

**GREATER AUSTIN AREA TELECOMMUNICATIONS
NETWORK (GAATN)
INTERLOCAL AGENCY**

**625 East 10th Street, 6th Floor
Austin, Texas 78701**

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS
MEETING HELD January 12, 2004
Lower Colorado River Authority
Shapiro Building Room 517
3701 Lake Austin Blvd**

Agenda Item No. 1:

The meeting was called to order by Chair man Patrick Jordan at 1:32 p.m.

The following Board members announced as present at the start of the meeting:

Patrick Jordan, on behalf of the City of Austin
Martha Riekenberg, on behalf of the City of Austin
Gray Salada, on behalf of Austin Independent School District
John Kohlmorgan, on behalf of Austin Independent School District
Gary Weseman, on behalf of Austin Community College
Russell Hahn, on behalf of Travis County
Wayne Wedemeyer, on behalf of the University of Texas
Dave Kelly, on behalf of the State of Texas
Tom Lott, on behalf of the Lower Colorado River Authority
Jimmy Don Havins, on behalf of the Lower Colorado River Authority

GAATN Personnel present at the start of the meeting:

Ronald Roberts, Project Coordinator
Ashley Caron, Project Manager
Heidi Cottingham, Maintenance Contractor
Steve Fogel, GAATN Attorney

Agenda Item No. 2:

Citizen Communication

There were no citizens present.

Agenda Item No. 3:

Approval of December 1, 2003 Board Minutes.

Patrick noted a printing anomaly in item 6, but no changes were made to the wording. Gray moved to accept the minutes, with a second from Wayne. The subsequent vote was unanimous.

Agenda Item No. 4:

Discussion and possible action regarding the Board Chairperson Update.

A. Cap Metro Update.

Patrick shared that he had contacted Cap Metro about GAATN. Cap Metro's principal interest was possibly "buying into" GAATN. He explained the issue of owning and operating a network like GAATN to Cap Metro and suggested "buying in" due to a lesser expense. He also told Cap Metro that if it sought a service, then there was no need for a strategic investment. Patrick also provided Cap Metro with costs associated with the issues. Wayne suggested letting it

rest until next year and see where the wireless issue ends up for GAATN. He added that Cap Metro appears to be more interested in wireless communications than with cable.

Agenda Item No. 5:

Discussion and possible action regarding the financial report and budget issues.

There were no questions for Gray, but he commented that some entities needed to get caught up with costs for GAATN.

A. Update on laptops and projector for Network Managerial Staff.

John said that the equipment has been ordered, but has not yet been delivered.

Agenda Item No. 6:

Discussion and possible action regarding a third-party's use of the GAATN network or GAATN Network Rights and rules governing that use.

Wayne stated that the State of Texas is looking to build a statewide fiber network. Urban distribution is the last hurdle in the planning. If partnerships are proposed for Dallas through Austin or intercity connectivity to get to UT, ACC, etc., then he would like to know how best to plan for the Austin area and whether these partnership are able to use GAATN cable. Wayne noted that several proposals had been sent to him wanting to trade bandwidth for use of UT fiber. He added that TxDOT was also seeking to bolster its statewide network. He asked if the use of GAATN in this manner was permissible and added that UT was already planning to use next generation fiber. In lieu of payment for management, most sought to trade lambdas. Wayne also stated that the UT fiber was strictly educational, but that some of what may be traded could be used by non-governmental proprietary entities.

Patrick noted that GAATN cable needed to be maintained by GAATN solely. He added that the issue was more individual entity question than a GAATN Board one as far as use because the interlocal was clear on that issue already. Physical management of the physical layer needs to be under GAATN control only, he stated.

Tom asked about cities' franchise policies for telecom providers in this area? He added that the partnerships had the potential to enable carriers to circumvent the franchising process.

Patrick noted that there was a municipal fee for this use and the fee was so much per foot and differentiated between voice and data traffic. He added that the treatment of voice as data was unresolved. He then noted that House Bill 2128 stated that certificates of operating authority cannot be provided to municipalities, but if a certificate is not required, then it may not be a franchise issue. Tom responded that GAATN could benefit from a change in policy and that he was interested in what Wayne was asking here today. Patrick stated that the sale of GAATN strands had always been for government use, and that the interlocal encouraged governmental agencies to come together to save money. He encouraged a study of this under the Interlocal, but cautioned against the "rules of operation."

Steve stated that management of the GAATN fiber was one issue and what traveled over the fiber was another. He asked about the past opinions of the Board.

Patrick stated that the HB 2128 was still a hot topic when this came up previously and there was concern that the City would be challenged, hence his position was negative at that time. Patrick also said that a later law treated the leasing of dark fiber differently, and the law on this issue was sure to change over time. Wayne agreed that this issue was soon to affect GAATN.

Gray raised the issue of liability and what GAATN would be accountable for. Wayne stated that he didn't know the answer because the potential damages involved revenue losses, but he doesn't want to jeopardize GAATN over the issue.

Steve established four issues. 1. Would the use of GAATN cables under these trades be for a governmental purpose? 2. Would these trades cause GAATN or any Participant to be a carrier, common carrier, or public utility? 3. Would these trades trigger any municipal fee requirements? 4. How would GAATN's liability be affected if trades were to occur involving GAATN plant.

Wayne stated that UT would like to know the answers to these questions to help guide its decisions regarding its use of its GAATN plant. With the Board's agreement, Patrick directed GAATN legal to prepare answers to these questions.

Agenda Item No 7:

Discussion of and possible action regarding the Technical Subcommittee Update.

A. GAATN Cancellation Policy for scheduled cuts.

Corrected copies were distributed and a motion to accept was made by Wayne, with a second from Gray. Ron was directed to electronically resend the corrected policy. The subsequent vote was unanimous.

Tom stated that LCRA had received a positive decision from the Attorney General concerning the public records request for LCRA's cable system map. Steve stated that he would provide the Board with the Attorney General's ruling by email.

Agenda Item No. 8:

Discussion and possible action regarding the Network Manager's Update (COA, 10 minutes).

A. Fiscal Year 2004-2005 GAATN Budget

Ashley provided information about the past 4 years' budgets and her proposed budget for the 2004-2005 fiscal year. John suggested trimming down the categories, but Patrick and a few others noted they appreciated the granularity from a management standpoint. John noted that some of the categories were subjective in how items and projects were posted, and suggested fusing maintenance and repair for example. Gray had issue with the budget item called maintenance. He noted that the actual maintenance expense exceeded budget in each of the past few years and suggested increasing the budget for maintenance. Wayne agreed. John reminded them that some years it was set low for reduction of the holding account. Ashley hoped that her efforts were stabilizing the budget cautiously over time. Patrick summed up the discussion by noting that a holding account line was to be shown, an increase in the maintenance reflected, but no other major changes meant the budget was moving along well. All thanked Ashley for her work. Russell Hahn was asked to take the information to Walter. Ashley stated that she would meet with Debbie.

B. DIN reroute

Ashley covered this reroute situation with the Board; the Technical Subcommittee approved it. Heidi added that the reroute will allow 5 db of loss to be recovered and put ACC in an acceptable range. The project will mark the 50% level for DIN reengineering as well. A side issue for consideration is that it leaves Travis County on a long spur and the City of Austin as well, but at a separate site. Ashley noted that Travis County was accepting of this spur situation as was the city of Austin, this was to let the Board know about the decisions. Gray questioned aspects of varied costs for the cable and Patrick noted his concerns but added that this geographic area was a not going to see future growth. Gray raised a concern about the maintenance of the spurs, but Ashley noted that the site was not overly critical and that armored cable was being placed to prevent rodent damage, which is the type of damage most likely to occur at these sites. Patrick stated that he felt the recommendation from the Tech Committee should be accepted, Wayne agreed and further stated that GAATN would be giving the fiber spurs to the City and Travis County with their knowledge that the spurs are their responsibilities. So moved, the motion was seconded by Gary. Patrick added that the other side of the ring fiber was to be removed. The motion was unanimous.

C. SLA Evaluation

This was in the packet of information for the Board and will be sent back electronically.

D. A1N/ SRN Phase review.

Heidi shared that all four rings were pulled in and ready to go and the conduit had been repaired. A manhole had also been added but was in an intersection and not over cut.

E. Update on GAATN Telephone Number and Directory Listing.

Ashley noted that the phone number was in place but was not yet in the directory.

Agenda Item 9:

Executive Session: Adjourn for closed session, under Tex Gov't Code section 551.071, to seek legal advise about pending or contemplated litigation for:

- A. Construction, equipment, and product warranty claims; and**
- B. Damage to GAATN Fiber Optic Cables, equipment, hardware, and other property, and**
- C. Contractual or Tort claims against GAATN.**

Reconvene for discussion and decisions, if any, on matters considered in closed session.

Patrick moved the Board to executive session at 4:02 p.m. and returned at 4:17 p.m.

Wayne moved to authorize Steve Fogel to file a lawsuit against Aus-Tex and the driver for the September 4, 2003 teardown, seconded by Gray and voted unanimous.

Agenda Item No. 10:

Confirm date, time and location for the next regular Board meeting as February 2, 2004 at 1:30 p.m. in room 517 of the Shapiro Building at LCRA on Lake Austin Blvd.

Time and location for next regular meeting was confirmed and the meeting was adjourned at 4:23 p.m.