet Hanly, who runs the wireless
 17 telecommunications bureau admitted directly that to
 18 me in a recorded telephone conversation. And she
 19 said specifically: Look, we treat every single
 20 wireless facility whether it's small or otherwise as
 21 a major federal undertaking. There is no difference
 22 between them. That is what it is federally right
 23 now. This whole thing of you having to make special
 24 effort for small wireless facilities is based on
 25 nothing, puffery. There's nothing there. And that

1 is your problem. You're here nodding your head,
 2 rolling forward with a definition that does not
 3 exist. There is no foundation for this.
 4 What do they have? They have the right
 5 to do wireless telecommunications service, not
 6 broadband service. And that is underscored by the
 7 Mozilla decision in 2019 where they said to
 8 everyone: Hey, we're no longer going to regulate
 9 the Internet, so the FCC is stepping back. We're
 10 not going to do it anymore. And that was upheld by
 11 the courts. There is no broadband, whether it's
 12 wireless or wired, that is regulated by the FCC at
 13 this point. Therefore, there is no preemption at
 14 all for wireless broadband service.
 15 What they have the right to do is bring
 16 antennas in for telephone calls only. That is by
 17 law. That is by case law. That is by DC Circuit
 18 rulings.
 19 And they have one other problem. In
 20 August of 2021 they also have no recent
 21 decision-making for trying to extend their wireless
 22 telecommunications facility radio frequency
 23 microwave radiation guideline. That was also sent
 24 back to them. And we can read you the language.
 25 It's going in your record. All right?

1 court-mandated work. These are real specific words
 2 from the judges. Go complete an environmental
 3 assessment or environmental impact report on the
 4 full projected roll-out of 800,000 to a million
 5 small wireless facilities that you want to put
 6 across the country. And when you do, then we can
 7 actually talk about what we're going to do next.
 8 That was said in August of 2019. That was a ruling
 9 in 2019.
 10 The CTIA just says: Oh, that's nothing.
 11 I'm telling you for real. It's something. It's
 12 real. It's the law of the land. And they also had
 13 to come back and say: Hey, show us with recent
 14 decision-making that your current guideline is
 15 actually protective of people like children and
 16 long-term effects from microwave radiation. The
 17 problem I had with your presentation was you talked
 18 about concerns and potential health impacts. I'm
 19 going to direct you all to that ruling because of
 20 this. There were 11,000 pages. 27 volumes of
 21 scientific evidence proving absolute damage and harm
 22 from microwave radiation at hundreds of thousands if
 23 not millions of times lower than the so-called FCC
 24 guideline, which can never be characterized as a
 25 safety guideline. Even in your own document you

1 The problem is that everyone is just
 2 playing around like oh, of course, this whole thing
 3 has to happen. But they lost three key court
 4 decisions. The DC Circuit applies to every single
 5 circuit in the United States. Because a law was
 6 passed in 1970, it no longer hears any local cases
 7 for the DC Circuit as of then. It only looks at
 8 these agency actions and laws. It's one half rung
 9 below the US Supreme Court.
 10 There is no foundation whatsoever for
 11 your 28 cubic feet of equipment and your three cubic
 12 feet of antenna and all that gobbledygook that they
 13 just keep reporting over and over and over as if
 14 it's real. It's not real. There's no foundation.
 15 This is not (unintelligible) definition. This is
 16 the truth of the matter.
 17 So what can you do? You can say
 18 absolutely, we are here to put broadband fiber optic
 19 cable in the ground. So at some point in time when
 20 the FCC completes its work and actually establishes
 21 a definition for small wireless facility, then at
 22 that time and only at that time may they be able to
 23 access that fiber. But not until the FCC completes
 24 its work.
 25 Now, this isn't optional work. This is

1 call it a safety guideline.
 2 There is no statements of safety that can
 3 be made about that guideline. It has already been
 4 ruled by the court to say you must come back with
 5 recent decision-making to show us that you have a
 6 basis for trying to extend this to additional
 7 frequencies. Right now in the United States of
 8 America the only frequencies that have been
 9 established are up to 6,000 megahertz. Everything
 10 beyond that is now not there. Every single --
 11 MR. BEACHLER: Sir, this is -- sir, can we
 12 stop you real quick.
 13 PAUL R.: Sure.
 14 MR. BEACHLER: We're good. Go ahead.
 15 THE MODERATOR: Yeah, so what -- a lot of
 16 this is information we got in July as well. So
 17 we're obviously rapidly taking notes. I think the
 18 main thing would be to make sure that we have the
 19 right citations for the court decisions that you
 20 referenced so that our subject matter experts can
 21 dive into that.
 22 PAUL R.: No worries. I'll give it to you.
 23 The three cases involved, I'll give you the case
 24 numbers for, and we'll give it to you in writing so
 25 you don't have to furiously write it down. But I

1 know off the top of my head it's 11829 -- excuse me.
 2 18-1129 is the first one from August of 2019.
 3 That's the Keetoowah case. Then the 20-1025 is the
 4 Environmental Health Trust case. And the Mozilla
 5 case happened on October 1st of 2019. And I can
 6 look that number up in a second. But it doesn't
 7 matter. We'll give it all to you.

8 But taken together, these three cases
 9 essentially eviscerate anything to do with small
 10 cell broadband. I'm sorry. It's gone. What they
 11 have the right to do is wireless
 12 telecommunications --

13 THE MODERATOR: Understood. Understood. So
 14 another thing that's important as far as context for
 15 the stakeholders is the Idaho Transportation
 16 Department has not taken a position one way or the
 17 other as it relates to broadband infrastructure
 18 and/or small wireless facilities. We're simply in
 19 the process of implementing a piece of legislation
 20 that was passed by the Idaho legislature, and it had
 21 a directive that the Department specifically
 22 initiate rulemaking for a handful of different
 23 reasons. So just to be clear --

24 PAUL R.: Yeah, I hear all that. But here's
 25 the problem.

1 heard that loud and clear. I think this will give
 2 us a little homework that we can investigate into.
 3 So appreciate that.

4 PAUL R.: All right. Thank you all. I'll
 5 stand and let others talk.

6 THE MODERATOR: Thank you. I did see at one
 7 point we had a hand raised. I don't know if there
 8 was anyone that wanted to comment as it relates to
 9 definitions or if we should move on to a next
 10 section.

11 Was there someone that had any other
 12 thoughts?

13 MR. ARON: Yeah, Ramon, it's Ben Aron with
 14 CTIA and happy to respond briefly to some of that.
 15 I want to assure you that the rules that you've
 16 proposed to promulgate are accurate, that the
 17 sections that you're citing to under the FCC as
 18 rules do in fact exist. They're codified.

19 There was an FCC decision vacated, but
 20 that FCC decision had to do with whether a small
 21 wireless facility is a major undertaking under NEPA.
 22 That small piece of the FCC's decisions were
 23 reversed. But what you have is not relying upon
 24 that and what you have is accurate and we think
 25 you've done great work.

1 THE MODERATOR: Paul, Paul, just to be clear,
 2 the Department is neutral on this, and so we're here
 3 to take comments. We want to make sure everyone has
 4 an opportunity to speak. But this is not the
 5 governor or the Department of Transportation.

6 PAUL R.: No, you're misunderstanding what
 7 I'm saying to you. It is not a question that you're
 8 neutral or not. It is a question that you actually
 9 have to follow the federal laws. And that is the
 10 1996 Telecommunications Act. And that says
 11 specifically they have preemption only for
 12 telecommunication service. This attempt to wrap up
 13 broadband and mush it together with
 14 telecommunications is not consistent with the 1996
 15 act. That therefore makes your law untenable and
 16 therefore it can't be set aside in the courts.

17 THE MODERATOR: And we'll be sure -- we'll be
 18 sure to make sure that any of this is vetted with a
 19 legal review and a legal analysis as well. So
 20 that's definitely something that is on our purview.
 21 So we appreciate that as well, Paul. Thank you.

22 PAUL R.: All right. I just want to make
 23 sure that you really understand that you're setting
 24 up a whole booklet here on false definitions.

25 THE MODERATOR: Yep. No, yeah, I think we

1 You know, I don't want to get into a tit
 2 for tat with Paul. I don't think it's particularly
 3 productive, and we're more than happy to provide
 4 details and comments. But what I will share is
 5 there are annually tens of thousands of small cells
 6 that are going into the ground and being turned on
 7 all across the country in order that we can have
 8 wireless broadband throughout the country, not
 9 because there's some conspiracy to do so but because
 10 consumers demand it everywhere, including in Idaho.
 11 And we want to meet that demand.

12 We've seen data demand explode. We've
 13 seen -- and in our 2021 survey results are out, so
 14 these are numbers that we have verified for, you
 15 know, the past year for 2021. And you've seen data
 16 demand explode again year over year. You've seen
 17 text messaging demand explode year over year.

18 But most importantly you've seen our
 19 investment expand dramatically. It's up right
 20 around \$5 billion over the 2020 spend. So in 2020
 21 the industry spent just a hair under 30 billion.
 22 And in 2021 the industry spent 35 billion in CapEx
 23 investments across the country.

24 What the Department is doing and what we
 25 applaud them for is inviting us to spend as much of

1 those billions of dollars in Idaho as we can. And
2 we read these rules. We hear Idaho speaking loud
3 and clear that you want us to invest, and we're
4 eager to do so. We're going to continue to work
5 with you to get a great set of rules together that's
6 going to get us into the rights-of-ways so that we
7 can serve citizens all across Idaho.

8 And again we'll put out written comments
9 to help debunk some of what you just heard. But the
10 one other piece that I do want to go over is the
11 allegations regarding RF. They're simply just
12 demonstrably and almost dangerously wrong. The
13 FCC's order --

14 PAUL R.: Be careful, sir. You can make no
15 statements of safety. You're not qualified
16 medically. You can only make statements of
17 compliance.

18 THE MODERATOR: Hey, Paul. Paul, I don't
19 think anyone interrupted you when you had an
20 opportunity, so let's let Mr. Aron finish, please.

21 MR. ARON: Thank you. The FCC decision on RF
22 emissions was overturned by the DC Circuit, but to
23 be clear, regarding RF safety, the FCC -- the DC
24 Circuit said that they -- and I'm quoting them
25 here -- we find the commission offered adequate

1 internationally that have made findings along these
2 lines.

3 So while Paul is right, I'm not a doctor,
4 Paul is right, I'm not a scientist, CTIA doesn't
5 itself claim to be any of those things. Neither do
6 I. But we rely on doctors and scientists who have
7 studied this who have those credentials, and it's
8 their conclusion that it's safe. So the allegation
9 that it's not, it's simply, you know, it's
10 inaccurate and easily debunked.

11 And again, we will be submitting written
12 comments here. We'll try to help you out to debunk
13 some of what you just heard. But we do applaud you
14 for the rules that you've put together. These are a
15 good set of rules. There are a few very small
16 changes that we're going to suggest to help
17 facilitate further investment in Idaho in the DOT's
18 rights-of-ways. But as far as the rules that you
19 put out, again, we applaud you, and we look forward
20 to continuing to work with the Department to perfect
21 them.

22 PAUL R.: Please allow me to read what the
23 judge has actually said in that ruling, because he
24 actually didn't quote it accurately --

25 THE MODERATOR: Hey Paul? Hey Paul?

1 explanation for its determination that exposure to
2 RF radiation at levels below the commission's
3 current limits does not cause cancer. So even in
4 vacating the order, which essentially they just
5 wanted more detail, they didn't disagree with the
6 FCC's findings. They simply didn't.

7 As far as the allegation that there are
8 tens and thousands of pages of studies that
9 establish that there's cancer, these aren't credible
10 studies. The reality is that --

11 PAUL R.: You're not qualified to say that.

12 MR. ARON: Okay. Thank you. The reality is
13 that wireless devices from reputable studies all
14 across the scientific community across the world
15 haven't shown it. In fact, the consensus from the
16 international community is that it hasn't been shown
17 to cause cancer. And analyzing government
18 statistics shows that wireless phone usage has
19 growth -- has grown, rather, over the years for
20 decades, but the rate of brain cancer has remained
21 the same. And the FCC has found this. The Food and
22 Drug Administration indicated that existing safety
23 limits for cell phones remain acceptable for
24 protecting public health. You have other reputable
25 scientific organizations both domestically and

1 PAUL R.: But I'm happy to do so right here.

2 THE MODERATOR: Hey Paul?

3 PAUL R.: But why don't you listen to what
4 the judge has said, please. Please listen to what
5 the judge has said.

6 THE MODERATOR: Hey Paul?

7 PAUL R.: Please. Will you?

8 THE MODERATOR: We are on section one of two
9 sections we've got to cover.

10 PAUL R.: Can you hear what the judge has
11 actually said?

12 THE MODERATOR: So I think in light of
13 that --

14 PAUL R.: Because what you just heard was a
15 miss -

16 THE MODERATOR: -- we're going to go ahead
17 and move on to the next section. Again, if you want
18 to express anything as it relates to the
19 definitions, please do so in writing. We've got
20 until the 28th to do so. But we want to make sure
21 that we get through these new sections that Robert
22 wants to present. Thank you. Robert.

23 MR. BEACHLER: Thanks, Ramon. Next slide,
24 please. Okay. Section 7.3 is a requirement of the
25 House Bill 640. It's Department-developed rules and

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1 procedures for processing and reviewing statements
 2 of interest. So this is in regard to coordination
 3 of placing broadband infrastructure in coordination
 4 with state-sponsored projects. So providers can
 5 view state-sponsored major ground disturbance,
 6 bridge replacement-type projects using ITD's Dig
 7 Once app. So that's on our broadband home page,
 8 itd.idaho.gov/broadband. Scroll down. There's our
 9 Dig Once app. You can use that to look at our
 10 seven-year transportation project planning horizon
 11 so with those types of projects. So those are, you
 12 know, widening of highways, major reconstruction,
 13 new state highways, bridge replacement projects.
 14 Those projects are specifically provided in that
 15 application. So check those out. See if any of
 16 those projects coincide with the provider's interest
 17 in investment, in infrastructure in coordination
 18 with the Department.
 19 If a provider determines they're
 20 interested in coordinating with the Department, they
 21 are to prepare a letter of interest addressed to the
 22 appropriate district and planning section's points
 23 of contact. So the State of Idaho has six districts
 24 that fall along county boundaries. And they are
 25 responsible for the design, engineering,

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1 construction of those types of projects, so we want
 2 you to reach out to our district planning and
 3 scoping teams early in the process so we can plan
 4 for and accommodate those types of facilities.
 5 And it's important to note that the
 6 Department will have the final determination on the
 7 suitability of a project for the placement of
 8 broadband infrastructure. So safety is our No. 1
 9 concern, and we want to make sure that when we are
 10 siting or we get requests to place infrastructure
 11 within the state highway right-of-way, that the
 12 project is appropriate, we have the adequate
 13 right-of-way, and we're insuring the safety of all
 14 our workers, the traveling public, and our broadband
 15 providers.
 16 Section 4 -- excuse me -- 7.4 addresses
 17 the requirement of House Bill 640 for the Department
 18 to establish an agreement with providers. And we
 19 are titling this a Non-Exclusive Installation and
 20 Occupancy Agreement. Details terms and conditions
 21 between ITD and the provider. This agreement will
 22 be in place prior to the issuance of the utility
 23 encroachment permits. And also in the agreement ITD
 24 may be granted accession to broadband infrastructure
 25 in support of public safety, including warning signs

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1 like amber alerts, road notifications. So those are
 2 our dynamic message boards. So we connect those
 3 public safety devices that might be noted in the
 4 agreement.
 5 Section 7.5 addresses the requirement of
 6 how the Department will grant access to its
 7 state-owned facilities. So if there's a provider
 8 who may be interested in getting access to ITD-owned
 9 conduits and vaults in the state highway
 10 right-of-way, they will enter a shared resource
 11 agreement with our district engineers or division
 12 administrators. So that's kind of a long-term
 13 agreement between the state and the provider
 14 granting access to those state-owned infrastructure
 15 in exchange for facilities and services.
 16 So we wanted to do that. We've done
 17 these for a couple of decades on different scales.
 18 And we prefer the exchange of these facilities and
 19 services instead of a complex financial transaction
 20 between the state and the providers.
 21 Another requirement of House Bill 640 was
 22 for the Department to address speculative practices
 23 that may impact or compromise a state highway
 24 right-of-way. So what we're requiring is, you know,
 25 if you applied for a permit to develop broadband

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1 infrastructure, that project has to be constructed
 2 within one year.
 3 If there are state-owned facilities,
 4 these are conduits and vaults infrastructure owned
 5 by the state, if there's additional capacity not
 6 used by the state, that that additional capacity not
 7 be allocated to any one provider. So let's say the
 8 state installs three conduits. We keep one for
 9 state use. We have two spare conduits. Those will
 10 not be granted to any single one provider.
 11 If there is limited capacity --
 12 THE MODERATOR: Good afternoon, Jeremy. How
 13 are you doing? You had a question there?
 14 MR. CHOU: I'm doing great. Well, again, I
 15 want to kind of wait until you guys are done, but I
 16 do have a quick comment on this slide.
 17 THE MODERATOR: Please go ahead.
 18 MR. CHOU: Okay. First of all, I do want to
 19 thank the Department. It is very apparent that
 20 you've done some real consideration and work with
 21 respect to these rulemakings, and I'm just very
 22 thankful for your work here.
 23 Just with respect to the constructed
 24 within one year proposed rule, I believe the
 25 original language was 180 days. You've moved it to

1 365. We definitely appreciate that. There are some
 2 instances, however, when you're dealing with
 3 permitting with a very real example of BLM, some of
 4 their time periods are about a year, year and a half
 5 just to get the permitting done. So I just wanted
 6 to make sure that the Department was aware that
 7 there may be occasions where one year is not going
 8 to be sufficient if you're dealing with, you know, a
 9 year, year and a half just to get the permits. So
 10 I'll mute. Thank you.

11 THE MODERATOR: Thank you, Jeremy. We
 12 appreciate that and definitely we'll take note.

13 MR. BEACHLER: Right. I'll address that real
 14 quickly, Jeremy. So just, you know, broadband is a
 15 utility now. We're going to consider it a utility.
 16 So our standard utility permitting process requires
 17 when a permit is approved, you have one year to
 18 construct it, whether you're a water line, a fiber
 19 optic line, a gas line. So if you apply for a
 20 permit, it is good for one year.

21 You may apply for a written extension for
 22 up to six months at the district engineer's
 23 discretion at which that permit would expire. You
 24 can always reapply. We have a very nominal fee for
 25 permit applications.

1 help facilitate that. We recognize those timelines
 2 are difficult these days.

3 THE MODERATOR: Thank you for that, Robert.
 4 Appreciate that. So you have another slide here on
 5 speculative practices.

6 MR. BEACHLER: Right. So on speculative
 7 practices, again, we solicited comments from them.
 8 We incorporated some of those in our policy here.
 9 So again, if the Department has additional capacity,
 10 you know, we may grant half of that for public use.
 11 That could be other state agencies, local
 12 governments. Maybe we can put some introduction in
 13 there and get more people in there.

14 And then we want to -- if there's -- the
 15 other half could be made available to both public
 16 and private providers that enhance investments in
 17 underserved areas.

18 We've got some comments back that we
 19 address wireless communications outside of broadband
 20 infrastructure. So you know, they're two different
 21 technologies. So we've addressed that with the new
 22 section, Section 8, Wireless Communications. And
 23 we're specifically addressing our efforts in the
 24 last year and a half regarding small wireless
 25 facilities. So we took comments from the July

1 And you know, we noted that in our July
 2 meeting. It's important to note 66 percent of Idaho
 3 is federally owned. In many cases the state
 4 highway, we are there by easement in the underlying
 5 federal land management agency as their permitting
 6 process. So we've seen that create delays as
 7 providers try to build across some of the state
 8 highways where ITD is there be easement. We don't
 9 own it by fee. And as such, they are required to
 10 obtain those permits from those federal land
 11 management agencies. And I would recommend doing
 12 that prior to or in coordination with ITD districts.

13 But we recognize that. We've got supply
 14 chain issues. We've got labor issues. We've got
 15 permitting issues. A lot of those are out of our
 16 control. But to -- you know, broadband is, you
 17 know, in the statute is to be considered on par with
 18 public utilities, and as such we have to apply those
 19 policies uniformly to all utilities. So you have a
 20 year to build it. If you can't get it done for
 21 this, that, or the other reason, you can apply for
 22 an extension. If that extension's expired because
 23 there's a lengthy permit or supply chain issues, you
 24 know, reapply, keep the same package. We'll get you
 25 a new number. Cost you 50 bucks. We're here to

1 stakeholder meeting. And again, as we noted
 2 earlier, we want to make sure that the Department is
 3 not trying to override local jurisdictions. So what
 4 we are proposing is that if a small wireless
 5 applicant, that they adhere to local and county
 6 zoning ordinances and that they apply for and obtain
 7 permits from those jurisdictions prior to applying
 8 for small wireless permits from ITD.

9 In addition, they need to be in
 10 compliance with ITD's small wireless design
 11 guidelines and then pay all their applicable initial
 12 and recurring fees. So we have our permit
 13 application fees, and then there's the annual right-
 14 of-way occupancy and attachment fees that are
 15 associated with that. So those fees are paid up
 16 front. Comply with our design guidelines. Obtain
 17 permits from your local jurisdictions. That's
 18 Section 8.1.

19 THE MODERATOR: It looks like, Robert,
 20 Mr. Aron, did you have a question? I see your hand
 21 up.

22 MR. ARON: Yeah, just real quick comment.
 23 We'll cover this in a little bit greater depth in
 24 the comments that we file. It's our understanding
 25 of the FCC small cell order that the shot clock

1 requirements are parallel. So in other words, when
2 a state has to approve an application within 60
3 days, within 90 days, that all state approved --
4 state and local I should say approvals are required
5 in that timeframe. So the suggestion -- and again,
6 we'll put it in writing in the comments. The
7 suggestion there is just that we not be required to
8 apply in advance.

9 And the Department can sort of satisfy
10 the issue of, you know, if we don't get state and
11 local approval, other local, city, county, whatever
12 approvals, we're not suggesting that we do get into
13 the right-of-way, so you can condition, you know,
14 your grant on obtaining all other relevant
15 author- -- approvals. But to do that sequentially
16 is the issue. So if you have a conditioned grant,
17 but you can do your work within, you know, that shot
18 clock and the rest is on the other jurisdiction, so
19 if they fail to meet the shot clock, you guys have
20 done your job and you're good. And again, it
21 doesn't mean we get to get into the right-of-way.
22 We still have to get those other approvals. And
23 that's our job. But you have a conditional grant,
24 and therefore, you need to meet the timelines.
25 Again, we'll put all of that in our comments, but we

1 (unintelligible, because there is no special shot
2 clock for a small cell.

3 So the whole point here is that all those
4 shot clocks are presumptive. That has actually been
5 affirmed by the US Supreme Court. So there is no
6 hard and fast shot clock rule here, and you can
7 design it any way you want.

8 The other thing you can say for sure is
9 every single application remains incomplete until
10 the FCC completes its court-mandated work that is
11 told to them by both of those rulings. They can't
12 just sit on their hands and do nothing for years.

13 THE MODERATOR: Okay. Thank you, Paul. We
14 appreciate that. We got that. Appreciate that. So
15 I think he said we're good. Yep, here's another
16 slide on permit application.

17 MR. BEACHLER: So as part of the Department's
18 efforts to address small wireless through our
19 rulemaking, we are implementing the FCC shot clocks,
20 which include 60 days to review the application for
21 a collocation on existing structures, new and
22 modified structures or replacement structures, we
23 have 90 days to review those applications. When the
24 Department receives its application, there is ten
25 days to review the packet to determine if it was

1 just wanted to give you a heads up that we'd be
2 raising that with you. So thanks.

3 PAUL R.: Can we debunk the shot clock
4 comments that we just heard? Can we actually give
5 you some real information now?

6 THE MODERATOR: Paul?

7 PAUL R.: Because you have to understand the
8 difference between what he just said and what the
9 reality is.

10 THE MODERATOR: Paul, we'll give you a short
11 moment if there is something you want to mention,
12 but --

13 PAUL R.: Sure.

14 THE MODERATOR: -- we have to be fair to the
15 other stakeholders here, too.

16 PAUL R.: No worries. Let me tell you.
17 Here's a quote directly from Ms. Garnet Hanly. The
18 FCC when it modified its rules that became effective
19 after the DC Circuit issued its mandates in the
20 Keetoowah case, the FCC took the position that we're
21 reviewing the small wireless facilities as federal
22 undertakings and major federal actions pursuant to
23 the DC Circuit decision, and that is what we've been
24 doing. That means that the only shot clocks that
25 apply are the same ones that apply for macro

1 complete. So are your design drawings in there?
2 Are your traffic control plans in there? Are your
3 sketches? All the information required by the
4 Department, we have ten days to review that and then
5 notify the applicant of any deficiencies. And then,
6 you know, depending on the response back from the
7 applicant, we fall back on those 60- and 90-shot
8 clocks.

9 So very similarly for our agreements
10 between ITD and the wireless provider, we will enter
11 into a Non-Exclusive Installation and Occupancy
12 Agreement detailing the terms and conditions between
13 ITD and the provider. You enter into this agreement
14 prior to applying for the small wireless
15 encroachment permit at the district level. In
16 addition, you must comply with ITD's small wireless
17 design guidelines. I think that's our last one.

18 So at this point we can open it up for
19 questions and discussion.

20 THE MODERATOR: So Mr. DeHaas, it looks like
21 you were the first one with your hand up. Welcome
22 and please let us know if you have any questions or
23 thoughts on draft No. 2 or where we're at today.

24 MR. DeHAAS: Yeah. Appreciate some of the
25 changes you've made for sure. Thank you for taking

1 the time, all your hard work you've been doing.
 2 I've got a couple questions, though, just in
 3 general.
 4 So what is the right-of-way and where
 5 would these towers be placed? Will they be placed
 6 right next to the road? A thousand feet from the
 7 road? How much is a right-of-way when you're going
 8 down these highways? How wide is that?
 9 MR. BEACHLER: So those will vary in width
 10 depending on the highways. Right-of-way will depend
 11 on that. Like on the interstate, we have a very
 12 wide control access right-of-way. As you move down
 13 through US routes and state highways, again
 14 depending on existing property lines or geographic
 15 conditions, you know, the right-of-way varies all
 16 along the state highway system. So there's no
 17 standard on that.
 18 MR. DeHAAS: So who's paying for the fiber
 19 optics in the ground? Is that the state paying for
 20 that? Is that industry? Is that each different
 21 provider of telecommunication services? What does
 22 that look like?
 23 MR. BEACHLER: That is by the provider. So
 24 the state may install fiber optics for signal
 25 corridor connections to connect ITD facilities,

1 through those canyons and stuff up through
 2 Highway 12, is that the plan?
 3 MR. BEACHLER: Right. So do you want to
 4 address any of that?
 5 UNIDENTIFIED SPEAKER: No.
 6 MR. BEACHLER: So yes. And we noted this in
 7 our stakeholder meetings that, you know, our
 8 projects typically range between five to ten miles.
 9 That's kind of an average-type project that the
 10 state will construct. Well, that doesn't provide
 11 connectivity between communities. So providers can
 12 apply for permits to build outside of those projects
 13 or not in coordination with those projects. That's
 14 our standard utility permitting process.
 15 MR. DeHAAS: Okay. So if one starts to dig
 16 outside your scope, then the other two would be
 17 notified, the other two telecommunication companies
 18 would then have to then go into that conduit at the
 19 same time? Is that how that will be done?
 20 MR. BEACHLER: In some other states they've
 21 done that where there's a broad notification against
 22 all providers. We haven't addressed that. The
 23 statute requires us to do that in coordination with
 24 our projects.
 25 MR. DeHAAS: Okay. So this --

1 assets, or infrastructure, but we do not -- we are
 2 not a provider. We will lease our fiber for our
 3 requirements.
 4 MR. DeHAAS: Okay. So there's basically
 5 three large telecommunication companies in the
 6 United States. So if you say Dig Once, then all
 7 three would then share a conduit putting in separate
 8 fiber optic cables in that conduit? Is that the way
 9 that would play?
 10 MR. BEACHLER: Right. So on those types of
 11 projects, those major ground disturbance-type
 12 projects, let's say we put it out there, hey, we've
 13 got a project over here, we're going to be expanding
 14 the road, and we get multiple providers who are
 15 interested in coordinating with the Department for
 16 the installation of their facilities in coordination
 17 with our projects, then they would each pay for
 18 their own facilities.
 19 MR. DeHAAS: Would that only happen when
 20 you're doing a project or could they start, you
 21 know, once it's approved start digging? If they
 22 want to go between here and Mountain Home, would
 23 they then just start digging down that right-of-way
 24 down the highway there? Is that how that would
 25 look? If they want to go across to Fairfield up

1 MR. BEACHLER: We're not saying hey, provider
 2 A's over here. You guys provider B, C, X, Y, Z, do
 3 you want to get in with their trench? We don't have
 4 rules for that.
 5 MR. DeHAAS: Okay.
 6 MR. BEACHLER: For broadcast notification of
 7 all infrastructure. You know, typically we've seen
 8 these projects are small service. At this point
 9 we're not seeing these long connective corridor
 10 builds yet. I think we're going to see that in the
 11 future with all the broadband grant money that's
 12 going to be coming out of various federal programs
 13 sent to the state.
 14 MR. DeHAAS: All right. So does industry --
 15 I know, you know, I'm one of the few not in the
 16 industry on this call. So is the industry on
 17 planning these small wireless? Is there plans to --
 18 how often -- how spaced apart do these towers have
 19 to be? How many towers are we looking at, do you
 20 know? Are we looking at a tower every 200 feet,
 21 every 500 feet, every mile? What does that look
 22 like?
 23 MR. BEACHLER: As a department we have not
 24 seen any of those yet. So we do not know. I can't
 25 answer that.

1 MR. DeHAAS: All right. Can anybody else on
2 this call answer that? I mean, there's a lot of
3 industry people on here I assume.

4 PAUL R.: I can give you a pretty good answer
5 on that if you want. I mean, it's really based on
6 what's the least amount of power for the
7 communication desired, because that's exactly what
8 the law says, Section 324. Every licensee for a
9 radio station, which a wireless facility is, must
10 use the minimum amount of power for the
11 communication desired. That's in the law. And when
12 you follow that law, and that means that we need to
13 put regulations in to insure that we have the
14 minimum amount of power for telecommunication
15 service. That's what the law is about. So when you
16 do that, then you don't need to be very close.
17 Right?

18 All of this stuff is going to be C band
19 and around there. The millimeter way won't work
20 very well. They've already figured that out. So
21 it's all going to be C band from this point forward.
22 And that's a little bit like WiFi. So we're talking
23 about probably a quarter -- a half a mile to a mile
24 between towers would be sufficient for the minimum
25 amount of power for the communication desired.

1 waiting to kind of see what this looks like. The
2 heavy focus last year in what was approved was small
3 wireless facilities, and so we're currently kind of
4 working through that process to see what it's going
5 to look like operationally on the ground. So I
6 would just kind of suggest we stay tuned to see what
7 that looks like before we jump the gun.

8 MR. DeHAAS: All right. So I appreciate the
9 answer to all of those questions, so I represent
10 Idahoans for Safe Technology and a lot of citizens,
11 and I'm also in the healthcare business. And a
12 couple things. I think, one, there should be in
13 here a regulation on how much power is coming out of
14 the antennas. We know and I know personally many
15 people who have been effective. So despite what the
16 industry heads are telling you, I have interviewed
17 experts. I run a -- I have a radio show and a
18 podcast. I've interviewed top experts across the
19 country when it comes to this and comes to the
20 damages caused by wireless radiation. It is a big
21 problem.

22 The question is will the State of Idaho
23 require the applicants to provide insurance for the
24 health effects? That is critical. We know here
25 personally people affected. And we've measured

1 Now, that's totally different when you
2 try to look at broadband. You see, broadband they
3 don't have a right to do, and that requires a lot
4 more power. So the idea is to be efficient and use
5 the minimum amount of power for the communication
6 desired, putting them at least a mile apart. Now
7 we're talking. And then we use the fiber optic in
8 between in order to go directly to homes. You see,
9 there's public conduit which means there should be
10 public benefit. Everybody can share one set of
11 fibers, David DeHaas. You don't need three sets of
12 fibers. Everyone can share one set of fibers.
13 There's plenty of use of that, plenty of capability
14 and capacity. So that's exactly what they do now.
15 They share fibers. They don't tell you this. And
16 they give themselves special deals, so AT&T doesn't
17 really charge a market rate to Verizon, for example.

18 And this has all been -- the public
19 already paid for this back starting in the '90s on
20 our phone bills, and we never, ever got what we paid
21 for. So now is the time to do it, to get all the --

22 THE MODERATOR: Thanks Paul.

23 PAUL R.: -- fiber we need directly to homes.

24 THE MODERATOR: Thanks Paul. And kind of
25 going off Robert's again notes is we're really

1 these towers, and we know they're putting out a lot
2 more power than what it takes to make a phone call
3 and send a text message. Now, again, that's
4 telecommunications. This section is talking about
5 broadband.

6 What we are advocating for is let's keep
7 that fiber optics in the ground and just go straight
8 to the homes everywhere in the state. Who wants to
9 see beautiful Lochsa or the Clearwater River with
10 towers every thousand feet quarter mile up and down
11 those corridors? I don't think we want to see that,
12 nor do we need it.

13 And here directly, despite what Mr. Aron
14 said earlier, I'm going to read from the court case,
15 this is a real deal that the -- you guys really need
16 to take a look at. So this was a ruling on August
17 13th, 2021. The DC court in case 20-1025 challenged
18 the legality of the FCC's attempt de facto
19 rulemaking, a sneaky maneuver that tried to extend
20 its current RF microwave radiation exposure
21 guidelines to frequencies above 6,000 megahertz
22 without any reasoned decision-making. The judges
23 caught the FCC and remanded the FCC order 19-12C
24 back to the FCC invalidating the order. And they've
25 done nothing since. The FCC has not done anything

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1 since.

2 So this really, this small wireless

3 before you, this rulemaking, before they go forward,

4 they've got to do their job. That's important. You

5 know, we talked earlier, you know, if more citizens

6 knew what was going to happen to their beautiful

7 state, you know, Dr. Martin Paul, scientist, has

8 weighed on this talking about what the harm has

9 caused to our bee population. Well, worse to

10 farmers. There's a lot of ground that we've got to

11 keep those bees. Otherwise we don't have bees,

12 we're all dead.

13 It's really, really, really important for

14 us to pay attention to: Is antennas really needed

15 for this? We don't need antennas driving up and

16 down the road. We don't need to watch a Netflix

17 driving up and down the road. That's the only thing

18 the small cells do. We don't need that whatsoever.

19 And the amount of people that we have on

20 our list and who come out and support us, most of

21 the people are not getting paid.

22 Also, the New Hampshire study, that was a

23 study that was commissioned by the State of

24 New Hampshire by their governor. 13 scientists in

25 18 months looking at the harmful effects caused by

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1 wireless radiation. And 12 of the 13 say yes, these

2 do cause harm. The only person who said no was paid

3 by the industry. So you've got a major study that's

4 a New Hampshire study. I can send it to you. I can

5 put it in the rules if you'd like or in the

6 comments. But that's real.

7 So the question comes back to liability

8 on the state and the citizens. If you don't have

9 your requirement for insurance for the health

10 effects, then you've got a problem. You've got a

11 big problem when people --

12 PAUL R.: The world has changed now that

13 there is 20 --

14 THE MODERATOR: Hey Paul.

15 PAUL R.: -- 1150 pages, 27 volumes of

16 evidence in the DC Circuit Court of Appeals. The

17 world changed. And this is now evidence of effects,

18 not concerns.

19 MR. DeHAAS: Yeah, true. Thanks you guys.

20 THE MODERATOR: Hey, Paul, Mr. DeHaas was

21 speaking, and you had asked about decorum rules, and

22 I said we like to play it pretty casual here, but

23 that's if everyone's respecting other's time. So we

24 need to make sure that's clear.

25 MR. DeHAAS: I appreciate that. He's pretty

Page 55

1 passionate. I'm pretty passionate, too. But you

2 know, guys, I've got grandkids, and I've got kids.

3 I'm old. So how much longer I'll be here. But this

4 needs to be properly vetted before you put broadband

5 wirelessly anywhere. I don't care how many towers.

6 We've already seen cease and desist orders issued

7 against Verizon in other jurisdictions across the

8 country, and there's more coming every day. So

9 before Idaho -- let's protect Idaho. Let's protect

10 our natural resources. Because this affects

11 everybody. This affects the wildlife. It affects

12 the trees. It affects the bees. It affects humans.

13 Thank you very much.

14 THE MODERATOR: Thank you, Mr. DeHaas. I see

15 a new hand here, Mr. Ken McClure. Would you like to

16 ask any questions or make any comments today?

17 MR. McCLURE: I would, please. I'm here on

18 behalf of the Idaho Telecommunications Alliance. We

19 filed comments, and we appreciate the Department's

20 consideration of our comments. You addressed most

21 of the concerns that we raised.

22 I would like to echo something that was

23 brought up earlier about Rule 7.6. We are the

24 providers in the most rural of rural places in

25 Idaho, like Yellow Pine and Warren and other places

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1 that have extremely short construction seasons.

2 Also have more complicated permitting requirements

3 for natural resource permitting.

4 And we appreciate that you have -- you

5 have bumped the completion date up from 180 days to

6 a year. But I can tell you that if you have a

7 project, and we do have a member company that has a

8 project now in Stanley, that is being delayed

9 because of SHPO commenting, cultural concerns

10 assessment, and that is something that's beyond our

11 control and beyond your control as well. It would

12 seem to me that rather than saying you've got 180

13 days and then you've got an additional -- excuse

14 me -- a year and then you've got an additional six

15 months. If you can't do it all, you're done. It

16 would seem to me that Rule 7.6 could be worded a

17 little differently so that you would say that it has

18 to be done within 365 days unless good cause is

19 shown why that could not occur.

20 Particularly right now with supply chain

21 issues. All you need is one, just one small burp in

22 the supply chain. Even if you get all of your

23 permits in a timely way, you're not going to hit the

24 365-day window, particularly when the construction

25 season is so short in some of those areas.

1 So a little relief I think there is not
 2 only wise but would be very helpful because it --
 3 the 365 days is simply a blind, unacknowledged
 4 timeframe. I know it's convenient for you, because
 5 you know how to clock that, but I think giving you a
 6 little bit of discretion to allow a project to go on
 7 beyond that when there's good cause shown that it
 8 has to be done, that that would be appropriate. And
 9 even beyond an additional six months, by the way, if
 10 that is what the permitting authorities or the
 11 (unintelligible). So we'll file written comments
 12 again. But I would ask that you kind of take
 13 another think about that and see if there's not
 14 maybe a little bit more flexible approach there that
 15 would make some sense. Thank you.

16 THE MODERATOR: Thank you, Mr. McClure.
 17 Appreciate that. And definitely have that noted. I
 18 saw some heads nodding on our end.

19 Let's see. I see another hand here from
 20 someone who hasn't participated yet. Russell,
 21 please identify who you represent and if you have
 22 any questions or comments.

23 RUSSELL: Good afternoon. Russell. I work
 24 for Stantec Consulting. Last week I shared a couple
 25 e-mails with Robert regarding longitudinal access.

1 MR. BEACHLER: Right. The only laterals that
 2 are approved are at interchanges.

3 RUSSELL: Understood.

4 MR. BEACHLER: You cannot build to adjacent
 5 parcels. They cannot provide services at those
 6 parcels along the interstate or other controlled
 7 access highways.

8 RUSSELL: Thank you, sir. One other point
 9 that I would make. Prior to joining my current
 10 employer, I was working for a design and
 11 construction firm that did a lot of DOT permit
 12 submittals. And with regards to the previous
 13 question, 7.6, for your rules and regulations I
 14 think the clarification that I would suggest adding
 15 is that the 365 days are sufficient to do a build,
 16 but whoever's doing the submitting, really the
 17 construction needs to be started after all permit
 18 approvals across all approving authorities needs to
 19 be achieved. Because it doesn't make sense to go
 20 and get ITD's approval and still have a long lead
 21 permit out there that needs to be approved and then
 22 it delays construction. So after everyone is
 23 approved, then it can construct. So if you add that
 24 stipulation that after all approvals, I think that
 25 that would remove some doubt. Thank you.

1 I just wanted to clarify because my -- excuse me --
 2 my feasibility study is still ongoing. The rules
 3 and discussion that we're going through today are
 4 rules that you are hoping to like rule out, but as
 5 it stands today if there was a project to kick off,
 6 currently there is no allowing for a new fiber line
 7 in controlled access highways. Is that a correct
 8 assessment?

9 MR. BEACHLER: No, it's not correct. If
 10 you're looking to get access to the interstate, the
 11 interstate is a controlled access highway. As such,
 12 access is limited. You know, laterals are limited
 13 to locations at interchanges. You're not allowed to
 14 provide services to adjacent property owners. So
 15 any long, longitudinal build along the interstate
 16 has higher requirements. We need to also have that
 17 proposed project be approved by our Idaho Federal
 18 Highways Administration division office in
 19 coordination with the state.

20 RUSSELL: Okay. So it is possible to build a
 21 long haul cable along the interstate or US highways
 22 in the State of Idaho, but just the special
 23 provisions are that what you indicated, no laterals
 24 for a longitudinal build and then it needs to be
 25 approved at a higher authority?

1 THE MODERATOR: Thank you, Russell. I'd also
 2 like to add, too, as it relates to process and the
 3 changes that are being proposed and discussed, you
 4 know, we've still got to work through the
 5 legislative process, so our Idaho legislature will
 6 be involved in approval. And so the modifications
 7 and changes being proposed would not take effect
 8 until signing day of the 2023 session. But that's
 9 not to say that there's no opportunity for the
 10 installation of broadband infrastructure between now
 11 and then. So as it relates to the updated UAP, that
 12 would come at the end of spring, but again you can
 13 still work with us as far as projects are concerned.

14 RUSSELL: I'm sorry.

15 MR. BEACHLER: I was just going to note when
 16 we talk about permitting a project, another thing
 17 that's required of -- it doesn't matter if it's the
 18 access for an approach on the state highway system
 19 or it's a utility encroachment permit, they have to
 20 be constructed within 30 days. We're not going to
 21 grant -- that's a buildable piece. It has to be
 22 completed within 30 days.

23 The plan may require let's say through a
 24 corridor, let's say a hundred mile corridor, and you
 25 think you can build 10 miles or 20 miles depending

1 on the terrain in 30 days, that's how you would
 2 break up those projects into buildable segments.
 3 They're not going to grant a permit for a
 4 hundred-mile construction project that takes two
 5 years. So it's important to note when you're doing
 6 your design and engineering of a project that it's
 7 buildable. Because again, we have short
 8 construction seasons. We have impacts to the will
 9 traveling public. I can't have a state highway
 10 with, you know, traffic control open for a year. So
 11 it's important to note when you're designing these
 12 projects including corridor wide or across the State
 13 of Idaho that the Department will want to permit
 14 that build in reasonable chunks, you know, not
 15 thinking you're going to apply for a permit that
 16 covers a hundred miles.

17 Again also because the state is broken
 18 into six districts, those long, longitudinal builds
 19 on a state highway may cross multiple districts.
 20 You will permit those projects at the district
 21 level, because those folks have the best on-the-
 22 ground experience with our system. They will be the
 23 ones providing you with drawings. They will be the
 24 ones you coordinate with for construction, in
 25 traffic control, in closing out permits. So it's

1 those may require rock sawing or boring. So it
 2 really depends on your engineering and the terrain.
 3 THE MODERATOR: Thank you, Robert. And also
 4 it looks like we've got a new hand, Ted Gilliam.
 5 You've been waiting patiently. Go ahead. The
 6 floor's yours if you have any questions or comments.

7 MR. GILLIAM: Yeah. Thank you much. My name
 8 is Ted Gilliam. I'm general counsel for strategic
 9 sales for Zayo Group LLC. If you haven't heard of
 10 Zayo before, we're probably the largest private
 11 infrastructure provider in the nation. We have
 12 facilities in all 48 continuous states as well as
 13 Europe and other places. We provide and specialize
 14 in providing services and dark fiber to the most
 15 impactful companies in the world, all of which I'm
 16 sure are household names and that you've all heard
 17 before, including carriers, webscalers, and so on.

18 My question is -- well, first of all I'd
 19 like to say that appreciate the opportunity for
 20 comments and thank you to the Department for letting
 21 us speak and hearing what your path forward is.

22 I guess I just found out about this
 23 proceeding today, and I haven't been involved prior.
 24 So I haven't looked at the rules. But I have some
 25 questions and concerns. I take it that with the Dig

1 important to note when you're designing your
 2 project, you want to -- you have multiple permits to
 3 do a long build. But we've got to have some
 4 sideboards on there. And then we have to treat
 5 broadband just like other utilities.

6 For me, mission essential is water and
 7 energy more than Internet when it comes down to like
 8 a survival situation. So those are critical. I
 9 can't elevate. We have to treat all utilities the
 10 same. So if we have special carve-outs for
 11 broadband, you know, it may look, you know, that we
 12 are favoring one utility over another. So we want
 13 to treat all utilities the same.

14 THE MODERATOR: And so Robert, I've got a
 15 question here from Christina. What's an appropriate
 16 mileage slash range for segments for permitting a
 17 long build? Do we submit permits in the five-to-
 18 ten-mile range?

19 MR. BEACHLER: That's a great question,
 20 Christina. And it depends on the terrain and how
 21 wide the right-of-way is. Do you have multiple
 22 crossings over water courses? You know, it behooves
 23 the provider to do a lot of field reconnaissance.
 24 We have some very challenging corridors built along,
 25 you know, rivers with hard outcroppings of rock. So

1 Once policy you would have a moratorium in place
 2 after that; is that right?

3 MR. BEACHLER: No, not necessarily. What
 4 we're talking about Dig Once is when we have a
 5 ground disturbing project and we're going to be in
 6 there, we behoove everyone to get in there as
 7 quickly as we can. But I'm not sure that I'd say
 8 there's a moratorium. We do that same thing when it
 9 comes to water lines and sewer lines when we're in
 10 town. Before we would rebuild a main street in one
 11 of our communities, we ask the community to tell us
 12 that their water line and sewer lines are in good
 13 condition for the life of our facility, which is
 14 typically about 20 years. And if they can't
 15 guarantee that, then we'll hold off our project
 16 until they're ready to do a project with us.

17 And even with that said, things happen.
 18 Once in a while we end up with something happening,
 19 but typically we don't like to have a pavement cut.
 20 Much of what we're talking about here is going to be
 21 parallel to the right-of-way and isn't going to be
 22 pavement disturbing. And so we're issuing permits
 23 in our highway right-of-way all the time for water,
 24 power, sewer, broadband, all kinds of things. The
 25 challenge is we're running out of room alongside the

1 road. Most of this, you know, except in an urban
2 environment isn't happening under the roadway like a
3 water line or a sewer line would be in a community.
4 Most of this is on the shoulder of the road. And
5 what we're trying to do is preserve the right-of-way
6 so that we can fit as many utilities as we can.

7 So our thought is if we have a project
8 and we're going to be doing major ground disturbing
9 work and one fiber company shows up and says we want
10 to put a line in, we'd like the other one to show up
11 at the same time and put another conduit right next
12 to that and another one right next to that. So
13 within one tray there's three or four or five
14 conduits. But that doesn't mean that if you miss
15 your window you're locked out for 20 years. So we
16 still take applications. The challenge is it might
17 be hard to find a space if the right-of-way's full
18 up.

19 MR. GILLIAM: Yeah, understood. Those are
20 all great points and valid considerations. I would
21 just say that a lot of companies like Zayo have a
22 lot of success-based builds. So we don't
23 necessarily know when the route's going to be
24 constructed until the customer comes to us and says
25 hey, we'd like to purchase fiber from A to Z. Then

1 horizontally, vertically, every direction you can
2 imagine, we have utilities lines underneath the
3 right-of-way, and we're encouraging people to get in
4 while we're doing major disturbance because it will
5 be easier ultimately for everyone if we all play at
6 the same time. And that's the spirit of Dig Once.

7 MR. GILLIAM: Yeah, absolutely understand
8 that. I'm just kind of laying out some of the
9 practicalities and how the industry works on a
10 day-to-day basis. Right? And just, again, just
11 raising that for your awareness.

12 MR. BEACHLER: Yeah. We're very aware of
13 that. That's the world we deal with all of the
14 time. We're dealing not just with broadband and
15 small cell. We're dealing with power, water, sewer,
16 storm sewer, sanitary sewer, irrigation. There's a
17 number of utilities that we're constantly dealing
18 with so we understand that.

19 MR. GILLIAM: So it sounds like you have a
20 good set of rules in the drafting here. Our
21 intention is to go back and read those and then
22 provide some comments for your consideration. So
23 appreciate the opportunity.

24 THE MODERATOR: Thank you very much,
25 Mr. Gilliam. We appreciate your participation and

1 we go out -- once it's funded, we go out and then we
2 build. So in a situation where you have a
3 moratorium, I'm not saying that you do, but the
4 consideration would be okay, you just dug up this
5 stretch of highway, right-of-way a year ago, and now
6 the provider comes along and says hey, I need to put
7 an additional conduit in there. I have a new
8 customer that needs those facilities. You know, the
9 concern would be would you, you know, prohibit that
10 from happening?

11 To the extent that you would, then it
12 becomes kind of a discrimination issue. Right? I'm
13 not saying that that's your intention. I'm just
14 raising that for your awareness as to the
15 practicalities of a Dig Once program.

16 MR. BEACHLER: So there's nothing in our
17 rules that talks about a moratorium. But I hope you
18 can understand the spirit of what we're trying to
19 do. We have a lot of utilities that want to use the
20 public right-of-way, state highway right-of-way.
21 And when we run out of room, we run out of room.
22 There are utilities that have to be spaced a
23 distance from one another. For instance, you can't
24 have a sewer line too close to a water line, and so
25 we separate those out. And so laterally,

1 engagement today as well.

2 And so as we kind of approach the
3 5 o'clock hour here and wrap up, I had a couple
4 final comments, but first did anyone -- we've got
5 some guests here in person. Did anyone have any
6 comments or questions?

7 And then I know you've been with us for
8 most of the summer, Mr. DeHaas, and you've had your
9 hand up. Is there another question or comment you
10 would like to make as we close today's meeting?

11 MR. DeHAAS: Just a question that kind of
12 confuses me a little bit. This would be something
13 that the industry people on here could do. You
14 know, the state's goal as I've been told is to get
15 broadband to everybody. We can bury it in the
16 ground. We can put these small cells up, so forth.

17 I have a problem envisioning driving down
18 from Grangeville to Elk City or from Riggins to
19 Paul, up along some of those areas, that small
20 canyon there, how they would put towers. So my
21 question is you said that this is for industry to
22 wire, but will this just be a deal where industry
23 plans on, you know, going where the masses are and
24 skip some of those areas, or will we see towers from
25 Boise, through Weiser, Midvale, Cambridge, Council,

1 New Meadows, every 500 feet? What's that look like
 2 for the people? That's my question.
 3 THE MODERATOR: Thank you, Mr. DeHaas. And I
 4 think at this point the Department's not sure,
 5 because we just haven't seen those permit requests
 6 and access requests come in. We're still working
 7 through what those agreements would look like. So
 8 the Department doesn't have anything to respond to
 9 at this point. But --
 10 MR. DeHAAS: There's a lot of industry people
 11 here. Do they want to comment? I mean they
 12 probably have some thoughts to that I'd think.
 13 Don't want to show that card. Okay.
 14 THE MODERATOR: I'm not seeing any raised
 15 hands or anything popping up in the chat on that,
 16 Mr. DeHaas.
 17 MR. DeHAAS: All right. Thank you very much,
 18 guys.
 19 PAUL R.: Let me make one final comment about
 20 utilities. Right? Because --
 21 THE MODERATOR: Paul, if you're concise as we
 22 try to wrap things up, that would be appreciated.
 23 PAUL R.: It will be concise. State public
 24 utilities are in place to insure the people all
 25 100 percent get served. They don't get to cherry

1 Department of Commerce. And so I'll be working with
 2 many of you folks but in a new position and new role
 3 with a new department as the state's broadband
 4 program manager. So our team will be looking to
 5 fill a position with the Office of Governmental
 6 Affairs at ITD.
 7 And then it's also worth noting that
 8 Mr. Robert Beachler has taken a promotional
 9 opportunity as well. He's staying with the
 10 Department. So he will be accessible, and we still
 11 want you to direct comments to him. But we have an
 12 open broadband manager position for ITD. It's
 13 currently advertising. It closes on the 25th. So
 14 thought that might be a good opportunity to shout
 15 that out for industry folks if you may know anyone
 16 that's interested. So we do have some folks moving
 17 around but staying near and close in case there is a
 18 need for any information sharing or questions to be
 19 asked but just wanted to make sure we were
 20 transparent about things as you see those changes
 21 over the next week or two.
 22 And with that, if there are no further
 23 comments, again really appreciate everyone's
 24 participation and engagement. Please reach out to
 25 Robert directly and be sure to get those written

1 pick. And they have to actually have reasonable
 2 prices. And you have a reasonable rate of return.
 3 That's what Title 2 regulation is all about.
 4 And so that's on the books for fiber
 5 optic. And you can use that law federally to insure
 6 that fiber goes everywhere. And that's important.
 7 And so you need to look at the money that was
 8 already collected on rate payer on bills for that
 9 purpose and apply those funds to finish the job that
 10 the telecom companies neglected to do. You can
 11 force them to do it. That's the important part.
 12 THE MODERATOR: Thank you, Paul. So as we
 13 wrap up here, it looks like I don't see any more
 14 hands, and I don't see any more messages in the chat
 15 box. Again, really appreciate everyone's
 16 engagement. This is the third meeting we've had,
 17 and we've had great participation throughout the
 18 entire summer. Again, you can see here on the
 19 screen, comment period on draft No. 2 is open until
 20 and through September 28th. So please direct all
 21 comments to Robert Beachler.
 22 And on that note, we did want to share a
 23 little information in terms of some changes our
 24 stakeholders and interested parties will see.
 25 Myself will be making a move here soon to the Idaho

1 comments submitted by the 28th. And we can review
 2 those for potential changes in draft three.
 3 MR. BEACHLER: And important to note, just I
 4 had a question on where you get the materials.
 5 Itd.idaho.gov/rulemaking. Remember to click on the
 6 Utility Accommodation Broadband Rulemaking tab.
 7 It's kind of an accordion. So the documents by
 8 default to fit on the page they're kind of shrunk up
 9 a little bit. So click on that header, and it will
 10 expand and provide all the documents that we've been
 11 using in this rulemaking efforts, comments we
 12 received during the different sessions, our
 13 (unintelligible) and draft policies. At the top of
 14 the page you can go back and look at last year's
 15 rulemaking efforts in our 2021 session. So we'll
 16 have -- those are also available so you can kind of
 17 see the evolution of this whole process.
 18 Also itd.idaho.gov/broadband, you can
 19 register for updates. You can use our Dig Once
 20 application. Important to note, you can look at
 21 where these projects are going in. That app allows
 22 you to upload your network information and see how
 23 your projects or our projects may coincide with your
 24 investment plan or where are these projects that may
 25 impact my existing facilities. That will be very

1 helpful to help you guide investments and know where
 2 we're going.
 3 And then we have our wireless facility
 4 information on there and then points of contact with
 5 our six district planning teams. So I just wanted
 6 to note that also. Those are resources for you.
 7 THE MODERATOR: Thank you very much, Robert.
 8 Appreciate that. All right, folks. Well, thanks
 9 again for everyone's engagement, comments, and
 10 questions today. Again, feel free to reach out to
 11 Robert if anything comes up between now and the end
 12 of the comment period, and he'll be happy to help.
 13 And again, stay up to speed on the web page. If
 14 there are additional drafts, those will be posted on
 15 the Department's rulemaking web page as Robert
 16 noted. So again, thanks for everyone's
 17 participation, and we'll consider this public
 18 hearing closed.
 19 (End of video file.)

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 25

1 STATE OF IDAHO)
 2) ss.
 3 County of Ada)
 4
 5 CERTIFICATE
 6 I, Patricia J. Terry, Certified Shorthand Reporter
 7 for the State of Idaho, Registered Diplomat Reporter,
 8 Certified Realtime Reporter, do hereby certify that the
 9 foregoing audio-recorded proceeding was taken down by me in
 10 stenotype from digital audio media tape and transcribed
 11 through computer-aided transcription; and that the foregoing
 12 transcript constitutes a transcript prepared to the best of
 13 my ability.
 14 Witness my hand at Eagle, Idaho, this 10th day of
 15 October, 2022.

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Patricia J. Terry
 NOTARY PUBLIC in and for the State of Idaho;
 residing at Eagle, Idaho.

Patricia J. Terry, CSR, RDR, CRR

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