

Ohio Broadband Council



POLICY SUBCOMMITTEE

Meeting Minutes

September 2, 2008

10:30 a.m. ~ 12:30 p.m.

Vern Riffe Center, Columbus, Ohio

Attendees

Steve Burigana, Ohio Department of Education, Chair

David Barber, Ohio Board of Regents

Robert Luikart, OSU College of Food, Agricultural, and Environmental Sciences

Frank Mathews, Communications Workers of America

Brian Phillips, OU College of Osteopathic Medicine

Chris Vaughan, Ohio Cable Telecommunications Association, (delegate for Ed Kozelek)

John Wanchick, Ohio Department of Job and Family Services

Call to Order and Approval of July 17th Meeting Minutes

Chair Steve Burigana called the meeting to order at 10:32 a.m. He then asked subcommittee members to review and approve all July 17th meeting minutes. Robert Luikart motioned to accept all minutes. Frank Mathews seconded the motion. All July 17th meeting minutes were approved by the subcommittee.

Policy Development Discussion

Chair Burigana said the subcommittee has gathered for several discussions and it is important to now begin to discuss policy points in earnest, but that the first order of business is to agree on a definition of broadband.

Definition of Broadband

Katrina distributed two handouts - "Different Definitions of Broadband" and "What is Broadband". Reviewing the handouts, the group began to discuss what the Ohio Broadband Council (OBC) definition of broadband should be.

David Barber suggested that a date or time limit be placed on whatever definition the Policy Subcommittee establishes, as what is considered to be broadband now may not be considered broadband later. Chair Burigana suggested that the definition could be tied to the FCC definition, and that the OBC make it a policy to adopt the FCC's definition each time it changes. Frank Mathews agreed, saying the FCC definition won't "handcuff" Ohio on time or speed. Pankaj Shah offered that the Ohio definition should be tied to a floor but not to a ceiling, and he noted that California has broadband definitions broken down by application. Chairman Burigana noted that if the subcommittee goes that route, everyone will have to define their applications and this subcommittee would continually have to revisit the issue, and these things would be counterproductive. Chris Vaughan cautioned that whatever definition this subcommittee decides upon, it should somehow reflect the fact that what works in a residential market

does not work in a commercial market. John Wanchick suggested that the term “affordable” not be included in the definition, as the definition does not change based on price. He felt the California Broadband Task Force piece would be good if the (sixth) bullet about minimum speed was removed, and a reference made to the FCC definition.

Because this subcommittee must agree to a definition of broadband in order to frame policy going forward, Chairman Burigana proposed that the council adopt the California Broadband Task Force definition but change the minimum speed language – bullet point number six – and specify that our definition be tied to the FCC definition as a floor. John Wanchick moved to accept the proposal and David Barber seconded the motion. All subcommittee members agreed and the proposal passed. This will be taken forward to the next meeting of the OBC as a recommendation for adoption.

Continuing to review the “What is Broadband” handout, Chairman Burigana asked if the team would like to use the same grid and if so, should it be introduced to the Outreach Committee for adoption? He pointed out that in the past OIT has reviewed proposed projects, but now we need to decide what criteria the OBC must use to accept projects. Brian Phillips noted that a major category – education – is missing from the grid. It is critical that education not be excluded, because the requirements for students even at the K-12 level are more and more significant now.

Broadband Capacity as a Right - access vs. provision

Chair Burigana said we should consider utilizing the term “essential service”, as we don’t want to delve into the realm of fundamental rights of individuals. We need to answer whether we have to assure access or to provide service. Robert Luikart noted that utilities have had to make their services available to everyone. David Barber noted that, with deregulation, we have to now think of how we ensure access. Frank Mathews noted that since we have so many providers in this state, we should offer incentives for the build-out of those networks.

Chair Burigana asked if we can say it should be the policy of the OBC that access to broadband - as defined - is an essential service. If we can say the essential service concept is something we want to strongly consider, when we get to the general body there will be further discussion. In order to complete this essential service (and other) discussion, we plan to create a SharePoint site. Pankaj has offered to create the site and Beth Arledge will work with Pankaj. We will not be taking votes or engaging in deliberation on the site, but sharing thoughts, documents, etc. This site will be considered a public document.

Chair Burigana said that when considering provision vs. access, we know there is a significant difference. Chris Vaughan agreed, and pointed out that access could mean access to each home, or access could mean broadband is simply available in the general area in schools, libraries, etc. Katrina Flory noted that we do have to take that into consideration because some people cannot afford a computer. Steve Burigana posed the question “Essential service to whom ... every area ... every citizen?” Brian Phillips offered that when you think of it being essential for every student, and if that’s the case then the answer has to be “to every home”. Chris Vaughan pointed out that even health insurance isn’t a right in the state of Ohio, and questioned whether we are building an expectation that all people in Ohio will have broadband whether they can afford it or not. Chair Burigana explained that this is why we need to speak in terms of essential service rather than a right.

Burigana then reminded the team to think in terms of the policy role, as we want to establish a policy that will stand over time, and we need to be mindful of availability, sustainability, scalability, and we do still need to speak to the affordability question. Pankaj Shah asked whether the policies are just for OBC or for all Ohio. Chair Burigana explained that we will determine the recommended policy for consideration by the OBC, which will cover the scope of authority of the OBC. Brian Philips suggested the broadband narrative statement be as follows: *In Ohio every citizen would have broadband as an essential service that would be accessible and affordable.*

Statement of Intent (public/private relationship)

Chair Burigana said that although we have discussed in the past what the role of government should be, we now need to formulate a general statement of intent. For example, would it be a proposed policy that the efforts of the OBC would be prioritized first by creating opportunities for commercial development and - absent willingness for participation by the commercial market - then and only then pursue direct development? Given the limited resources, it wouldn't make sense for the OBC to try to become a builder/ developer. John Wanchick suggested the four criteria the Chairman talked about earlier – availability, sustainability, affordability and scalability be incorporated as one of the bullet points on our definition document. Brian Philips pointed out that benchmarks would then need to be identified, and Robert Luikart agreed that this would create taxonomy to determine whether providers are effective or not.

Project and Program Standards

Robert Luikart said when talking about projects, there has to be some element of governance or accountability. Chair Burigana pointed out that we cannot regulate everything, and this is what's pursued under the auspices of the OBC. Further, he said it's not technology-specific, there have been instances where some special consideration was given to a private entity and they fail to deliver long-term. That is an issue of sustainability.

Chair Burigana asked for a motion to adjourn at 12:09 a.m. Brian Phillips motioned and Robert Luikart seconded the motion. Meeting adjourned at 12:10 a.m.

Next meeting

Monday, October 6th, 2008

10:30 a.m. to 12:30 p.m.

Vern Riffe Center for Government and the Arts, Room 1932