

# MEMORANDUM

9/10/2024

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TO: Joint Legislative Committee on Information Management and Technology  
THRU: Oregon Broadband Office, Oregon Business Development Department  
FROM: Oregon Broadband Advisory Council  
SUBJ: 2024 Oregon Broadband Advisory Council Report

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## Executive Summary

Per House Bill 4092, 2022, ORS 285A.160. The Oregon Broadband Advisory Council [OBAC] shall submit a report by September 15 of each year to the Joint Legislative Committee on Information Management and Technology on the following subjects:

- (1) The status of any broadband strategies developed by the Oregon Broadband Office and any updates to those strategies in the 12 months immediately preceding the date of the report.
- (2) A list of every grant and loan provided through the office and the status of each project associated with a grant or loan provided through the office.

OBAC offers the following statements:

The following broadband strategies or updates were developed by the Oregon Broadband Office (OBO) for the subject reporting period:

1. Broadband Programs, administrative rules

Status: Draft rules were prepared and posted for public comment on September 30, 2022; both public and OBAC comments were received and considered. Staff filed a notice of proposed rulemaking on February 21, 2023, and then again on March 24, 2023, to provide two public hearing dates. Staff worked with the Oregon Department of Justice on updates to the proposed rules in response to the passage of House Bill 3201, 2023 legislative session which were adopted on November 14, 2023. Additionally, Broadband Program Rules were amended to align program rules with relevant state and federal statutes or requirements established by federal agencies on July 30, 2024.

2. Broadband Technical Assistance Program

Status: This proposed program was prepared and posted for public comment on September 30, 2022; both public and OBAC comments were received and considered. On May 4, 2023, the OBO issued a Request for Information (RFI) to better understand the technical assistance needs from potential applicants; both public and OBAC comments were received and considered. This program was dependent on Broadband Programs administrative rules being adopted and became effective on November 14, 2023; the program handbook was adopted on November 20, 2023.

Consistent with the Broadband Technical Assistance Program Applicant's Handbook and Program Guidelines which were adopted as an administrative rule (OAR [123-047-0095](#)) effective November 20, 2023, the Oregon Broadband Office (OBO) issued a grant announcement on January 2, 2024, making available \$1.5M in technical assistance funds to promote and support local and regional broadband planning efforts. Between January 2 and February 2, 2024, the OBO accepted applications for the Broadband Technical Assistance Program (BTAP) through an online portal. When the application period closed, the OBO had received 27 completed applications requesting a grand total of \$4,478,492; this grant cycle was three times oversubscribed. OBO conducted an initial review for completeness, sufficiency, and eligibility. OBO reviewed and scored each application consistent with the process and criteria described in the Broadband Technical Assistance Handbook and Rules.

OBO prepared an initial Recommendation Memo and provided it to the Grant Application Review Committee (GARC), which met to discuss the program's applicants and potential awardees on March 14<sup>th</sup> and March 26<sup>th</sup>. The GARC provided input and recommendations to the OBO.

The OBO issued a Notice of Intent to Award on April 15, 2024.

3. American Rescue Plan Act: Capital Projects Fund - Broadband Deployment Program:

Status: The plan was submitted on September 22, 2022, to US Treasury for review. This proposed program was prepared and posted for public comment on September 30, 2022; both public and OBAC comments were received and considered. This program was dependent on Broadband Programs administrative rules, which were adopted and became effective on November 14, 2023; the program handbook was adopted on March 4, 2024 and amended on March 15, 2024.

Consistent with the American Rescue Plan Act - Capital Projects Fund: Broadband Deployment Program ("BDP") Applicant's Handbook & Program Guidelines ("BDP Handbook") which were adopted as an administrative rule (OAR [123-047-0115](#)) effective March 4, 2024, OBO issued a grant announcement on March 25, 2024. The application deadline was April 25, 2024, the OBO accepted applications for the Broadband Deployment Program (BDP) through an online portal. When the application period closed, the OBO had received 63 completed applications requesting a grand total of \$445 million; this grant cycle was three times oversubscribed. The office is currently reviewing applications.

4. Broadband, Equity, Access, and Deployment (BEAD) program - Initial Proposal volume 1&2

Status: Volume 1 of the BEAD Initial Proposal was prepared and posted for public and OBAC comment on September 20, 2023, and volume 2 was prepared and posted for public and OBAC comment on November 9, 2023; public comments were received and considered for both documents. Volume 1 was submitted on November 9, 2023, and volume 2 was submitted on December 21, 2023, to the National Telecommunications and Information Administration. Both plans were approved in 2024.

Volume 1 includes the following requirements outlined in the BEAD NOFO: 1. Identifying existing efforts funded by the federal government or the State of Oregon within the jurisdiction of the State of Oregon to deploy broadband and close the digital divide. 2. Identifying each unserved location and underserved location within Oregon, using the most recently published National Broadband Map as of the date of submission of the Initial Proposal, and identifies the date of publication of the National Broadband Map used for such identification. 3. Describing how OBO has applied the statutory definition of the term "community anchor institution" (CAI), identified all eligible CAIs in Oregon,

and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; and which institutions, if any, it considered but declined to classify as CAIs. If OBO proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which OBO determined that such category of CAI facilitates greater use of broadband service by vulnerable populations. 4. Proposing a detailed plan as to how OBO will conduct a challenge process consistent with the draft challenge process guidance released by NTIA on June 28, 2023.

The BEAD Challenge process was completed to allow final corrections to the list of eligible locations. It was open from April 22- May 22, 2024. Permissible challengers were given the opportunity to provide rebuttal evidence against the challenges submitted from May 30- June 29, 2024. The Oregon Broadband Office reviewed all evidence and processed final determination June 30- August 22, 2024. 465 challenges were received for 58,455 locations and 68 rebuttals of 3,318 locations.

Volume 2 includes the following requirements outlined in the BEAD NOFO: objectives; local, tribal, and regional broadband planning processes; local coordination; deployment subgrantee selection, non-deployment subgrantee selection; eligible entity implementation activities, labor standards and protection; workforce readiness; minority business enterprises/women's business enterprises/labor surplus area firms inclusion; cost and barrier reduction; climate assessment; low-cost broadband service option; middle-class affordability plans; use of 20 percent of funding; eligible entity regulatory approach; certification of compliance with BEAD requirements; and public comment process.

## 5. The State of Oregon Digital Equity Plan

Status: This plan was prepared and posted for public comment on November 1, 2023; both public and OBAC comments were received and considered. The Plan was submitted on January 24, 2024, to the National Telecommunications and Information Administration. It was approved on March 28, 2024.

OBO is designated by the State of Oregon as the Eligible Entity for purposes of the federal Digital Equity Act. With the support of Oregon's elected leaders, OBO endeavors to ensure that all people in Oregon have access to reliable, affordable home broadband internet, an affordable, quality, internet-enabled computing device, digital skills, quality technical support in culturally and linguistically diverse in-community spaces, access to cybersecurity tools and the knowledge needed to stay safe online, and inclusive online content designed to enable and encourage self-sufficiency, participation, and collaboration.

As detailed in this Plan, OBO has conducted a comprehensive outreach effort, developed a data-driven digital equity needs assessment, and identified a clear implementation path for achieving digital equity objectives. To achieve this vision for digital equity, the State of Oregon will work with its institutional, tribal, local, and nonprofit partners toward five key goals:

1. Universal access to affordable and reliable high-speed home internet.
2. Universal access to an affordable, quality, internet-enabled modern computing device that meets each person's needs.
3. Universal access to digital literacy skills and quality technical support in culturally and linguistically diverse in-community spaces.

4. Universal access to the tools and information needed to protect oneself online.

5. Universal access to inclusive state resources and online content to access essential services and programs

No loans were provided through the office for the subject reporting period

The following Broadband Technical Assistance Program grants were provided through the office during the subject reporting period. The status of all projects listed below are open; each project is under contract and in the period of performance.

<b>Broadband Technical Assistance Program Awardees</b>				
<b>App #</b>	<b>Applicant Name</b>	<b>Project Title</b>	<b>Activity/Budget Category</b>	<b>Award Amount</b>
4412	Polk County	Rural Broadband Staff Support	Staffing	\$ 42,840.00
4392	Farmers Mutual Telephone Company	Malheur County Broadband	Feasibility, Business Planning, Pre-Engineering	\$ 75,000.00
4465	Clatskanie People's Utility District	Clatskanie PUD Strategic Broadband Planning	Strategic Planning	\$ 78,750.00
4459	Tillamook Lightwave IGA	Business Planning and Preliminary Engineering for Tillamook County	Business Planning, Pre-Engineering	\$ 147,000.00
4395	Greater Eastern Oregon Development Corporation (GEODC)	Umatilla County	Strategic Planning, Feasibility, Pre-Engineering	\$ 149,449.00
4482	Gilliam County	Gilliam County BTAP Preliminary Engineering	Feasibility Study, Pre-Engineering	\$ 150,000.00
4502	Josephine County	Josephine County Broadband Technical and Strategic Plan	Staffing, Strategic Planning, Grant Application Support	\$ 150,000.00
4484	Wheeler County	Wheeler, Sherman, Grant Feasibility Study	Feasibility Study	\$ 262,800.00
4405	Inland Development Corporation	Eastern Oregon Last Mile	Feasibility Studies, Pre-Engineering	\$ 300,000.00
4477	City of John Day	John Day Last Mile Technical Assistance	Pre-Engineering	\$ 65,000.00

4408	Morrow County Broadband Network Consortium	Morrow County Preliminary Engineering Technical Assistance Grant	Pre-Engineering	\$	79,161.00
			<b>Total Awards</b>	\$	<b>1,500,000.00</b>

**Supplemental Information**

House Bill 4040, 2024 was signed by the Governor on March 27, 2024. this bill eliminated the Grant Application Review Committee and assigned that responsibility to OBAC.

House Bill 3201, 2023 was signed by the Governor on July 18, 2023. This bill substantially changed laws related to the Oregon Broadband Fund.

House Bill 4092, 2022 was signed by the Governor on March 23, 2022. The bill revised OBAC by eliminating existing executive appointments, revised its membership number and representation, and revised its roles. Executive appointments were not completed until 8/29/22.

This memorandum serves as the entire 2024 Oregon Broadband Advisory Council Report. Any member of the Legislative Assembly may request a copy of this report from the Oregon Business Development Department.

Copy: Legislative Assembly