



## IOWA TELECOMMUNICATIONS AND TECHNOLOGY COMMISSION

Barb Kniff McCulla    Timothy L. Lapointe    Robert F. Holz    Steven Olson  
CHAIR                      Krista Wenzel                      Annette Dunn                      Rob Sand

Randy Goddard, Executive Director

Governor Kim Reynolds

Lt. Governor Adam Gregg

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# Iowa Telecommunications & Technology Commission Grimes State Office Building, 1<sup>st</sup> Floor 400 East 14<sup>th</sup> Street, Des Moines, IA 50319 Meeting Minutes December 17, 2020

## FINAL

To ensure the most efficient use of State resources, the December 17, 2020, ITTC meeting was held via video conference pursuant to Iowa Code section 21.8. The current public health recommendation is to minimize public gatherings. A video conference ensured that more Commissioners, staff, and the public were able to participate in the meeting and reduced the risk of delays caused by the public health recommendation. The meeting was accessible to members of the public.

## Roll Call:

### Commissioners Present via Zoom

Barb Kniff McCulla, Chair  
Bob Holz, Member  
Steven Olson, Member (Joined 11:26 AM via phone)  
Timothy Lapointe, Member  
Krista Wenzel, Member  
John McCormally, Representing Rob Sand, Ex-Officio Member

### Commissioners Absent

Matt Behrens, Representing Annette Dunn, Ex-Officio Member

### Iowa Communications Network Staff via Zoom

Randy Goddard, Executive Director  
Deb Evans, Chief Financial Officer  
Mark Johnson, Chief Operating Officer  
Mike Cruise, Finance Bureau Manager  
Scott Pappan, Operations and Engineering Bureau Manager  
Ryan Mulhall, Network Services Bureau Manager  
Dave Marley, Field Services Officer  
Mike Lauer, ICN Sales Engineer  
Mark Dayton, ICN Sales Engineer  
Lori Larsen, Executive Officer 2 (Recorder)

### Guest Attendees via Zoom

Scott Golberg, Fiber Network Services (FNS)  
Rob Smith, Fiber Network Services (FNS)  
Ray Warner, Aureon  
Sean Corey, Lumen  
Alan Nagel, Attorney General  
Brad Horn, Attorney General  
Ryan Koopmans, Representing Securus Technologies



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### Call to Order:

Chair Kniff McCulla called the meeting to order at 10:30 AM. It was noted that a quorum of members was present for the meeting.

### Approval of the November 19, 2020 Meeting Minutes:

Chair Kniff McCulla requested a motion to approve the November 19, 2020 meeting minutes. Commissioner Holz moved to approve the minutes. Commissioner Lapointe seconded the motion. The motion passed unanimously.

### Old Business:

None

### New Business:

#### Agency Updates

#### Finance Update – Mike Cruise

##### November FY 2021 Budget-to-Actual Report

###### Monthly Revenues and Expenses

The month of November resulted in an operating margin of \$102,743 or 3.9%. This is \$128,919 favorable to the budget of -\$26,176. Revenue was favorable to budget by \$53,000 and direct expenses were \$76,000 favorable to budget. A few notes are that Voice usage was down a little across the board compared to October, but that should be expected with there being four-six less business days (November holidays). Outside Plant revenue was up due to the amount of expenses last month, and we believe a high percentage of that would be recoverable. There was a negative expense recorded for the Security services, as ICN adjusted \$126,000 in expenses, which could be applied to our FY 2021 appropriation. We do not include the appropriation in the main budget-to-actual report. There was a new page added for the appropriation spending to track that as a separate fund.

###### Year-to-Date Revenues and Expenses:

The November year-to-date operating margin is -\$40,760 or - 0.3% which is \$722,341 favorable to the budgeted amount. Gross margin remains favorable by \$597,679.

###### Comparison to FY 2020:

The operating margin for FY 2021 is \$113,000 favorable to November FY 2020. The major factor being the \$119,000 increase in revenue.

###### Year-to-Date Comparison to FY 2020:

The November year-to-date operating margin is \$921,000 favorable to FY 2020. The gross margin remains strong and overall allocated expenses are favorable by \$296,000.

#### COMMENTS

None



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### Business Services Update – Mike Lauer

#### Healthcare Update

- ICN participated in the Iowa Hospital Association (IHA) annual meeting on November 18.
- Iowa Rural Health Telecommunications Program (IRHTP) Network refresh update continues with the goal to be completed in 2021.
- We updated our service agreement for IRHTP.
- Bandwidth increases for Davis County Hospital, Wayne County Hospital, and Osceola Community Hospital.
- Completed peering connection with WIN (Wisconsin Independent Network).

#### Government Update

- Judicial data center project: requesting Auditors approval.
- Office of the Chief Information Officer (OCIO) data center project: ICN presented solution and pricing.
- Department of Human Services (DHS) data center project: working with DHS and Insight on high level design.
- Department of Inspections and Appeals: two office locations for MVS.
- Cabling projects for multiple agencies on the Capitol Complex are ongoing.
- Multiple agencies are beginning to explore AWS direct connection options. As Data moves to the Cloud, ICN is still part of the conversation for transport services.

#### Public Safety Update

- Department of Corrections (DOC) Newton: New Voice system and ICN is working on the cabling project.
- DOC is sponsoring the inmate phone call program by covering the full cost of one free call each week for each inmate. ICN provides the phone service to DOC.

#### Iowa Homeland Security & Emergency Management (HSEMD) and 911 Project Wireline and Hosted Public Safety Answering Point (PSAP) Equipment

- 911 Wireline: ICN continues to work on the migration of all 911 wireline calls from local exchanges.
  - PSAP Migration: 51 of the 113 PSAPs have been migrated. ICN will continue to support this initiative. Ten (10) counties will require direct connections to several local independent telecoms.
- 911 Wireless Secondary Connections: Iowa will be the first in the nation to utilize FirstNet to wirelessly connect the redundant selective routers to the PSAPs in the event the primary route that utilizes ICN's fiber is damaged. Twenty-two (22) of the 23 sites are installed and handed over to Homeland Security's vendor. Gained Boone County on this project.

#### Education

- Customer success story: A high school reached out to the ICN when they were under a DDoS attack. It appeared to be a firewall issue, but it was also a DDoS attack. As their backup provider we were able to help. We turned their service up to 1Gb in less than two hours. The customer was very appreciative to the ICN.

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- USAC Update: The window for E-rate is open for the 2021-2022 school year until mid-February 2021. As of right now, ICN has reviewed 212 requests.
- Wartburg College new contract: current bandwidth of 3Gb Internet.
- Northeast Iowa Community College new contract at current bandwidth of 1Gb.
- Continue Focus on Community Colleges and Private Colleges with contracts that are set to expire in the next few months.
- New Opportunity: University of Iowa RFP for Web/Cloud based Telephony Systems, response due January 5, 2021.
- We received two waiver notifications, and we will review both waivers at the January Commission meeting.

### Conferences / Outreach

- ISU PAWRNET Grant Opportunity – Awaiting notification on award; will be announced early spring.
- Internet2 Outreach.
- ICN joined the Technology Association of Iowa membership.
- Website development update.

### COMMENTS

None

## Carrier Updates

### Network Services Update – Ryan Mulhall

#### Fiber Cuts / Outages / Customer Issues

There were two outages since the last ITTC meeting, so trending back to normal.

##### Cedar Falls - Nov 30

- Impact – Three (3) ICN links affecting 23 customer connections across all sectors.
- Root Cause Analysis – A contractor doing work for the ICN, raising a hand hole to grade, accidentally cut the ICN cable leading into that hand hole. Contractor was on site with an excavator and called in emergency locates. The ICN NOC confirmed system restoral at 5:12 PM (3 hours and 48 minutes after outage started).

##### Columbus Junction - Dec 7

- Impact – One IRHTP site
- Root Cause Analysis – This was an at-fault for the contractor as their locate ticket expired the day before. They hit a hand hole that was deeply buried and almost impossible for them to have known it was there. Duration of the outage was within 6 hour SLA.

The contractor has been good to us for 20+ years and there was no negligence on their part (aside from letting a ticket expire). During the restoration, we discovered another issue with skinned cable (unrelated). Rather than penalize the contractor for this, we worked quickly to take care of the newly discovered issue at the same time.



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### Outside Plant

Still trending high on the number of projects. We added 18 projects in November (November average: 13). Average per month in FY 2021 to date is 30. The projected total for the fiscal year is 362 (previous high was 270 for FY20). The total projects through FY 2021 to date is 151 (last year, FY20, we were at 123 at the same time, about a 25% increase).

### Contractor Issues

We continue to have issues arise with contractors performing quality work and completing work on time. Within the last month, we removed two from our bidder's list.

We continue to work with our contracting department and Deb Evans to come up with ways to address these issues and believe we are making positive changes.

### Information Systems/Security

#### ServiceNow Planned Timeline

We continue to work through defects and enhancements from our Customer Service Management rollout in ServiceNow. The internal development team and our integrator INRY have been diligently working through issues since the deployment of the new module. They have also received great help from Business Services, especially Tammy Rodriquez, in identifying issues and working through them quickly.

Next we will be turning our attention to a couple of contract renewals as it relates to our ServiceNow instance, as our Statement of Work with INRY for CSM has almost run its course and we look at what's next which will be mostly upgrades and maintenance as no new large initiatives are on the horizon and our primary developer retires in January.

#### Oracle

We are about 80% done with our project to install Oracle appliances and upgrade our database versions. The equipment is in; most of the work migrating our databases to the new infrastructure is completed. There are two applications that we are working through on getting them ready. We are waiting on support to be re-established for one of them before we can complete this project.

#### Security

In addition to our security lead being heavily involved in the white box development, we have also been busy elsewhere with business e-mail compromise incidents involving customers, as well as assessing impacts of some of the bigger security incidents in the news lately. While neither the FireEye breach nor the Solarwinds breach directly impact our network, we do have vendors that utilize these technologies, and we are monitoring their situations to see if our risk posture changes, which we currently believe is low.

We have also been working with DHS on compliance requirements, both internally as well as vendors, on services we provide so they can stay within the bounds of the regulations they are required to follow.

### COMMENTS

## Iowa Communications Network



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None

### Operations/Engineering Update – Scott Pappan

Goal for 2021 is to build efficiencies. ICN's Network vision is to develop, secure, enhance, and deliver relevant cost-effective technologies efficiently.

#### 100Gb Network Core Upgrade

- Circuits are being migrated.
- Working on Bettendorf (Ingress to Chicago). Configured equipment is being shipped to Bettendorf.
  - Ingress: Location the Network receives Internet from interexchange carriers (IXC).
- Equinix installation Chicago - Equipment is setup, needs cut over once Windstream circuit is complete.
- Dallas and Chicago will overlap for at least a month.

#### Iowa Rural Health Telecommunications Program (IRHTP)/Hospital Ciena Upgrades

- All IRHTP orders have been entered into the system and passed to FNS.
- Clinics: 136 sites installed and 36 pending orders with FNS.
- FNS has 177 network devices installed on IRHTP Network.
- Working on migrating circuits.
- ICN/FNS will be rebooting the Ciena devices to install updated code.

**Network Cleanup:** To fix or improve upon operational efficiencies within the ICN.

- **TDM Upgrade/Cleanup:** 219 DS3s removed from the Network. We have 39 pending removal that are passed to FNS. There are 22 sites that need to be engineered and moved out of the network. When completed the ATM network will be sunsetted.
- TDM upgrade goal is to have TDM upgrade completed by January of 2021.

#### Network Update

- Hut Consolidation/Cleanup - Evaluating 25 sites.
- 4 DHS racks have power and network installed. They are completely operational.
- FirstNet: LTE 4G First responder connectivity (100MB): E911 PSAP backup service is completed for 22 PSAP locations.
- Disaster Recovery Platform: Installed and operational. ICN needs to buy and install offsite storage for Tiffin to complete project.

#### Future Projects and Plans

- Edge Services: Comprehensive solution enabling high-performance, scalability, and security at the Network Edge.
  - Testing and product development.
    - Hardware - WhiteBox - Lanner testing - Going well.
    - Software - Testing Hypervisors, different Automation directors and vCPE (Software emulating hardware)
- Proof of Concept - Video Surveillance for mission critical locations.

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### COMMENTS

None

## Other Business:

### Action - Inmate Calling Solutions' request for oral argument – Deb Evans

This action item is in relations to the RFP for the Iowa Department of Corrections that was issued by the ICN. As a result of the award, an appeal was filed. The appeal was considered by an Administrative Law Judge, who then issued a proposed ruling. The proposed ruling has now been appealed to the Commission, as part of that appeal, the ITTC must consider an action item to either approve or deny whether to grant oral arguments at a future meeting. The Commission has been provided the notice of appeal and the request for oral argument, as well as the Iowa Administrative Code that is related to the appeal process for your reference.

Commissioner Holz – Has a briefing schedule been set?

A: Brad Horn – Looking at the administrative rules, the briefing schedule is established by rule. As long as you are following under the Chapter 751 rules, unless ordered otherwise, within 20 days of the notice of appeal, the appealing party may file an exemption or briefing. It should be 20 days from the notice of appeal.

Commissioner Holz – That was December 7, so that would make the date December 27.

A: Yes.

Commissioner Holz – I would be interested in making the decision if we want oral arguments, as to what the briefs say.

Commissioner Lapointe – My thoughts would be what Mr. Horn's recommendation is? If oral argument adds nothing to the briefing, I leave that up to the discretion of council for that call.

Brad Horn – I have handled four bid protects for the Iowa Department of Human Services. I have been with DHS for 16 years, just now moving over to a position representing OCIO. I have handled directly four of the major bid protests for DHS. Oral arguments have never been granted from my experience. It is certainly something you are entitled to do per the rules. I would agree with Commissioner Holz, it would help to see the briefing first.

Commissioner Holz – So to defer the decision until we see the briefs?

Brad Horn – It would not hurt.

Commissioner Lapointe – I would be fine with that.

Commission Wenzel – I concur.

Commissioner Holz – Yes, it would have to be deferred until we get the briefs, but we need some time after we have the briefs to review them and make a decision as to whether we hear oral arguments.



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Alan Nagel (Representing the ICN) - The ICN doesn't oppose granting oral arguments for any of the parties. I would note that if you are going to consider oral arguments after the briefing schedule on December 27, the January ITTC meeting has been preliminary set for the Commission's consideration for the proposed decision, due to the Administrative rules. That is preliminary and for your council to assess. The parties may be on a tight timeline to draw up oral arguments, depending on when you decide to grant oral arguments. The ICN requests to give parties some notice if you are planning to grant oral arguments.

Chair Kniff McCulla – What I am hearing you say Alan, is that after we review the briefs and come to a conclusion, you would like us to hold a special meeting before the next ITTC meeting.

Alan Nagel (Representing the ICN) – I am asking you to consult with your counsel to determine what the ITTC can do to give the parties some advance notice whether or not oral arguments will be allowed. This advance notice would give parties a chance to prepare, if oral arguments are going to be allowed.

Commissioner Lapointe – That raises another question, do both parties need to agree to oral arguments?

Brad Horn – According to your rules, the granting of oral arguments is entirely discretionary. Someone has asked for it, ICN is not opposed to it. It is up to the Commission to grant it, and even if both parties want it, the Commission does not have to grant it.

Chair Kniff McCulla requested a motion to defer the consideration of oral arguments until there is an opportunity to review the briefings. Commissioner Holz moved to defer the consideration of oral arguments until there is an opportunity to review the briefings. Commissioner Lapointe seconded the motion. The motion passed unanimously.

Commissioner Holz – I agree at the earliest time after we receive the briefs that the Commission should come to a decision and notify the parties if oral arguments will be granted or not.

Chair Kniff McCulla asked where do the briefs come from?

Brad Horn – The briefing comes from the parties. Initially within 20 days of the notice of appeal either of the parties can file exemptions to the decisions and briefs, 20 days after that either party can file a responsive brief. Total of 40 days for all the briefings to come in. I would assume after that you would make the determination to grant oral arguments.

The briefing should be filed to the Commission. I need to work with your staff to get the information.

Commissioner Holz – If there will be a sequential briefing, it will be difficult to make that decision prior to the January meeting.

Commissioner Lapointe – I agree with part of that. If we see the initial brief, it may be clearer. A reply brief may not add a lot of light in the situation.

Brad Horn – I am not fully versed in the case or the status, I know this is to provide services to inmates. If they are being denied services today that would be of concern. The rule does allow you to expand or shorten the timeframe for briefings. Depending of the circumstances you may want to take some action on that as well.

Commissioner Holz – The question is whether there is an applicant brief to be submitted and an opposing brief to be submitted. Or are we talking about simultaneous briefing by both parties.

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Brad Horn – Per your rules, either party may file exemptions to briefings 20 days after the notice of appeal, it is written as a concurrent briefing, and 20 days after the reply briefs.

Commissioner Wenzel – The language you read states that they ‘may’ file a brief, not ‘shall’. I would be under the assumption that there is a possibility that we may get no briefs.

Brad Horn – Yes, a possibility.

Ryan Komen, Securus - We will not be submitting a brief at the same time as the appealing party (ICS), because we don’t yet know what they will say. We would be filing a responsive brief to theirs based upon the schedule that is set.

Commissioner Lapointe – Given that, I think it would be important for our counsel to know that it is likely needed to move to continue any deadline to request oral arguments or authorize any oral arguments until after we get both briefs. If they have a deadline set for January to determine whether oral arguments would be allowed, I think our action today in deferring that until after the briefs, that any legal action currently pending would need to be continued on that issue.

Brad Horn – Yes, in my quick read of your rules, I don’t see a deadline for you to issue a decision. There is a timeframe for the initial appeal, as well as the initial timeframe for the submission of briefing. That is 20 days for any initial briefs, and concurrently 20 days after. From the standpoint for Securus that they don’t know what to brief until the initial briefing, they still have the 20 day timeframe to file a responsive brief. Again my one concern would be are folks being denied services because of this appeal?

Deb Evans – No. We have a current system that is up and running providing a service to the inmates. This is a new service they have never had before. We are trying to move there, they have it in a very small percentage. It is tablets so they can talk to their family. They still have all the phones, and they have access to some tablets. They are not being denied any service at this time. We have extended our current contract with the vendor, to make sure we have that covered and no services will be dropped.

Brad Horn – My recommendation to the Commission would be to leave the briefing schedule as is, and we will get those initial briefs in. After you have time to digest them you might have a better idea if you want to take the time for oral argument.

### **Legislative Update – Mark Johnson**

We have the final count from the election. The Iowa Senate consists of 32 Republicans and 18 Democrats, and the Iowa House consists of 53 Republicans and 47 Democrats. ICN leadership has begun the process to reach out to key legislators in setting up meetings and providing updates on our activities, as well as a proposed legislative item if the Commission approves that today.

### **Action - Approval of Legislative Proposal – Mark Johnson**

*Commissioner Olson joined the meeting by phone at 11:26 AM.*



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The ICN does have a legislative item that we would like to propose with the Commission's approval. It is to provide billing services on behalf of some of our customer agencies. The ICN currently bills our customers for the services that are provided to them. Some agencies require connections to locations where the agencies provide services that are associated with their mission. We have had several agencies request that we bill the endpoint for the costs of providing the service based upon an agreement that the agency has with the endpoint. For example the Iowa Department of Transportation (IDOT) provides connections to driver's license kiosks that are located at county locations. The IDOT prefers to bill the counties, but then they would hand off that functionality of billing to ICN. It is more of a government efficiency measure in terms of eliminating their need to bill, and reducing the billing process to one billing cycle.

Deb Evans – Today the State does business with many entities, but not all State agencies have a billing system. The Secretary of State (SOS) is not a billing agency, so billing for them is all a manual process. In the IDOT example, they are reaching out for the counties to pay their own bills, which were previously paid by the IDOT. The IDOT would turn over the payment of those connections to the kiosks to the counties, but those connections have to travel back to the IDOT central office. We have had four to five agencies that have asked ICN to provide this service. This does not change our Code in regards to who we can provide services too.

Mark Johnson added we indicated that we would need to have an agreement with the other agency that we would bill on their behalf.

Commissioner Lapointe – The memo reads several agencies, how many are we talking about?

Deb Evans – Around five, DOT, Department of Public Safety, SOS, Homeland Security, and we have talked with the OCIO.

Commissioner Lapointe – Is the ICN going to be paid for these services? If so, is there a contract and are we up against a contract limitation?

Deb Evans – Typically we don't issue contracts with other State agencies, since we are all one entity. DHS was specific due to the HIPPA rules.

Mark Johnson – The contract cap limitation would not apply, that relates to spending that we are engaging in. These types of agreements would not apply.

Deb Evans – ICN may charge a small margin for the administrative part of the billing.

Commissioner Holz – I don't know if there are minimum requirements, talking about savings for other agencies, but on the bottom of the memo it reads there is no fiscal impact.

Mark Johnson – Fiscal impact is defined by a certain dollar threshold that needs to be met in terms of expense.

Chair Kniff McCulla requested a motion to approve the ICN legislative proposal. Commissioner Lapointe moved to approve the ICN legislative proposal. Commissioner Holz seconded the motion. The motion passed unanimously.



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### ITTC Committee Updates – Staff/Commission

#### Personnel Committee – Mark Johnson

Meeting Date: December 7, 2020.

Attendance: Commissioner Holz, Chair Kniff McCulla, and Mark Johnson.

Topics Covered:

- Overview of employees recognized for their Years of Services to the State.
- Internal personnel actions taking place.
- Pending retirements.
- Notification that our organization chart was submitted to Department of Administrative Services (DAS) and the vacant Public Service Executive position has been posted.

#### Customer and Services Committee – Mike Lauer

Meeting Date: December 9, 2020.

Attendance: Commissioner Olson, Commissioner Lapointe, Lori Larsen, Ryan Mulhall, Mark Dayton, & Mike Lauer.

Topics Covered:

- ICN's authorized user requests. None.
- New customers: None. Many service increases and contract renewals.
- Requests for waivers from certified users. DMACC was mentioned and Heartland AEA.
- Services: No new services.
- Sales outreach as presented today.
- Customer complaints and network outages. None.

#### Finance Committee – Mike Cruise

Meeting Date: December 14, 2020.

Attendance: Commissioner Wenzel and Mike Cruise.

Topics Covered:

- Review of November FY 2021 financials as presented today.
- Answered a few questions on the general financial statements.
- Mentioned some preliminary information on our FY 2020 audit progress.

#### Operations Committee – Scott Pappan

Meeting Date: December 10, 2020.

Attendance: Chair Kniff McCulla, Commissioner Wenzel, and Scott Pappan.

Topics Covered:

- Firewalls - State firewall and Edge Security.
- ADVA End of Life/End of Support.
- Aggregation - End of Life/End of Support.
- TDM/ATM Sunset.
- Network Core.
- IRHTTP.



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**Public Comment:**

**Dave Marely Retirement:**

Many attendees congratulated Dave Marely for his many years of service and dedication to the State. Dave Marely commented that he has worked with a great bunch of people and he is going to miss the people.

**Appeal Timetable**

Commissioner Holz – Requests that the Commissioners receive a memo listing the timetable regarding the appeal, which would include the briefing schedule.

**Adjournment:**

The ITTC meeting adjourned at 11:43 AM.

**ATTESTED TO:**

A handwritten signature in blue ink that reads "Barb Kniff McCulla - Chair". The signature is written in a cursive, flowing style.

*Barb Kniff McCulla - Chair, Iowa Telecommunications and Technology Commission*