



Update to the Communications Advisory Commission

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BACKGROUND

As you know, the ARPA Communications Advisory Commission was scheduled to meet in the Capitol today. However, the timing for bringing new, key staff members did not quite work in order to have a productive meeting. Therefore, Chair Ellsworth and I jointly agreed that today's meeting should be cancelled, and we would focus instead on our next meeting, which will be held on Tuesday, September 14th.

So, in lieu of holding a meeting today, I am providing this update that hopefully will give you helpful information as we prepare for our September meeting.

PROGRAM OPERATIONS

On June 25, 2021, the Department of Commerce (DOC) delegated the program operations and funding for the ARPA Communications Program to the Department of Administration (DOA). This step was taken because of heavy workload at DOC and program efficiencies at DOA. The DOA Architecture and Engineering division will oversee all aspects of the program, and the Communications Advisory Commission will remain attached to the DOC for staffing and administrative purposes.

With this transition, DOA now oversees the website and call center operations. In addition, DOA's State Procurement Bureau expedited contracting for critical program components such as the hiring of a project manager, mapping software, and engineering and grant application review.

HIRING / STAFFING

DOA is pleased to announce the first members to of the Broadband team! We've hired Luke Holmes to serve as the Project Manager/Lead and Jose B. "J.B" Lorenzo as our telecom attorney.

Luke Holmes

Broadband Project Manager

Mr. Holmes brings more than 17 years of telecommunications experience to this role. He has managed all aspects of telecommunication operations within his previous roles in Montana as well as several other western

states. His experience includes overseeing pre-field engineering, permitting, construction, and all financial aspects of both multi-million-dollar broadband projects as well as small projects. His most recent position was with EdgeTek Construction as Executive Vice-President.

Jose B. “J.B.” Lorenzo

Broadband Attorney

Mr. Lorenzo holds a law degree from the University of Denver and brings more than 23 years of directly related experience to this position. His experience includes providing legal counsel in the areas: telecommunications access issues, internet business and government contracts, contract negotiations, and business planning. Mr. Lorenzo’s work experience includes nine years of private practice, as well as his nearly 15 years legally advising on technology, information networks, internet operations, data management and contracts, in addition to litigation and administrative rule making. He worked with the State of Florida providing counsel to the Florida State Technology Office, the Florida Energy Direct Program, the 800 MHz Law Enforcement Radio System Joint Task Force, the Florida 911 Cell Phone Commission, and the Florida Information Resource Network. His background and experience will directly benefit the State of Montana’s broadband program plans and initiatives.

We look forward to having Luke and J.B. both onboard by early September.

ARPA FEDERAL TREASURY GUIDANCE

On June 17, the U.S. Department of Treasury released updated [FAQ resources](#) on the broadband eligible use category for American Rescue Plan’s State Fiscal Recovery Fund. The clarifications provided by Treasury allow flexibility for projects that may not meet the unserved and underserved household definition; so long as those locations remained prioritized. Treasury also notes that “middle mile” projects are also eligible uses of funding but encourages communities to focus on projects that will achieve last-mile connections or ensure that middle-mile projects have potential to achieve last-mile service.

The updated FAQ also clarifies the term “reliability” when determining if locations reliably receive 25/3 Mbps wireline service, or if projects reliably provide 100/100 Mbps or 100/20 Mbps service. Treasury notes projects states have discretion to determine this reliability and notes that provider claims of service for a household or similar location, such as through provider advertisement or FCC-census block data, are not necessarily dispositive.

The updated FAQ does not address changes to the 25/3 Mbps speed threshold when determining if a location is unserved or underserved, nor does it address affordability concerns in that determination. If a community determines that it has no locations lacking reliable wireline 25/3 Mbps service, even if that service is unaffordable or inadequate for residents’ and businesses’ needs, under the current guidelines and regulations, they would be unable to use the State Fiscal Recovery Fund money to build new broadband infrastructure. However, they could elect to use it for affordability programs or supports.

The Budget Office submitted comments at Treasury’s invitation requesting more discretion for states in determining appropriate broadband expansion.

OTHER FEDERAL UPDATES

Infrastructure Package

On August 10, 2021, the Senate passed a \$1.2 trillion dollar infrastructure bill that contains significant funding to support broadband. The bill includes \$65 billion to connect rural areas and low-income communities to high-speed internet. Of this, more than \$44 billion is allocated to National Telecommunications and Information Administration (NTIA) to support broadband activities, including a \$100 million dollar allocation to each state for broadband expansion. The package next heads to the House for consideration.

FCC Mapping Initiative

On August 6, 2021, the FCC published a new mapping tool showing mobile coverage from the country's largest wireless providers. Link to the release and mapping tool can be found here: [DOC-374726A1.pdf \(fcc.gov\)](#)

COMMISSION MEETINGS

The next meeting of the ARPA Communications Advisory Commission will be held on **Tuesday, September 14th at 9:00 a.m.** in Room 137 of the Capitol and online via Zoom. Draft and Final Agendas and meeting materials will be provided in advance of the meeting.

Hopefully all members will be able to attend because we are now staffed and positioned to start moving forward in meaningful ways.

See you on September 14th!