

# Vermont Community Broadband Board Meeting

## Monday, January 8<sup>th</sup>, 2024, 12:00pm – 4:00pm

### Minutes

#### I. Meeting Call to Order, Roll Call, and Approval of Agenda

Patty Richards called the meeting to order at 12:07 and completed roll call.

- Patty Richards, Chair (Remote)
- Laura Sibilila (Remote)
- Brian Otley (Remote)
- Holly Groschner (Remote)
- Dan Nelson (Remote)
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Alissa Matthews – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Heryn Herzog – Staff (Remote)
- Britaney Watson – Staff (Remote)
- Steven Zubkoff – Staff (Remote)
- Alexei Monsarrat - Staff (Remote)
- Thomas Malinowski – Staff (Remote)

Patty Richards made a motion to approve the agenda. Christine asked to remove the annual report item from the agenda because staff was recently made aware they were not in compliance with Act 71 because they included information in the draft annual report that happened after FY 2023 was over June 30, 2023. Christine said staff will review the law, and we will send a notice that we will submit the report on February 15, which will allow the Board to review and approve it at their Feb. 12 meeting.

Laura suggested tabling item 11 (make ready) because of a miscommunication.

Toni brought up a change to item 6 Legislative Affairs. There was a typographical error in the legal reason for the Executive Session. It should read 313(a)(1)(f).

The modified agenda was approved unanimously.

#### II. Public Comment

Christa Shute gave an update on NEK Broadband's progress and affordability efforts. She also said there needs to be more discussion about how to define a mile when they are reporting their progress. Christine said there will be time to discuss that when they discuss key performance indicators.

Holly commented that they have a work group on the annual report. They are not finished with their report yet, but they discuss the definition of miles in reporting.

Mary Kay Raymond joined to introduce Northwest FiberworX's new business finance manager Brad Lewis.

**III. Approval of December 11 Meeting Minutes**

Patty made a motion to approve the December 11 Meeting Minutes. Dan seconded, and the motion was approved unanimously.

**IV. Outreach/Marketing Video Trailer**

Herryn Herzog introduced the video, which is a short version of the approximately 35-minute full version that will be completed soon. The link for the trailer is: [CONNECTED Documentary Teaser - YouTube](#).

Holly commented that we should not use the work "marketing" in relation to the video.

**V. Digital Equity Plan Review – Britaney Watson**

Britaney presented an update on the digital equity timeline, plan, and focus groups. She summarized the concerns she is hearing from Vermonters, a couple of which are lack of competition and regulation. Holly commented that it would be helpful for us to be clear that VCBB has no control over the competition that exists and regulation. Patty asked staff to work on a summary of the concerns we are hearing from Vermonters and what VCBB can and cannot do based on current legislation.

**VI. Legislative Affairs - Executive Session - Premature general public knowledge would clearly place the public body, or a person involved at a substantial disadvantage (1 V.S.A. § 313(a)(1)(f) – Christine Hallquist**

Patty made a motion to go into Executive Session. Holly seconded. Christine said she would like to have staff members Toni, Rob, and Herryn join, as well as Gwynn Zakov, and all Board members.

Upon return, Patty said the only action item was that the Board is asking staff to present at the next meeting on how the sale of private ISPs will impact ISP operating agreements of the CUDs.

**VII. Otter Creek Grant Update – Laura Black**

Laura Black, Chair of Otter Creek Communications Union District gave an update on the CUD including that the CUD Board agreed to accept the GoNetSpeed network build plan in the Otelco territory as part of their universal service plan, and VCBB staff has the draft of their grant agreement amendment since they will not be accepting the full amount of the grant they previously requested (about \$1.5 million less). She affirmed that they will be able to build to all of their addresses in 2024, except possibly a few outliers in 2025.

Patty asked if they are reducing their number of addresses. Laura said they're reducing the number of addresses they're seeking funding for, but not overall addresses they will serve.

Laura Sibilia asked if they have made any progress toward the sustainability of the CUD in terms of accountability. Laura Black answered they have developed a request for proposal for executive director and posted it. The rest of it will be work they will do this year.

Holly said she thinks the Board does need to review this amendment because it makes it a different deal than it was before. Holly asked if there is an operator agreement with GoNetSpeed and is it signed? Laura Black answered that they have terms and conditions they have agreed to, but the actual legal document is being drawn up.

Laura Sibilia said if there is a change in the grant agreement, it should come to the Board, and they should sign off. Laura Sibilia pointed out that getting more addresses served for less money in less time is not their only objective.

Holly said she doesn't feel like they know what the deal OCCUD worked out is. Christine said the deal addresses a Board concern to not fund addresses that were going to be built by private providers.

Holly asked for a confidential memo describing the difference between what will be served under the new deal and what would have been served under the original deal.

Dan said he doesn't think the VCBB Board needs to vote on this.

Patty decided to take a straw poll of the Board to decide if they need to take a vote. Brian said no. He thinks they are getting what they need in this case, which is an update.

Laura said she will vote no on the deal because she thinks they are on the wrong track. Holly said she's fine with the deal.

Patty said since Toni gave her opinion that a vote of the Board is not needed, she (Patty) agrees, and based on the results of the straw poll, she doesn't believe a vote is needed. She noted that Laura Sibilia disagrees with the other four Board members and is moving ahead.

**VIII. CVFiber Update-Executive Session, pursuant to 1 V.S.A. s. 313 (a)(6), which protects from public session the discussion of information contained in "records exempt from the access to public records act", 1 V.S.A. s. 316.**

Patty made a motion to move into Executive Session. Holly seconded it. Christine said to include Alexei, Toni, and Rob from VCBB staff, all Board Members, and CVFiber leaders. The motion passed unanimously, and they went into Executive Session.

**IX. BEAD Challenge Process Update & Next Steps – Alissa Matthews**

Alissa presented an update on the challenge process. The challenge portal is ready, the information is posted, and we're ready to start once the NTIA gives its approval, at which point everyone will be put on notice for a week before the process starts.

**X. VCUDA Update – Ellie de Villiers**

VCUDA is planning their Legislative Day for Jan. 31. CUDs have sent in comments on the Digital Equity Plan. Ellie shared some of the CUDs' concerns.

**XI. Public Comment –**

Jan Jones from Hubbardton wanted to express gratitude for what the Board is doing and to Britaney for going to their town to see what they're facing. She also expressed her frustration with the company she has service with now. She said it's helpful to know what the Board can and can't help with. She also commented on keeping in mind that there are a lot of people in Vermont who are artists and work part time and rely on their internet connection.

Christa Shute commented that the ACP is expected to run out of funds by Q2 2024. Sen. Welch and others are sponsoring a bill to extend it. She said we should look at addressing that as a state issue in case it doesn't pass federally.

**XII. Confirm Next Regular Meeting 2/12 and Motion to Adjourn**

Christine pointed out it will be an organizational meeting. Toni will look at whose terms are up and will need to nominate whoever has a term that's up.

Patty asked if they could take action on any completed accountability policies at the next meeting. Christine said she would reach out to the chairs of the subcommittees. Holly said she would like staff to review and comment on the policies first. And then they need to be published before the Board can take them up.

Patty made a motion to adjourn. Laura seconded it, and it was approved unanimously.

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