



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

MEETING NOTIFICATION

June 26, 2023

6:30 pm

In-Person: MetroEast, 829 NE 8th Street, Gresham, OR 97030

- Or -

Virtually: Join Zoom Meeting

<https://us02web.zoom.us/j/89807110550?pwd=VERWN1VNcmo2QkEzTW41VXI0dXh5QT09>

Meeting ID: 898 0711 0550

Passcode: 735910

One tap mobile

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+16699006833,,89807110550#,,,,*735910# US (San Jose)

AGENDA

- Roll Call
- Agenda Review
- Disclosures
- Public Comment (non-agenda items)
- Community Media Center Updates
 - MetroEast
 - OpenSignal
- Franchisee Activity Report
 - Ziplly
 - Comcast

***CONSENT AGENDA – NO DISCUSSION**

All items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.

- C1. May 22, 2023 Meeting Minutes

REGULAR AGENDA



MHCRC 1120 SW 5th Ave. Suite 405 Portland, Oregon 97204
503.823.5385 info@mhcr.org www.mhcr.org



Mt. Hood Cable Regulatory Commission

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*R1. Community Technology Grant Agreements: 2023 Cycle 15 min

*R2. Election of MHCRC Chair and Vice Chair 15 min

- Staff Updates
 - MHCRC FY2023-24 Budget Approval
 - FCC/Federal Legislation
 - Digital Inclusion Network Letter to Oregon Broadband Office
 - Annual Secretary of State Process Update
- New Business; Commissioner Open Comment
 - Commissioner Appointments
- Meeting Schedule:
 - July/August: Recess
 - September 18, 2023
 - October 16, 2023
 - November: Recess
 - December 18, 2023
- Committee Reports
 - Finance Committee
 - Equity Committee
 - Policy Committee
 - Open Signal Board Appointee
 - MetroEast Board Appointee
- Public Comment
- Adjourn

*Denotes possible action item

Please notify the MHCRC no less than five (5) business days prior to our event for ADA accommodations at 503-823-5385, by the City of Portland's TTY at 503-823-6868, or by the Oregon Relay Service at 1-800-735-2900.

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MT. HOOD CABLE REGULATORY COMMISSION

Hybrid – virtual or Open Signal: Portland, OR

May 22, 2023 Meeting Minutes – **DRAFT**

SUMMARY MINUTES

Call to Order 6:30 PM

Roll Call

Present: Chair Studenmund; Vice Chair Dennerline; Commissioner Wagner; Commissioner Harden; Commissioner DeGraw (joined 6:36pm); Commissioner Thomas, Commissioner Roche

Absent: Commissioner Goodlow

Staff: Eric Engstrom, Deputy Director; Michael Wong, Finance Manager; Rebecca Gibbons, Operations Manager; Rana DeBey, Grants Manager; Julie Ocken, Coordinator

- Agenda Review: none.
- Disclosures: none.
- Public Comment (non-agenda items): none.
- Community Media Center Updates
 - MetroEast: Digital inclusion work continues in partnership with the Rosewood Initiative. Both cohorts have gone exceptionally well. Just hired a digital media education position.
 - Open Signal: Redesign of the Open Signal lobby based on community input – looking to be done in the next month. Full capacity on production services now. Working on studio upgrades funded by a community grant to make them more user-friendly for users of all skill levels. Continuing in-person events in the space – trainings and skill shares. New program, Open Playground, Fridays to work on a studio production crew to air on cable channels. New hire is Courtney Rae, Director of Growth, taking on some of Rebecca's job duties as she transitions away. Website redevelopment project... opensignalpdx.org
- Franchisee Activity Reports
 - Comcast: Tim Goodman, Comcast. Comcast Rise program to help businesses and communities thrive. Giving out 100 grants to small businesses in the MHCRC area – business consult, monetary, creative production, etc. See comcastrise.com.





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***CONSENT AGENDA – NO DISCUSSION**

All items listed below may be enacted by one motion and approved as consent agenda items. Any item may be removed from the consent agenda and considered separately if a member of the Commission so requests.

- C1. March 20, 2023 Meeting Minutes
- C2. FY2023-24 MHCRC Goals & Objectives

MOTION: Commissioner Dennerline moved to approve the Consent Agenda. Commissioner Thomas seconded.

VOTE: 7-0 passed

REGULAR AGENDA

- R1. FY 2023-24 MHCRC Fund Budget Proposal
 - Finance Committee report & recommendation
 - Open Signal budget presentation
 - MetroEast Community Media budget presentation
 - Commission discussion and action

Michael Wong said the Finance Committee met on May 1. Wong noted year-over-year changes. Notable is the TechSmart Initiative Grant (page 21) link to final impact report.

Wong referred to Page 22 fund budget table. Project franchise fees for this year look like they are increasing over last year but that is because we overly underestimated last year. Franchise fees continue a steady decline overall. Interest earned is faring better from previous years. The slight increase in the operating budget is due primarily to an increase in staff from 4FTE to 4.9FTE. Wong said the increase is offset by carrying forward cost-savings from vacant positions from this year.

Wong referred to Page 24: revenues and disbursements. Projected is similar holistically to previous years (gradual decline).

Wong referred to Page 25: operating budget. Internal services has increased due to increased costs for facilities, technology, and overhead.

In response to a question from Commissioner Harden related to the internal services increases, Eric Engstrom said the increase is due to the fact that the City of Portland is updating its overall cost methodology for preventative maintenance, so it's not just about increased security.

John Lugton, MetroEast (pages 29-35) presented. Lugton said MetroEast has a new Board and moved to a Leadership team structure last year. Lugton said the Leadership Team and Board





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are engaged in strategic planning and reviewed the vision, mission and values when developing this next year's budget. Lugton said the budget is infused with MetroEast's equity statement and service goals. Lugton gave an operations income overview. Lugton said the proposed budget is responding to decreased franchise fee revenue and trying to keep in mind staff capacity while thinking about what other grant, production, and education income they can bring in. Lugton said the proposed budget does include a COLA to help retain staff (5%+ to staff salaries).

In response to a question from Commissioner Thomas regarding capitalized wages and overhead, Danny Fish, MetroEast Finance Manager, said a percentage of staff time related to capital equipment projects are capitalizable as allowable under the franchise and GAAP.

Rebecca Burrell, Open Signal (pages 36-42) presented. Burrell said Open Signal engaged in an equitable wage assessment. Open Signal's Board passed a Deficit Policy with a cap and also requires a 3-year budget to show if there is a deficit how we can make it up. Burrell said she resigned her position, partly due to budget constraints, and will be leaving at the end of July. The Director of Community Partnerships position was vacated in April and will not be replaced. Open Signal Labs program has been looking to become its own organization, and they will become independent by the end of the calendar year, so we're just budgeting for ½ of the FY. By not replacing some positions we are asking some staff to take on more work, which we know is a risk. Looking at budgeting for some contracted services to accommodate some growth without committing Open Signal staff. Deficit has been approved by the board. No unusual expenses this year aside from investing in production fleet vehicles.

In response to a question from Commissioner Thomas regarding the deficit, Burrell said Open Signal is currently cash positive and the depreciation expense line item is essentially funds that are available, not representative of money we plan to spend.

MOTION: Commissioner Dennerline moved to approve the FY 2023-24 MHCRC Fund Budget Proposal and recommend the budget to the jurisdictions. Commissioner Thomas seconded.

VOTE: 7-0 passed

R2. MHCRC Recommendation: Portland/Open Signal Operations Funding Grant Agreement

Rana DeBey said the renewal of Open Signal's grant agreement is taking the form of two separate, but related, agreements: One with the City of Portland for operations funding and one with the MHCRC for capital funding.

MHCRC and Open Signal staff have reached agreement on Exhibit A: Scope of Work; and Exhibit B: Grant Status Reports. The terms of the attached draft grant agreement are mostly agreed to but, as the grant agreement is with the City of Portland, the terms are subject to further review and negotiations between City staff and Open Signal.





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DeBey said the MHCRC Equity Committee reviewed the draft contract at their meeting on May 11th.

MOTION: Commissioner Dennerline moved to approve the Portland/Open Signal Operations Funding Grant Agreement scope of work and will forward the recommendation to Portland City Council to approve. Commissioner Roche seconded.

VOTE: 7-0 passed

R3. MHCRC/Open Signal Capital Funding Grant Agreement

Rana DeBey said Open Signal's grant agreement for capital funding expires on June 30, 2023.

For the past year or more, staff engaged in renewal discussions with Open Signal. Renewal discussions focused primarily on the terms of the multi-year contract, the scope of work (Exhibit A), and Grant Status Report requirements (Exhibit B). Staff and Open Signal reached agreement on the terms and conditions of the 5-year grant agreement in April.

On May 11, 2023, the Equity Committee reviewed the draft agreement and is recommending the Commission approve the grant agreement as presented in the meeting packet.

MOTION: Commissioner Dennerline moved to approve the MHCRC/Open Signal Capital Funding Grant Agreement. Commissioner Wagner seconded.

VOTE: 7-0 passed

R4 (page 92-118). MHCRC/MetroEast Community Media Grant Agreement

Rana DeBey said MetroEast Community Media's grant agreement for operational and capital funding expires on June 30, 2023. MetroEast receives operations funding as a percentage of the franchise fees collected from the East County jurisdictions and capital funding from the MHCRC. Both funding sources are covered in the grant agreement.

For the past year or more, staff engaged in renewal discussions with MetroEast Community Media. Renewal discussions focused primarily on the terms of the multi-year contract, the scope of work (Exhibit A), and Grant Status Report requirements (Exhibit B). Staff and MetroEast Community Media reached agreement on the terms and conditions of the 3-year grant agreement in April.

On May 11, 2023, the Equity Committee reviewed the draft agreement and is recommending the Commission approve the grant agreement as attached.

MOTION: Commissioner Wagner moved to approve the MHCRC/MetroEast Community Media Grant Agreement. Commissioner Roche seconded.

VOTE: 7-0 passed





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R5. Community Technology Grant Agreements (page 119-123)

- Accent Network (\$38,000)
- CETI (\$74,000)
- Municipal Eco-Resiliency Project (Roots & Beats Project) (\$44,344)
- Trash for Peace (\$28,047)

Rana DeBey said staff reached agreement with four applicants on final grant agreements recommended for approval for a total amount of \$184,391 in grant funds.

DeBey provided overviews of each of the 4 grantees.

MOTION: Commissioner Thomas moved to approve the Accent Network Grant Agreement. Commissioner Harden seconded.

VOTE: 7-0 passed

MOTION: Commissioner DeGraw moved to approve the CETI Grant Agreement. Commissioner Harden seconded.

VOTE: 7-0 passed

MOTION: Commissioner Harden moved to approve the Municipal Eco-Resiliency Project (Roots & Beats Project) Grant Agreement. Commissioner DeGraw seconded.

VOTE: 7-0 passed

MOTION: Commissioner Thomas moved to approve the Trash for Peace Grant Agreement. Commissioner Harden seconded.

VOTE: 7-0 passed

R6. Off-Cycle Grant Request: Desert Island Studios (pages 124-126)

Rana DeBey said Desert Island Studios submitted a Letter of Interest (LOI) to MHCRC staff in early April. Staff deemed that the proposed request met the Off-Cycle grant eligibility criteria and was time-sensitive in nature. The LOI was sent to the MHCRC Equity Committee for consideration. Committee members agreed that staff should move forward with presenting the application to the full MHCRC for funding.

MOTION: Commissioner Roche moved to approve the Off-Cycle Grant Request: Desert Island Studios. Commissioner Dennerline seconded.

VOTE: 7-0 passed





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- Staff Activity Reports & Updates
 - 2022 MHCRC Annual Report (pages 128-143): Eric Engstrom: Overview of Commission's work and upcoming Strategic Plan activity in the next year. We share this with the jurisdictions as part of the budget process.
 - Election of MHCRC Chair and Vice-Chair – June meeting: Rebecca Gibbons: Reminder to make nominations for Chair and Vice Chair, which we'll vote on in June. You can either nominate yourself or someone else by emailing Rebecca by Friday, June 16, which will be circulated before the June meeting. Note that Commissioner Studenmund has termed out as a Chair or Vice Chair.
 - Commissioner Re-Appointments: Rebecca Gibbons: Commissioner Thomas, Dennerline, and DeGraw appointments expire on June 30. In discussions with each jurisdictions about the reappointment process, which we'll provide an update about in June.
 - Jurisdiction Budget presentation schedule: Rebecca Gibbons: The schedule was included in the meeting packet. We have since made a slight adjustment with Multnomah County, which has moved up a week. We will share a packet with the budget, attachments, etc prior to each meeting with talking points and run-of-show for the presentations. Commissioners will present and then Open Signal and/or MetroEast will present.
 - Comcast/Ziplay Cable Franchise Renewal Negotiations (Ziplay page 144): Rebecca Gibbons: No new updates at this time; existing terms will remain in effect until we are formally notified of Ziplay's leaving the market.
 - MHCRC Strategic Planning: Eric Engstrom: We are procuring a consultant to assist with this work.
 - Staffing – MHCRC Admin Specialist Job Announcement closes May 22: Rebecca Gibbons: We are hiring this position, which posted a few weeks ago, and it just closed tonight. About 55 applications submitted, with 35 being eligible. We hope to have a new staff member in the coming weeks.
- Committee Reports
 - Equity Committee: Commissioner Roche: Rana brought a new initiative as a workforce development program launching in 2024 to build skills in tech advancements (AV and communications) and what jobs are available. This is response to the community engagement work we did earlier this year. Since we can't do operations funding, CET was raised for us to consider. Rana will share this short report with the Commission via





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email.

- MetroEast: Commissioner Dennerline: Finalized agreement. Looking for more board members.
- New Business; Commissioner Open Comment: none.

Next meeting is Monday, June 26.

Adjourned: 8:31 PM

Respectfully submitted,
Julie Ocken



REGULAR AGENDA



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COVER SHEET – AGENDA ITEMS #R1

For Commission Meeting: June 26th, 2023

“Community Technology Grant Agreements: 2023 Cycle”

Recommendation:

Staff recommends that the Commission approve the following Community Technology grant agreements:

A. Caldera	\$32,595
B. PAM CUT	\$82,450
C. Self Enhancement, Inc	\$90,090

Background:

At its January meeting, the Commission selected 18 Pre-Applications to invite to apply for funding. Following the Commission’s decision, MHCRC staff began to engage all 18 applicants in a process to complete full grant applications and contracts. In follow-up to specific Commissioner comments at the January meeting, staff has collaborated with applicants to make suggested revisions to the pre-applications including clearly defining measurable outcomes and evaluation measures, expanding on programmatic details surrounding beneficiaries, and the development of a detailed project budget that would more clearly identify the matching resources necessary to successfully implement the project.

Five organizations (RACE TALKS, Lower Boom Foundation, Rosewood Initiative, Resolutions NW, AYCO) have since withdrawn their applications from consideration in the 2023 Community Technology Grants Cycle. Staff also notes that the application from the City of Portland will likely be presented to the Commission in September due to an unavoidable delay in the project development timeline.

MHCRC staff has reached agreement with three applicants on final grant agreements

recommended for approval for a total amount of \$205,135 in grant funds. If all four grant agreements are approved in May, the Commission will have invested a total of \$946,693 into the community for the 2023 grants cycle this fiscal year.

As part of the normal grantmaking process, Comcast is given the opportunity to review all final grant applications and contracts prior to staff moving the contracts forward for Commission consideration.

Grant Agreements for Approval - Summaries:



A. Caldera

Recommendation:

“Approve the Community Technology Grant Agreement with Caldera for a total of \$32,595.”

Background:

Final Grant Request: \$32,595 (Pre-Application Grant Request: \$30,690)

Final Total Project Budget: \$65,245 (Pre-Application Total Project Budget: \$61,380)

Public Benefit Area: Reducing Disparities

In the “Alternative Lens: Caldera Youth Filmmaking Project,” Caldera will partner with Rosemary Anderson Middle School to engage 20 underserved, primarily BIPOC middle school youth, ages 11 to 14, in both in-school and out-of-school video production curriculum. Caldera seeks to provide participants with 20 hours of video technical training over 15 workshops, held during the school day at RAMS. The workshops will cover a general overview of film and filmmaking before diving into hands-on skills building in pre-production, production, and post-production processes led by a Caldera alum and video producer. In addition, four Caldera staff (youth mentors) will be trained on how to use the video equipment to support the project and ensure sustainability for future video-production related programming. The youth will produce four short videos which will highlight important local issues that youth face such as gentrification, personal and community identity, and climate justice. High school students will support the project through participation in a film editing camp, which will culminate in both a public screening and community broadcast through Open Signal. Caldera plans for youth participants to gain an understanding of the important elements of filmmaking as well as strengthen social-emotional learning, develop confidence, increase communication skills and empathy for others.

In response to Commissioner comment at the January meeting, staff worked to ensure that the grant funded budget only includes eligible capital costs, and that the applicant was committed to sharing the produced documentaries with the community media centers.

Attachment: Draft Community Technology Grant Agreement with Caldera.

B. Portland Art Museum Center for Untold Tomorrow (PAM CUT)

Recommendation:

“Approve the Community Technology Grant Agreement with the PAM CUT for a total of \$82,450.”

Background:

Final Grant Request: \$82,450 (Pre-Application Grant Request: \$82,450)
Total Project Budget: \$173,213 (Pre-Application Total Project Budget: \$164,900)

Public Benefit Area: Improving Community Involvement

The “Increasing PAM CUT’s broadcast capacity at the Tomorrow Theater” seeks to host, film, and produce high-quality performances that bring local and regional musicians together with visual artists to create awe-inspiring work that reach both in-person audiences and broadcast audiences. Grant funds will be used to build out a state-of-the-art live performance space fully equipped to record and broadcast performances. During the project period, PAM CUT will work with partner Friends of Noise – a nonprofit organization that seeks to provide access for BIPOC and LGBTQ+ youth to the music industry by supporting youth musicians to showcase their talents. PAM CUT plans to program four youth-led concerts at the new Tomorrow Theater in SE Portland in cooperation with Friends of Noise. Each performance will be recorded and edited together with interviews with the performers, who will speak to their influences and dreams, and which will be shared out with the broader community via distribution on Open Signal’s cable channels. The broadcast concerts will uplift the voices of these young musicians, allowing their reach to extend beyond the smaller venues they have traditionally performed at. PAM CUT plans to continue to host live and multimedia events for adults and youth at the Tomorrow Theater, providing an ongoing platform for artists who have been historically underrepresented, and the grant-funded equipment will continue to be used to record selected events shared with the community when possible.

PAM CUT was formerly known as the NW Film Center.

Attachment: Draft Community Technology Grant Agreement with Portland Art Museum

C. Self Enhancement, Inc. (SEI)

Recommendation:

“Approve the Community Technology Grant Agreement with Self Enhancement, Inc. for a total of \$90,090.”

Background:

Final Grant Request: \$90,090 (Pre-Application Grant Request: \$91,371.50)
Final Total Project Budget: \$192,331.70 (Pre-Application Total Project Budget: \$185,234.50)

Public Benefit Area: Reducing Disparities

The “Center for Self Enhancement Makerspace Studio: Expanding Community Engagement and Education Opportunities among Underserved Youth & Families” project proposes to demonstrate how BIPOC students (grades 6 through 12) can contribute to their community

while learning important new skills through digital storytelling and video production. SEI plans to create a videography and production studio within their newly crafted maker space at their headquarters in N/NE Portland. SEI staff and peer mentors will complete technical skills-building, train-the-trainer workshops with MetroEast Community Media; the staff and mentors will then teach a minimum of 48 students over 20 weeks all about video production skills and how to use digital technology. The weekly classes are designed to increase interest in, understanding of, and confidence in using digital technology tools to address meaningful, timely topics and issues of community benefit. Up to ten video projects will be produced by the youth participants and distributed to the broader community through MetroEast Community Media’s cable channels. Projects will focus on learning by design, building community, and fostering integrity, respect, and trust – key principals of SEI’s services. SEI also plans to use the video content and studio space to reach additional students and families, showcasing the potential benefits of digital media technology, potential career pathways, as well as providing opportunities for meaningful civic engagement. Last, SEI plans to utilize the new space and grant-funded equipment to pilot and demonstrate an engaging, hands-on, culturally responsive out-of-school curriculum to improve digital technology and video content production skills.

Attachment: Draft Community Technology Grant Agreement with Self Enhancement, Inc.

As part of the normal grantmaking process, Comcast is given the opportunity to review all final grant applications and contracts prior to staff moving the contracts forward for Commission consideration.

NOTE: Draft Grant Agreements and Attachments provided in separate PDF due to document size.

Prepared by:
Rana DeBey
June 7th, 2023



Mt. Hood Cable Regulatory Commission

Serving Multnomah County and the Cities of Fairview, Gresham, Portland, Troutdale & Wood Village

COVER SHEET – AGENDA ITEMS #R2

For Commission Meeting: June 26, 2023

“Election of MHCRC Chair and Vice Chair”

A summary of nominations was circulated prior to the meeting.

Commissioner Term Status

Commissioner Studenmund is not eligible for the Chair or Vice Chair position.

Elections Process

1. Members submit nominations for Chair and Vice Chair positions at least 10 days prior to the June meeting.
2. Staff circulates a nominations list to the full Commission at least 5 days prior to the June meeting.
3. At the June meeting, Commissioners finalize the nominations list.
4. Commissioners vote upon the names nominated (by oral vote or electronic polling).
5. Votes are tallied for the Chair position first and then the Vice Chair position.
6. If more than one candidate, votes will take place in alphabetic order by last name.
7. If a candidate gets the majority of votes, they will be confirmed in the position. If not a majority, then there will be a run-off vote between the top two candidates.

BACKGROUND

The Intergovernmental Agreement empowers the Commission to adopt Rules of Procedure governing its conduct of business. With regard to the election of officers, the Commission’s Rules of Procedure state:

Officers. The Commission shall elect a Chair and Vice Chair (Officers) from among its members.

Term of Office. The Officers' terms of office shall be for one year from July 1 through June 30. Officers may be elected to no more than three full consecutive terms.

Election. Commissioners may nominate Officers by oral motion. After the close of nominations, the Commission shall vote in writing or by oral motion upon the names nominated. The election of officers shall be by a majority of Commissioners.

Chair. The Chair shall have the duties and powers to:



- A. Direct the preparation and distribution of an agenda for all Commission meetings;
- B. Preside over all deliberations and meetings of the Commission;
- C. Vote on all questions before the Commission;
- D. Call special meetings of the Commission in accordance with these Rules of Procedure;
- E. Sign all resolutions, orders, contracts and other documents memorializing Commission action;
- F. Establish committees and appoint members and chairs.

Vice Chair. During the absence, disability or disqualification of the Chair, the Vice Chair shall assume all the duties and powers of the Chair. In the absence of both Officers, the Commission shall elect an acting Chair.

Prepared by: Rebecca Gibbons
June 21, 2023

INFORMATION ONLY

H.R. 3557

“The Preemption & Takings Act of 2023”

[H.R. 3557](#), entitled the “American Broadband Act of 2023,” represents an unprecedented and dangerous usurpation of local governments’ authority to manage public rights-of-way and land use; strips local governments and the public they serve of property rights and compensation in favor of cable, wireless and telecommunications providers’ profits. Yet, the bill imposes no obligations on these companies to provide broadband to “unserved” and “underserved” Americans. Equally troubling, the bill was reported out of Subcommittee and Committee without any opportunity for local government to provide testimony about why this legislation is not needed and will result in harmful preemptions and unconstitutional takings. H.R. 3557 should be opposed as it:

Wireless/Telecom: Usurps State & Local Government Police Powers & Property Rights

- Mandates that all wireless siting decisions be “deemed granted” if not acted upon by a local government within much shorter time periods than the federal government for similar projects. Federal government has 270 days to act, while locals must act in as short as 60 days.
- Provides no public safety protections for construction of “deemed granted” facilities. Bill mandates sites be constructed: “without any further action by the government”; without notice to the local government or obligation to comply with safety laws or traffic control.
- Imposes artificially short timelines that are virtually impossible to meet; creates technical grounds for defeating incompleteness notices that would pause the shot clock and requires a local government to draft, publish and deliver to an applicant, on the same day that the local governing body hears and votes on the application, a written denial decision with reasons. Finally, the bill mandates “all proceedings required by a State or local government or instrumentality thereof for the approval of the request” be taken within the timeline.
- Empowers providers to install facilities where they choose regardless of local zoning, thus eliminating the ability of local government to balance providers’ and neighbors’ interests, while jeopardizing the ability of local governments to impose stealth or concealment factors.
- Eliminates FCC safe harbor pricing for application fees and rent, which could lead to litigation and unintended delays in deploying broadband infrastructure.
- Substitutes FCC for local federal district court as reviewing body for challenges to decisions, thus breaking promise made by Congress in 1996 that local governments would not be required to travel to Washington to defend local decisions.
- Imposes new and similarly flawed timelines and “deemed granted” remedies on applications for telecommunications facilities.

Cable: Removes Ability of State and Local Franchise Authorities to Enforce Franchises

- Eliminates cable franchise renewals, thereby removing ability of state or local franchise authority to enforce franchise obligations such as PEG, customer services and build-out.
- Grants a cable operator the right to terminate a franchise but creates no obligation to remove cable system from rights-of-way.
- Affirmatively grants cable operators the right to provide non-cable services while prohibiting localities from imposing any fees on cable operators’ non-cable services, thus providing an unfair competitive advantage to a single utility provider.



THE UNITED STATES
CONFERENCE OF MAYORS



April 19, 2023

The Honorable Bob Latta
Chairman, Communications and Technology Subcommittee
House Energy and Commerce Committee
2125 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman Latta, Vice Chairman Carter, and Ranking Member Matsui:

On behalf of the nation’s counties, cities, towns and villages, the National League of Cities, United States Conference of Mayors, National Association of Counties and the National Association of Telecommunications Officers and Advisors thank the Committee for its attention to the matter of removing barriers to broadband deployment. As the national associations representing elected and appointed local government officials, we appreciate the opportunity to provide input on this important topic.

As our federal agencies embark on the most ambitious one-time federal investment ever made in broadband infrastructure and adoption through the programs created by COVID relief programs and the Bipartisan Infrastructure Law, it is critical that we ensure the value of these funds is maximized.

Local leaders are eager to partner with state and federal agencies to realize our shared goal of affordable, high-quality broadband access for every household, community anchor, and business. We are committed to assisting Congress in the successful deployment of broadband infrastructure and services throughout this nation, and we stand willing to provide its assistance and support as a resource in this regard.

Local governments have been partners with both the wireline and wireless industries in local infrastructure deployment successfully through decades of evolving technical deployments. We continue to be the industries’ partner in bringing about such deployments. Congress need not act in this area, and certainly not before local government is given the opportunity to show why such actions are both unnecessary and unconstitutional.

We support legislation to remove barriers to local investment in broadband infrastructure, such as the Community Broadband Act (H.R. 2552). Residents in every state deserve the opportunity to decide locally whether public investment in or ownership of broadband infrastructure is the right choice for their community. Having these options available ensures that federal, state, and local infrastructure investments promote consumer choice, competition, and innovation.

We also support efforts to appropriately speed infrastructure deployment on federal lands and minimize red tape for projects requiring federal permits, an issue that impacts rural communities and gateway communities to natural recreation areas in particular. We applaud ongoing and future efforts to promote interagency coordination and collaboration on program requirements and

application processes, which can help smaller, less-resourced communities apply for and successfully obtain federal funding and financing opportunities.

As the level of government closest to the people, we oppose heavy-handed federal overreach into local land use, permitting, and franchise negotiation decisions. Many of the bills the Subcommittee will consider during this hearing would preempt or undermine the property rights of local governments and local governments' police powers to protect and preserve the safety, well-being, and aesthetics of their communities, which Congress and the Constitution have long recognized. Congress has historically recognized these rights in Sections 224, 253 and 332 of the Telecommunications Act.

These authorities are critical to conduct responsible stewardship of public property, protect public safety, and preserve the rights of residents as consumers of broadband services and neighbors to the infrastructure that makes connectivity possible. We fear the unintended consequence of some of these bills will be to impose costs on local governments, burdens on our taxpayers, interference with public safety and otherwise harm local protections that are the heart of localism without substantively improving broadband deployment.

We look forward to partnering with the members of the Committee to eliminate the digital divide. The future social and economic success of our communities depends on our collective efforts.

Sincerely,



Clarence Anthony
CEO and Executive Director
National League of Cities



Tom Cochran
CEO and Executive Director
The United States Conference of Mayors



Matthew D. Chase
CEO/Executive Director
National Association of Counties



Tonya Rideout
Executive Director
The National Association of Telecommunications
Officers and Advisors

Cc: Members of the House Energy and Commerce Committee

If you have any questions, please contact:

The **National League of Cities (NLC)** is the voice of America's cities, towns and villages, representing more than 200 million people. NLC works to strengthen local leadership, influence federal policy and drive innovative solutions. Contact: Angelina Panettieri, Legislative Director for Information Technology and Communications, at 202-626-3196 or panettieri@nlc.org.

The **National Association of Counties (NACo)** provides essential services to the nation's 3,069 counties, serving nearly 40,000 county elected officials and 3.6 million county employees. Since 1935, NACo unites county officials to advocate county priorities in federal policymaking and optimize county and taxpayer resources and cost savings while promoting exemplary county policies and practices. Contact: Seamus Dowdall, Assoc. Legislative Director, Telecommunications & Technology at 202-942-4212 or sdowdall@naco.org.

The **United States Conference of Mayors (USCM)** is the official nonpartisan organization of cities with populations of 30,000 or more. There are 1,400 such cities in the country today. Each city is represented in the Conference by its chief elected official, the mayor. The Conference's Task Forces examine and act on issues that demand special attention such as civic innovation, exports, hunger and homelessness, and brownfields, transportation and technology. Contact: David W. Burns, Assistant Executive Director, at 202-861-6765 or dburns@usmayors.org.

The **National Association of Telecommunications Officers and Advisors' (NATOA)** 400 members are local government staff and their advisors offering a wealth of experience and expertise on public rights-of-way management telecom work and communications issues on behalf of local government related to broadband, wireless, cable television, public, educational, and government (PEG) access, public safety communications, consumer protection and PROW management. Contact: Mike Lynch, Legislative Affairs Director, 703-519-8035, x202 or MLynch@NATOA.org.



June 2nd, 2023

Nick Batz, Director
Oregon Broadband Office
775 Summer St. NE, Suite 200
Salem, OR 97301

Re: Oregon Broadband Listening Sessions and Data Collection Concerns

Dear Director Batz,

We are writing to express our disappointment and concern with the lack of community meetings and other forms of engagement in urban areas across our state. We have roughly 125,000 households in Oregon without internet access, more than 100,000 of which are concentrated in urban cities, and an even greater number face barriers to digital equity beyond issues of internet access and affordability. Oregon is poised to receive up to \$700 million or more in federal dollars to invest in building broadband infrastructure and deliver needed digital inclusion services. These unprecedented investments are a never-before-seen opportunity to help further close Oregon’s digital divide. The Broadband Equity, Access, and Deployment (BEAD) Program prioritizes building infrastructure in “unserved” and “underserved” communities, while the Digital Equity Act (DEA) focuses on serving “covered populations.” These groups are defined in statute and program guidelines, but the overarching intent of the BEAD and DEA programs is to improve digital equity in historically unserved and underserved communities.

In order for the BEAD and DEA investments to advance digital equity for all Oregonians, the needs and voices of all Oregonians, especially those most impacted by the digital divide, must be reflected in the planning process. Based on the lack of consistent communication by the Oregon Broadband Office (OBO) about the planning process thus far and the very limited opportunities for meaningful community engagement, it is clear that many voices are being left out.

Below, we have detailed several specific concerns with the OBO’s strategies for gathering data and engaging with communities throughout the BEAD and DEA planning processes, followed by a set of recommendations to remedy these concerns.

Lack of community engagement in urban areas of the state

- Of the 12 planned in-person community meetings, none will occur in the state’s largest population centers, including Portland, Salem, Eugene, and Bend. Only one meeting will be held in a large urban center (Gresham), while all others will be in communities of fewer than 40,000 residents.
- Among the “covered populations” identified in the DEA, most are heavily concentrated in urban areas. Not only do these groups face increased barriers to digital equity, but also

historic and ongoing marginalization and underrepresentation. By failing to provide opportunities for meaningful engagement in locations and formats that are accessible to members of covered populations, OBO's approach risks widening the digital divide rather than closing it.

Overemphasis on BEAD and infrastructure to the exclusion of other digital equity needs

- Digital inequity impacts people in diverse ways regardless of whether they live in urban, suburban, or rural areas. However, the OBO's approach is heavily skewed toward the singular issue of lack of broadband availability in unserved areas. It is not possible to fully understand the range of digital equity needs that exist in the state (e.g., broadband affordability, device access, lack of skills, and technical support) if significant segments of the population are excluded from the process because opportunities for input are inaccessible to them.
- While broadband availability is an important issue, the other digital equity needs of Oregon residents are equally important and deserve equal consideration. Additionally, the OBO has received funding specifically to develop a state digital equity plan, and the state's BEAD action plan requires an assessment of digital equity needs that extend beyond availability concerns. Despite these facts, the outreach materials shared by the OBO and the approach to community engagement (including the location of public meetings) minimize the importance of non-infrastructure needs and solutions.

Insufficient outreach and public notice of scheduled engagement opportunities

- Oregon is holding significantly fewer in-person and virtual meetings across the state than many other states, including states that are geographically much more compact. The number of opportunities for individuals and organizations to participate in the process is simply not enough.
- Notice for the virtual and in-person public meetings has been very short and not widely disseminated. Short notice increases the likelihood of scheduling conflicts and reduces the ability to adjust schedules, plan transportation, and make other necessary arrangements to participate. Additionally, pre-registration is required (or at least requested) to participate and serves as an unnecessary barrier.
- It appears that the primary methods for communicating about engagement opportunities have been through the OBO email listserv, the website, and direct invitations by OBO staff during other meetings or speaking engagements. All of these methods require an existing connection to or familiarity with the OBO. Even with local governments and community-based organizations forwarding information, this extremely limited outreach means that the vast majority of individuals will never hear about the opportunities to participate in the process.

Poor design and distribution of surveys from key population groups and stakeholders

- The multiple, overlapping surveys are without clear distinction. Your local partners need guidance on the purpose of each to effectively distribute them on your behalf. How will the results be used?

- The lack of explanation about the purposes and uses of survey data, combined with requiring contact information and other fields on the first page of the surveys before respondents can see what else is being asked, discourages participation.
- The Digital Equity Program Inventory asks for organization type as a required field, but options appear to be somewhat arbitrary, and many digital equity service providers are not represented and are thus unable to respond. For example, device refurbishers; digital skills training providers; media; philanthropic organizations; nonprofit housing providers; and organizations that serve low-income individuals/families, people who are unhoused/housing insecure; and LGBTQIA individuals are all absent from the list. This question reflects a narrow scope and is likely to significantly undercount the number and diversity of organizations currently engaged in digital equity work across the state.
- Unless a potential survey recipient received a direct request from the OBO to complete one of the surveys, they are unlikely to be found. The surveys are not prominently displayed online, and there is no clear guidance for sharing the survey with other potential respondents. There is no clear strategy for leveraging local partners and networks to gather survey responses in a systematic and comprehensive way.
- Be aware that local communities are experiencing survey fatigue. Moreover, some communities have already conducted their own surveys. What is the plan for integrating their contributions to this work?

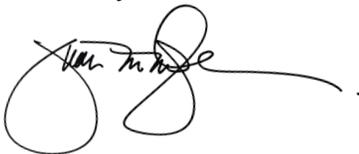
Recommendations

- Reach out early to ensure local communities understand the state agency, the timeline, and what is being asked. Busy people who are juggling the responsibilities of their lives, work, and families may not be willing to engage unless they are already engaged with the OBO or see a clear benefit.
- Redesign the surveys to improve usability and to more completely capture key information on stakeholders, digital equity programs and assets, and resident needs.
- Consider the findings of digital equity research and community engagement that have already been completed locally. Provide mechanisms for organizations to submit data that has already been gathered in bulk rather than requiring manual entry of each individual record.
- Solicit input on survey design and any other planned qualitative data collection, such as focus groups, from a researcher with expertise in research design and from NTIA digital equity staff.
- Schedule more in-person community meetings in coordination with community partners and in locations and at times that are conducive to participation by members of covered populations and organizations that represent them.
- The OBO should gather input from NTIA and other states when considering an appropriate number of meetings to hold and how to distribute them most effectively across the state.

- To ensure that diverse voices are not dismissed, employ multiple methods of community outreach and advertising through local trusted CBOs and radio stations in urban and rural areas rather than offering only one way for the community to participate.
- Written materials, meeting interpretation, and phone surveys need to be offered in multiple languages, not just English and Spanish.
- Explore more methods for engaging people who are not digitally connected. Attendance should not only be based on pre-registration. This is a barrier for many people, especially those who do not already have access to the Internet.
- In order to reach a broader range of voices directly impacted by the digital divide (who otherwise would not show up), partner with local, trusted community-based organizations, churches, and anchor institutions; this should not result in the shifting of responsibility for planning events or preparing outreach materials. The OBO can provide ready-to-go materials, in both digital and printed formats, for community partners to use, and the OBO should coordinate all logistics for engagement events and data collection activities with consultation from local community partners.
- Significantly expand outreach efforts to increase awareness of already planned and potential future opportunities for input and engagement.
- At every event and for all methods of gathering input, provide clear explanations of what you are asking for and why, how the input will be used in the planning process, a mechanism for following the progress and implementation of community input, clear communication, and instruction to access and use said mechanism, specific opportunities for future input, and how participants can review and provide input on the outputs.

The goals of the undersigned in documenting these concerns and recommendations to address them is to work with the OBO to improve community engagement and data collection for the BEAD and DEA planning processes while they are still underway. We're committed to advancing digital equity for all Oregonians and believe that to do so; these plans must reflect a more inclusive and wide-reaching engagement than is currently planned. We would like an opportunity to discuss this letter further and collaborate with OBO staff. Thank you for your attention to this matter; we look forward to hearing from you.

Sincerely,



Juan Manuel Muro, Jr., Executive Director, Free Geek
 Maria Lara, Free Geek / DIN Coalition Manager

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Chris Coughin, Policy Director, Oregon Consumer Justice

Nansi Lopez, Policy Director, Centro Cultural

Ryan Wright, Executive Director, Junxbox

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