



Vermont Community Broadband Board Meeting
Monday, May 13, 2024, 12:00pm – 4:00pm
AGENDA

Meeting is being held virtually.

[Click here to join the meeting](#)

Join by Phone; [+1 802-828-7667](tel:+18028287667), [740644303#](tel:+18028287667740644303)

Note: there may be additional executive sessions as needed.

1.	12:00	Call Meeting to Order, Roll Call, Approval of Agenda
2.	12:05	Minutes Approval – 3/11/24, 3/25/24, and 4/01/24
3.	12:20	Public Comment
4.	12:30	Joanne Hovis, CTV - BEAD and Digital Equity Overview, Q&A
5.	1:30	Digital Equity State Capacity Grant – <i>Britaney Watson</i>
6.	2:00	DVFiber Construction Grant Amendment - <i>Alexei Monsarrat</i> <i>Potential Executive Session pursuant to 1 V.S.A. s. 313 (a)(1)(A), which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage.</i>
7.	2:30	NW Fiberworx Act 71 Construction Grant Application – <i>Alexei Monsarrat</i> <i>Potential Executive Session pursuant to 1 V.S.A. s. 313 (a)(1)(A), which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage.</i>
8.	3:00	Maple Broadband/WCVT and DVFiber BEAD Subrecipient Grant Application – <i>Rob Fish</i>
9.	3:10	ARPA Funds Update
10.	3:20	VCUDA (Act 71 related) Update
11.	3:30	Public comment
12.	3:40	Parking Lot and Scheduling Special May Meeting
13.	3:45	Board Review - Executive session - <i>1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters.</i>

Press inquiries: please contact Herryyn Herzog, herryyn.herzog@vermont.gov

Vermont Community Broadband Board Meeting

Monday, March 11, 2024, 12:00pm to 4:00pm

Draft Meeting Minutes

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

Patty Richards called the meeting to order at 12:05pm and completed roll call:

- Patty Richards (Remote)
- Laura Sibia (Remote – joined at about 12:45)
- 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)
- Alexei Monsarrat - (Remote)
- Kristina Sweet – Staff (Remote)
- Thomas Malinowski – Staff (Remote)

Ms. Hallquist introduced Ms. Sweet as the new VCBB Director of Regulatory Compliance and Risk Management. Ms. Richards made a motion to approve the agenda. Mr. Nelson proposed moving item four on the agenda (Board Policies) to the next meeting. Ms. Richards proposed leaving it on the agenda to do a quick status check-in on the policies, but there will be no action on the Construction Policy. Ms. Richards said they would remove item nine (ECFiber Resolution) from the agenda and add an executive session at the end after item 13 for Board Evaluation and Personnel Matters. The Board voted and approved the changes unanimously.

II. Public Comment

Irv Thomae raised issues regarding the differences between the mission of Act 71 and the BEAD requirements. Ellie de Villiers stated that Maple Broadband has substantially completed phase one of their build. Christa Shute, NEK Broadband, commented on the fabric challenge they are submitting on almost half of their off-grid addresses. They have worked to find out how many of their off-grid addresses are actually homes. They also submitted an application for a USDA Community Connect Grant, and they are going for a loan from USDA Reconnect Five. Ms. Hallquist confirmed that the VCBB BEAD Vol. 1 plan was accepted, and the BEAD Challenge is beginning March 18, 2024. Ms. Groschner suggested creating a grants cumulative dashboard for the CUDs. Lisa Birmingham commented that Lamoille FiberNet is interested in staff letting them know about any additional funding opportunities.

III. Meeting Minutes

Ms. Richards abstained from making a motion on the February 6, 2024, minutes because she was not present at that meeting. Ms. Groschner moved the approval of the February 6, 2024, minutes. Mr. Nelson seconded. Ms. Richards asked for the February 6, 2024, minutes to be amended to note that it was a special meeting of the VCBB and that she was absent. The Board voted and unanimously (with Ms. Richards abstaining) approved the meeting minutes with the mentioned changes.

Ms. Richards made a motion to approve the meeting minutes for February 12, 2024, and noted that sections needed corrections. Ms. Groschner seconded. Members discussed changes that need to be made to the minutes. Ms. Richards decided not to take action on the minutes at this meeting, to wait until their next meeting. Board members unanimously voted down the approval of the February 12, 2024, minutes. Ms. Richards asked Ms. Hallquist to have staff revise and resubmit them.

IV. Board Policy Update – Tony Clithero

Ms. Clithero provided an update to the Board in terms of where the Affordability Policy is and made a recommended minor change or tweak to the Board Approval Policy that was adopted by the Board at the December 11th meeting. There are three policies, Construction Standards Policy, the Consumer Protection Policy, and the Grantee Agreement Policy that have been through a public comment and post-public comment with the subgroup. There were subsequent meetings with the subgroups to make changes and will be posted again for public comment for a period of five days. The three policies should be ready for the next Board meeting. Shortly thereafter we will have a draft of the Affordability Policy for your review. The Annual Report Policy is very comprehensive and will also require a separate meeting. Ms. Clithero recommended the Sunset Provisions Policy for the VCBB be postponed.

With respect to the lien committee, there were significant comments that were received by the NTIA in response to a request for comment that they issued this past summer. NTIA did recently issue a new policy notice with respect to the federal interest period and the uniform guidance. We will need further subgroup meetings to take that into consideration.

Ms. Richards requested that the policies be sent via email to Board members, so they have the latest draft. She asked how our policies fit or don't fit with the next step for BEAD. Do the policies we're writing today apply to grants issued through BEAD? Ms. Clithero responded that there was alignment but there were also differences, and the policies only apply to the extent they're consistent with BEAD. Ms. Groschner stated making Act 71 policies was the priority, and then they can note any changes necessary for BEAD. Ms. Richards requested VCBB identify the staff member who is an expert on BEAD. Ms. Groschner suggested there are staff member(s) who could talk about the distinctions between Act 71 and BEAD and would like to know who they are.

Ms. Clithero requested a change to process by requesting a second public comment review and posting. This led to a discussion where questions by Ms. Groschner, Ms. Richards, and Mr. Otley were asked about why another public posting would be required. Ms. Groschner stated that the Board should get a redline version to know what the changes were rather

than just a final version. Ms. Richards stated she wants to go above and beyond and repost it for public comment just to make sure and then have it go to the Board.

Ms. Sibilia joined the meeting and stated her perspective on accountability and overall comment for us to keep in mind about Act 71 was about two things, universality, and accountability.

V. BEAD Potential Subrecipient Support Program – Rob Fish

Mr. Fish discussed the selections that we have made, the recommendations we have made for the two recipients of BEAD Potential Subrecipient Support Grant Program – Northwest Fiberworks for \$150,000 and Lamoille FiberNet for \$55,570. They are looking for these funds to do additional community outreach and legal analysis of a model that could involve multiple partners that are currently partnered with a single provider, but that may not be the most cost effective, most efficient way to serve addresses in various parts of their CUD. There were discussions regarding the sub-recipients, the competitive and award process/approval, and the allocation of funds.

Ms. Clithero suggested they move into executive session to discuss the applications on the grounds that information may be proprietary to one or more of the applicants. Ms. Richards moved to go to executive session to discuss the applications. There will be an executive session for each applicant. Ms. Clithero stated it is 1 VSA section 313(A)(1)(a), which protects information concerning premature information concerning contract negotiations. Ms. Richards requested a vote. Ms. Richards, Ms. Groschner, Mr. Otle, and Mr. Nelson voted to approve. Ms. Sibilia voted in opposition. The Board went into executive session at about 12:52 and returned at about 1:20. No action was taken in the executive session. Ms. Richards put forth a motion to approve Lamoille FiberNet's proposal for BEAD subrecipient support. Ms. Sibilia seconded the motion. The Board voted and approved unanimously. Ms. Richards made a motion to approve Northwest Fiberworks' grant application. Mr. Nelson seconded the motion. The Board voted and approved unanimously.

VI. CVFiber Request for Grant Extension/Tiger Team Update

Ms. Richards requested to move to executive session under 1 VSA section 313(A)(1)(a), which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage. Ms. Groschner seconded. The Board voted and approved unanimously. The Board went into executive session at about 1:26 and returned at about 1:56. No action was taken in executive session.

VII. Legislative Update – Gwynn Zakov

The legislature has passed the Budget Adjustment Act H839. The bill was sent to the Governor on the 7th for signature, so we can anticipate it being signed by the Governor as early as today or tomorrow. The bill contains the \$20 million that was borrowed from the VCBB back in July of 2023 and will be given back to the VCBB once signed by the Governor.

The second Bill of import is S199. It is an act relating to mergers and governance of the CUDs. It was passed by the Senate and is currently in the House Committee on Environment and Energy, and the bill outlines the processes and procedures for mergers of CUDs. Ms. Richards made a motion that the VCBB should send the committee a letter of

support and willingness to testify on S199. Ms. Groschner seconded the motion. The Board voted and approved unanimously.

The third bill is S181, an act relating to the community, media, public benefit fund and is currently in the Senate Finance Committee. It creates a Broadband Affordability program that was added at the very end of the last week of session before they broke for town meeting. Ms. Groschner asked if the bill designated who would receive those funds or anything about the administration of an affordability program. Ms. Zakov answered that no it did not.

Bill H657 passed out of the House Ways and Means Committee and is currently in the House Environment and Energy Committee. Mr. Nelson asked if CUDs are still exempt under this. Ms. Zakov answered yes and that she believes the intent was to include ISPs that were in partnership with CUDs, but that she would have to go back and check.

Ms. Hallquist asked if the Board supports taking up consumer protection at the legislature. Mr. Otley suggested waiting until a bill comes up and being responsive to that. Ms. Richards said they should pass their Consumer Protection Policy first.

VIII. Limited-Service Position Requests - Legal/Admin Support and Data Management Support (BEAD Funded) - Rob Fish

Two limited-service positions were discussed; one to support the general counsel and Board activities and the other to support digital equity as a data manager as was discussed in November 2023. Ms. Groschner supports the general counsel support but questions the need for a data manager. The Board discussed the possibility of hiring a contractor rather than an individual. Ms. Watson explained the role and the level of data involved and working with the Digital Navigator program to meet federal and BEAD requirements. The Board recommended that Ms. Hallquist provide information on roles. Many on the Board suggested hiring a contractor instead of more staff for the data manager role. Ms. Richards made a motion to approve moving forward and hiring the legal admin support position. The motion was seconded by Mr. Nelson. The title of the position is Administrative Service Manager. It will be funded through BEAD. The Board voted and approved unanimously. The Data Management position will be discussed in the next meeting.

IX. VCUDA update

Rob Vietzke discussed the upcoming RFP for BEAD. He talked about the legislature and current bills and how it relates to CUDs, and he mentioned the Board's in-progress policies.

Ms. Groschner asked Mr. Vietzke for feedback on trying to do something to help people who are losing their ACP benefit as the programs ends. He said it could be a hardship and very complicated for the CUDs to try to take over the benefit.

X. Public Comment – none

XI. March Special Meetings Scheduling & Parking Lot – Christine Hallquist

Ms. Hallquist said there is a need to schedule a special Board meeting at the end of March to discuss the Accountability Policies. The next regular Board meeting will be held April 1, 2024, moved from April 8 because of the eclipse. There was a discussion about possibly moving back to a twice-monthly meeting schedule. Mr. Otley suggested having a special

meeting to get the Board Policies done and then staying with the once-a-month meeting schedule. There will be a 90-minute policy meeting followed by the usual 4-hour Board meeting in April.

XII. Agenda Item # 13 – Added

The Board went into executive session at about 3:09 to discuss Board evaluation and personnel matters. (1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters).

Action Items:

- Ms. Groschner suggested creating a grants cumulative dashboard for the CUDs.
- Ms. Groschner suggested there are staff member(s) who could talk about the distinctions between Act 71 and BEAD and would like to know who they are.

DRAFT

Vermont Community Broadband Board Special Meeting
Monday, March 25, 2024, 12:00pm to 4:00pm
Draft Meeting Minutes

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

Patty Richards called the meeting to order at 12:03 pm and completed roll call:

- Patty Richards (Remote)
- Laura Sibia (Remote – joined at about 12:43 and left before the end of the meeting)
- Brian Otley (Remote)
- Holly Groschner (Remote)
- Dan Nelson (Remote)
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Herryng Herzog – Staff (Remote)

Ms. Richards made a motion to approve the agenda. Ms. Groschner seconded. Ms. Hallquist said she would like to add a discussion on next week's Board meeting to the agenda. Ms. Richards said she'd like to add a ten-minute Board check-in in executive session at the end of the meeting. The motion was approved unanimously (Ms. Sibia was not present).

II. Public Comment

Rob Vietzke from VCUDA suggested the Board members read the PSD Ten Year Telecom Plan, which includes an affordability plan and sunset plan among other things. They would like to see a full accounting of where ARPA funds have been allocated and where they are likely to go unspent. Mr. Vietzke also thanked VCBB staff for releasing curing data from the NTIA about issues that are critical to the CUDs and their ability to apply for BEAD.

Ms. Groschner asked Mr. Vietzke for more details. He said he was talking about an NTIA instruction that ARPA funds could not be used for match for BEAD and an instruction to score match even though the IIJA statute is very clear that ARPA funds are available for match.

Ms. Groschner recommended that we put ARPA allocations and match obligations under the ARPA grant as an agenda item on some meeting soon because it is critical.

F. X. Flinn said the Board policies are still over specified and have a lot of overlap with things that are already required, and they may give rise to unnecessary conflicts or complexities. He is also concerned about the call for new reporting in the policies.

III. Board Accountability Policy - [Consumer Protection Policy](#)

Ms. Hallquist noted that staff and the CUDs have been working hard on these policies ever since the report from the auditor's office last year. They were posted for public comment on the VCBB website in January, followed by additional subgroup sessions, and they were posted for public comment on March 18. Since then, additional comments were received from VCUDA which were incorporated. Updated drafts were posted on March 22.

Toni Clithero started the discussion about the Consumer Protection Policy. One comment VCUDA proposed was included at the end of the policy in redline to address the concern about overlapping policies and grant terms. It reads: "Limitations – this policy applies only to the extent the grant contract lacks written terms addressing failure to comply with grant conditions. This policy will be subordinate to all attachments incorporating conditions by reference." Staff opposes including this in the policy.

Ms. Richards said she doesn't understand exactly what the language means. Ms. Clithero said she thinks the intent is that the policy only applies if there is a particular grant term or condition that addresses one of these issues, that grant term would take precedence. Ms. Clithero said she thinks the language was drafted with reference to the Grantee Agreement Policy.

Ms. Richards said she is not in support of the language being added to the policy because she doesn't understand what it means. Ms. Groschner said she supports Ms. Richards' view and said that even if it were understandable, they are going to make these policies override their existing agreements. And the statement is so broad it is unintelligible. They might need a provision that their policies are subject to federal regulation and requirements for grant funding, and where there's a conflict between the policy and a grant provision, the grantee may bring the conflict to the Board for resolution, but this language as written undermines the work that's already been done on the policies.

Ms. Groschner asked to go from the beginning of the policy to consider it all. Ms. Richards agreed. She introduced the Consumer Protection Policy by saying that its intent was to set some basic standards of consumer protection and quality assurance. She then walked through what is included in the policy. It's up to the grantee to administer the policy and tell the Board how they are doing it. Basically, their plan should address industry standards. It's flexible in how they comply, but they must pay attention to specific items, with annual reporting.

Ms. Groschner pointed out that some of the standards overlap with federal standards, and asked if that was reviewed, were FCC requirements filtered over the policy? We should put language in that says that anything that is related to federal standards is meant to enhance and expand the standards.

Ms. Groschner also pointed out that the policy says that grantees "may" require ISPs to obtain certification with the state. Ms. Richards clarified that if they choose not to, they must submit a certification document to the VCBB Board for approval.

Ms. Richards said she is not sure what the language referencing the FCC would include, so she would like to move on without including it. Ms. Groschner asked if she could work with

Ms. Clithero to offer Ms. Richards an amendment in the future. She also asked if the FCC standards were reviewed in making the policies. Ms. Clithero answered that no they were not. Ms. Groschner suggested that Ms. Clithero prepare a memo explaining that they intend these standards apply to grant holders over and above whatever standards are applied by the FCC. Ms. Richards suggested that they move forward with the policy as written and then if they find that they should make an amendment to the policy, they can do that later. Ms. Groschner wants it to be put in the parking lot for Ms. Clithero to review later.

Ms. Clithero said there were two other proposals made about the Consumer Protection Policy. Mr. Vietzke spoke for VCUDA on them. He said that on quality assurance, they think staff should prepare a report for the Board for each grant so they are all in a consistent format. Ms. Richards responded that her experience with utilities and reporting is that different companies want to have different formats or structure for the reporting, and that's fine. So, she does not want to have staff come up with one way to do it. Ms. Groschner commented that VCUDA could take on developing a form for how CUDs report. Ms. Groschner also took issue with the formatting of the policy.

Ms. Clithero said there was one other issue raised by VCUDA that the final authority for developing consumer protection standards is with the governing board of the CUDs if they're the grantee.

There was additional discussion about how to handle a conflict if one arises between the Board policies and preexisting grant agreements. Ms. Richards suggested that Ms. Clithero draft a process policy for that and add it to the parking lot.

Ms. Richards made a motion to approve the policy as written in the Board Packet with one change to fix a typo. Ms. Groschner seconded and amended the motion to include a formatting issue, that the provisions are enumerated. Ms. Richards accepted that change. Ms. Sibilia joined at about 12:43 and commented that she wants to be sure they are not holding the CUDs to a higher standard than the private telecom companies. The policy was approved unanimously.

IV. Board Accountability Policy – [Grantee Agreement Policy](#)

Mr. Otley explained he was the Board Member in charge of this policy, and the intent was to have a policy that brought structure to a situation where a grantee had either failed to comply with a grant condition or was showing signs of not being able to comply with a grant condition, an early warning system. Under those conditions, the VCBB is empowered to seek more information, make a remediation plan, and then evaluate that plan in collaboration with the grantee and other relevant stakeholders. It addresses what happens if they successfully mitigate the issue and what happens if they are unable to do that. There's an escalation policy up to the recoupment and transfer that is the next step. Ms. Clithero explained there were two issues raised during the comment period on this policy. One was the limitation issue discussed in relation to the Consumer Protection Policy. The other had to do with when the grantee must report out, whether it was when they connected a subscriber or at the end of construction.

Ms. Richards reiterated that she does not want the limitations language in any of the policies.

Mr. Vietzke commented that VCUDA thinks that completion of the grant is completion of construction and the availability of broadband at someone's home, not whether they have subscribed or not.

Ms. Groschner commented that the policy seems very complete as a self-reporting mechanism for CUDs, but not good for the VCBB to have the data to predict a problem. Who will make the determination that there's a problem? Mr. Otley said that the policy was intended to catch a problem through CUD reporting or if VCBB staff catches a problem through the normal course of business. Ms. Groschner commented that this should apply when there's an absence of compliance with VCBB policy or engineering standards. Mr. Otley said he is fine with that. She also suggested changing the provision that states, "failure to notify VCBB of the termination of an operating agreement with a critical operating partner," to remove the word "critical." She proposed several other changes to the wording of the policy.

Ms. Richards proposed not taking action on this policy and getting a redline version so they can review all the proposed changes and take it up at the next meeting.

V. Board Accountability Policy – [Construction Standards Policy](#)

Mr. Nelson said the challenge is to establish a single standard given the variation among densities and environments in CUDs across the state. The intent is to promote having a reliable, resilient network that could and will interoperate with others. We don't want any proprietary infrastructure operating in their territory. We want to ensure an alternative operator could come in and take over if there were a failure and that the network operates to a minimum of 100/100. The policy says that CUDs need to meet the standards or explain how they meet the intent. Reporting is set at monthly.

Mr. Vietzke said the CUDs disagree with the monthly reporting requirement as too specific. Mr. Nelson said there should be a separate policy on reporting. Ms. Richards asked Ms. Clithero to draft one. Ms. Richards brought up a couple of typos she found in the policy to be corrected and requested it be put in a numerical format. Ms. Richards made a motion to approve the Construction Standards Policy with the typos fixed and it put into a numerical format. Ms. Groschner seconded, and the policy was approved unanimously (Ms. Sibia was not present).

Ms. Groschner would like to put in the parking lot cross-referencing between the reporting requirement under the constructions standards and a policy on reporting.

VI. Legislative Update

Gwynn Zakov gave an update on S199, VCBB staff submitted a letter of support last week and it has now passed the Senate. It's in the House Environment and Energy Committee for consideration. H657 is in Appropriations. In S181 the funding has been taken out for broadband affordability. It passed out of the Senate last week and now is in the House Environment and Energy Committee.

Ms. Groschner commented that in light of the ending ACP and with state funds taken out of proposed legislation, she would like to review her Affordability Policy to be sure it is not dependent on those subsidies. She also asked for an update from the Digital Equity Officer on what other states are planning to do about affordability now that the ACP is ending.

VII. Agenda for Next Meeting – Added

Ms. Hallquist reviewed the plan for the agenda for the next Board meeting.

VIII. Agenda Item # 13 – Added

The Board went into executive session at about 1:42 to discuss Board evaluation and personnel matters. (1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters).

Action Items

- Ms. Groschner suggested that Ms. Clithero prepare a memo explaining that they intend the Board Policies apply to grant holders over and above whatever standards are applied by the FCC. Ms. Groschner wants it to be put in the parking lot for Ms. Clithero to review later.
- There was discussion about how to handle a conflict if one arises between the Board policies and preexisting grant agreements. Ms. Richards suggested that Ms. Clithero draft a process policy for that and add it to the parking lot.
- Ms. Clithero prepare a redline version of the Grantee Agreement Policy for the Board to consider at the next meeting.
- Mr. Nelson said there should be a separate policy on reporting. Ms. Richards asked Ms. Clithero to draft one.
- Ms. Groschner would like to put in the parking lot cross-referencing between the reporting requirement under the constructions standards and a policy on reporting.
- Ms. Groschner asked for an update from the Digital Equity Officer on what other states are planning to do about affordability now that the ACP is ending.

Vermont Community Broadband Board Meeting

Monday, April 1, 2024, 12:00pm to 4:00pm

Draft Meeting Minutes

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

Patty Richards called the meeting to order at 12:03pm, noted that they moved the regular April meeting up to avoid a conflict with the eclipse on April 8, 2024. She completed roll call:

- Patty Richards (Remote)
- Laura Sibilila (Remote – joined at about 12:34)
- Brian Otley (Remote)
- Holly Groschner (Remote - joined at about 12:05)
- Dan Nelson (Remote – absent from 1:30-3:00)
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Herryng Herzog – Staff (Remote)
- Alexei Monsarrat – Staff (Remote – joined at about 12:10)

Ms. Richards made a motion to approve the agenda. Mr. Nelson seconded. Ms. Richards noted that Mr. Nelson has to leave from 1:30-3:00. The agenda was approved unanimously.

II. Public Comment

Lisa Birmingham, Lamoille FiberNet, wanted to thank VCBB staff for all the work on trying to pin down the available ARPA funds. She asks the Board to finalize the allocation of those funds.

Christa Shute, NEK Broadband, addressed the request by ECFiber for redistribution of \$10 million of ARPA funds. She doesn't object to additional ARPA funds being made available to ECFiber, but she does object to any funds that have been allocated to NEK Broadband being redistributed. She gave additional details to explain her reasoning.

Irv Thomae, ECFiber, wants to encourage the Board to focus on affordability, which is what ECFiber's request has to do with.

III. CVFiber Amendment Request

Alexei Monsarrat explained this was an amendment they had discussed at the last meeting regarding what CVFiber and NEK Broadband are working

together to do. Jennille Smith, CVFiber, explained that instead of reducing miles to ensure universal service, they would continue to promise to service the same 2101 addresses, however they will need additional time to serve those addresses. The grant amendment on the table now is to come up with a list of 2101 addresses, a revised list, and to extend the date by which they must serve those addresses to September 30, 2026.

Ms. Groschner asked whether APRA funds are obligated by grant agreement or by allocation. She asked Ms. Smith if this is a papered grant. Ms. Smith answered yes. Ms. Richards clarified that they are not asking for more funds, but an extension of time. Ms. Shute jumped in and said it's an extension of time and a modification of the network scope, retains same address number, and provides some flexibility in moving addresses in order to hit more addresses per mile.

Ms. Groschner asked why they aren't being presented with modified language for their grant agreement. Ms. Shute said they are, and it is in the Board packet. Ms. Groschner said she doesn't understand what the impact of the change would be. She also asked if this is triggering overlap and is concerned about what impact this has on the relationship between CVFiber and NEK Broadband.

Mr. Otley asked what the delta is between the original addresses and the new addresses. Ms. Smith answered that they are the same addresses, but suggested they go into executive session if they are going to go into any more detail.

Ms. Richards moved that they go into executive session under 1 V.S.A. s. 313 (a)(1)(A), which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage. Ms. Groschner seconded. It was approved unanimously (Ms. Sibilia was not present). They moved into executive session at about 12:20 and returned at about 1:08. Ms. Richards moved that they approve the requested amendment to the CVFiber grant to modify the award end date and to replace the network construction paragraph in its entirety as proposed on page two of the [Board Packet](#), noting that the changes do not affect the universal service plan of the grantee or the funding. Mr. Nelson seconded. The motion was approved unanimously.

IV. Grantee Policy Approval

Ms. Clithero explained the Grantee Agreement Policy has had some edits suggested by Ms. Groschner. Mr. Otley made a motion to adopt the policy in its current form as it reads in the Board Packet. Mr. Nelson seconded. The motion was approved unanimously.

V. ECFiber Request

Ms. Richards explained that F. X. Flinn, ECFiber, reached out to her on or about December 2023 asking for time at a Board meeting to talk about grant opportunities for ECFiber. Ms. Richards wants to present opportunities for CUDs to talk to the Board. She said they may make a decision or not after they listen to the request.

Mr. Flinn described ECFiber's request, which can be found in the [Board Packet](#). Ms. Richards asked Ms. Hallquist for a staff response to the request. Ms. Hallquist said they have \$3.8 million of ARPA funds, and the strategy is to keep \$2 million in reserve for contingency, which is very important because we need \$57 million for BEAD match. We were hoping to use infrastructure for the match, but NTIA has said we cannot do that. We are negotiating with them. Going back to the beginning, VCBB developed a formula to fund 60% of the CUDs. In summary, they have \$1.8 million available with a request for \$10 million. So, the only way to move forward is for the Board to direct staff to change the allocation formula, which leaves Northwest and NEK, it would have to come from their grants because they haven't been issued yet. That would have a big impact on NEK and Northwest. Ms. Hallquist recommends not granting this request based on fairness to the other CUDs.

Irv Thomae spoke about the request. He said ECFiber is 85% bonded debt and 15% grants. That means that their customers will have to pay a higher rate than in other CUDs because they have that debt. He says they are trying to do the best they can for their customers, especially their low-income customers. Ms. Richards said she applauds their accomplishments and efforts but doesn't know how they can change the allocation formula after the fact. She asked if they have applied for other grants. They applied with Northern Borders and did not get it. They got RDOF money. They are looking at other possibilities.

Ms. Groschner said she would like to walk through the slides in the Board packet and asked if "allocation" is the same as "obligation" under ARPA funding. The slides suggest there is a lot of money that is not obligated. Ms. Groschner disclosed that she is a select board member in a town that is served by ECFiber, so she will not be voting. She said she would have liked to see more affordability analysis in ECFiber's request.

Ms. Clithero explained that to be obligated there has to be a legal liability or an encumbrance, such as a signed grant agreement or a verbal approval of a grant. If it's allocated by policy, but there's not a grant agreement, there is not an obligation. There is about \$50 million allocated but not obligated. Ms. Hallquist said that money will be for NEK and Northwest.

Mr. Fish reviewed the slides explaining the ARPA amounts that are included in the [Board Packet](#). They also discussed how match will work for BEAD. Ms. Groschner asked if the Board's conditional approval of ARPA funds to CUDs for BEAD match constitute an obligation sufficient under ARPA (even if it's contingent upon BEAD approval?) The ARPA money has to be obligated by December 31, 2024. Board members would like to know from staff: is the use of ARPA dollars permissible for BEAD match, are ARPA dollars that are obligated with the contingency of BEAD funding truly obligated, BEAD status update and timeline.

Ms. Richards said she does not think it's fair to give the \$1.9 million ARPA money that's unallocated to ECFiber. It's up for grabs for all the CUDs. She is not ready to make a motion. Ms. Groschner said we have to make sure all the money that is allocated will get obligated by the deadline. Should come up with a plan by November 1, 2024. Ms. Clithero said the department has September 30, 2024, as the deadline. Ms. Richards asked staff to develop a plan B for the ARPA money.

VI. Budget Update for Q1 and Q2

Tom Malinowski, VCBF Financial Manager, presented the information contained on page 22 in the [Board Packet](#) with regard to the budget. Mr. Otley asked if Mr. Malinowski would give us an update on if we are ahead or behind budget. Mr. Malinowski said he would prepare that information for future presentations.

VII. Legislative Update

Gwynn Zakov gave an update on bills we are following. The first is H657. It should pass the House tomorrow. S181 is in the House Environment and Energy Committee. There was testimony last week from the State Auditor on S199 that was a little concerning. It's unclear when it will be picked up again, but we are monitoring it. It has had broad support.

VIII. VCUDA update

Rob Vietzke said VCUDA would like to participate in discussions around ARPA plans as described earlier in the meeting. He said they are also monitoring S199 because it is important to the CUDs. Several of the CUDs and VCUDA filed to intervene in the sale docket for the Consolidated change of ownership.

He also discussed BEAD match issues and how important it is for the CUDs. Ms. Hallquist said we are working with other states on this issue. Ms. Richards suggested working with CTC on this issue since they are working on it nationwide and they are already our consultants. Ms. Groschner suggested

staff come up with a written plan for how we are dealing with this and for VCUDA to give us feedback on it. Alexei Monsarrat gave an update on the latest curing we have done with the NTIA which will be posted on our website. We have been working with Vernonburg, CTC, and other states. Board members would like a statement from CTC about how Vermont is doing on this issue relative to what they're seeing elsewhere (Joanne Hovis).

IX. Parking Lot

Ms. Hallquist went through the Parking Lot document included in the [Board Packet](#).

X. Final Public Comment - none

XI. Agenda Item # 13 – Added

Ms. Richards made a motion to move into executive session at about 3:13 to discuss Board evaluation and personnel matters. (1 V.S.A. s.313(a)(3), authorizing a public body to hold an executive session to consider personnel matters). Ms. Groschner seconded. It was approved unanimously.

Action Items:

- Ms. Groschner asked if the Board's conditional approval of ARPA funds to CUDs for BEAD match constitute an obligation sufficient under ARPA? (even if the grant is contingent upon BEAD approval?)
- Is the use of ARPA dollars permissible for BEAD match, are ARPA dollars that are obligated with the contingency of BEAD funding truly obligated, BEAD status update and timeline.
- Ms. Groschner said we have to make sure all the money that is allocated will get obligated by the deadline. Should come up with a plan by November 1, 2024. (Sept. 30 department deadline)
- Ms. Richards asked staff to develop a plan B for the ARPA money for May meeting.
- Ms. Richards suggested working with CTC on this issue since they are working on it nationwide and they are already our consultants. Ms. Groschner suggested staff come up with a written plan for how we are dealing with this and for VCUDA to give us feedback on it.
- Board members would like a statement from CTC about how Vermont is doing on this issue relative to what they're seeing elsewhere (Joanne Hovis).
- From parking lot: Ms. Groschner would like to review the ARPA slides from today's meetings more slowly at a future meeting.
- More information on Ookla at a future meeting
- Change lien policy to recoupment policy

- Look at affordability policy in light of end of ACP – put that on parking lot
- Appeals process for adverse rulings and conflicts to be developed

DRAFT



Digital Equity Capacity Grant Planning

Board Meeting

May 13, 2024

Vision For Digital Equity

The State of Vermont seeks to ensure every individual in Vermont—regardless of identity, community, or economic challenges—has high-quality, accessible, affordable technology resources

Digital Equity Act Programs

State Digital Equity Planning Grant Program

- For states, territories and tribal governments to develop digital equity plans
- \$60M total-Vermont received \$518,100



Digital Equity Capacity Building Grant Program

- For states, territories, and tribal governments to implement their Digital Equity Plans
- \$1.44B total – Vermont to receive \$5,299,150

Digital Equity Competitive Grant Program

- Annual grant programs for five years to implement digital equity projects
- \$1.25B total

Capacity Grant Program Purpose

Create the conditions where individuals and communities have the information technology capacity that is needed for full participation in the society and economy of the United States

Capacity Grant Program Requirements

- Update or maintain the state or territory's digital equity plan
- Implementation of the state or territory's digital equity plan
- Provide subgrants to eligible entities located within the state
- Evaluate the efficacy of the subgrantee activities that the grant has funded
- Cover administrative costs

Vermont Programs and Activities Ensure:

- Focus on covered populations
- Ensure long-lasting and meaningful change
- Have measurable implementation strategies and
- Regular engagement with stakeholders impacted by the digital equity plan to improve the effectiveness of the plan

Capacity Grant Programs and Activities

- Research to determine baselines and set benchmarks
- Subgrants to Build Capacity of Organizations Representing Targeted Covered Populations
- Regional Program to Support Access to Appropriate Devices
- Development of a State-wide Digital Navigator Program
- Expanded Workforce Development Program Addressing Digital Skills

Vermont's Goals

Goal 1

Mobilize resources for end-to-end broadband infrastructure deployment to all unserved and underserved locations and Community Anchor Institutions in Vermont.

Goal 2

Ensure sustainable community-driven solutions across the entire state

Goal 3

Ensure High speed broadband services and devices are affordable

Goal 4

Empower Vermont residents, agencies, organizations and businesses with the ability to use technology to study, work, communicate, and access health and other social services

Goal 5

Enhance Workforce Development for Broadband industry and the digital economy

Program 1 Research to determine baselines and set benchmarks

Objectives:

- Improve quantitative data to understand the baseline of digital inequities at the state level for all covered populations
- Identify and implement a centralized function to collect and analyze data on digital inclusion for different subsets of Vermont's demographics.
- Identify key partnerships to increase capacity for data collection, tracking, and analysis
- Increase learning from improved data around digital equity indicators for Vermont

Highlights of core activities:

- Hire a contractor to complete research and data activities to meet Program 1 objectives
- Partner with Anaka Aiyar, Health Economist at UVM Community Development and Applied Economics
- Work with Cat Mawn, Graduate student committed to Digital Equity as graduate Research Project
- Continue stakeholder engagement and establish a public feedback mechanism about funded activities.

**Goals Addressed:
Goals1-5**

**Covered Populations:
All**

Program 2 Statewide Digital Navigator Program

Objectives:

- Connect in-need Vermonters with available digital equity resources and help empower them to use information and communication technology productively and safely
- Ensure all Vermonters have access to accessible, multi-lingual, community-based digital skilling and technical support resources.
- Establish a coordinated effort with other state agencies to promote digital inclusion across Vermont.
- Promote the accessibility and inclusivity of digital public services.

Highlights of core activities:

- Establish a train-the-trainer model to assist other state agencies and non-governmental organizations to incorporate digital equity resources into their outreach efforts.
- Publish and disseminate to each CAI materials describing digital equity resources
- Establish a capacity building subgrant program

Goals Addressed:
Goals 2-5

Covered Populations:
All

Program 3 Capacity Building Subgrant Program

Objectives:

- Invest in organizations that serve and represent covered populations
- Promote covered population participation in digital inclusion
- Build competencies for digital inclusion in local organizations
- Build a broader capacity for growth, resilience and sustainability
- Empower covered populations to perform digital inclusion tasks effectively

Highlights of core activities:

- Create a simple, accessible and streamlined application process
- Establish supports for subgrantees
- Provide technology and resources needed to perform digital inclusion tasks
- Publish and disseminate to each CAI materials describing digital equity resources
- Co-create desired outcomes and measurement metrics

Goals Addressed:
Goals 2-5

Covered Populations:
All

Program 4 Expanded Workforce Development

Objectives:

- Increase capacity and impact of education and training programs to develop the talent pipeline for the broadband industry and digital economy.
- Support the private sector to create sustainable employment opportunities
- Encourage the recruitment of a diverse workforce of Vermonters for jobs in the broadband ecosystem and in the broader digital economy

Highlights of core activities:

- Assist with the design and implementation of job shadowing, training, and apprenticeship programs
- Support CAIs, including the Department of Corrections, to develop or expand programs and resources to increase the use of digital access for socio-economic mobility.
- Facilitate the development of digital skilling resources focused on in-demand job skills and promote them across the state.
- Work with employers and workforce development partners to define, document, publish, and disseminate career roadmaps to articulate long-term opportunities for people entering or re-entering the workforce.
- Engage employers in a variety of industries in the state to understand what employment opportunities may be created in the digital economy with wider availability and adoption of broadband, and work with employers to develop Vermont-specific recruitment strategies for attracting Vermont-based talent.

Goals Addressed:
Goals 2-5

Covered Populations:
All

Program 5 Regional Program: Device Support, Refurbishment, and Deployment

Objectives:

- Ensure every Vermont household has a connected device and assistive technology as needed. Priority given to households with a high school student living in them.
- Ensure all households with an income level at or below 150% of the poverty line have access to devices

Highlights of core activities:

- Develop and disseminate materials explaining resources for assistive technology for people with disabilities, including on-device and third-party devices.
- Engage with state policy makers to develop device donation program
- Establish a device loaning program to allow Vermonters to check out/in a computer, tablet, or assistive technology.
- Identify sustainable cybersecurity options and resources
- Identify adequate technology support for devices and assistive technology

Barriers Addressed:
Goals 2-5

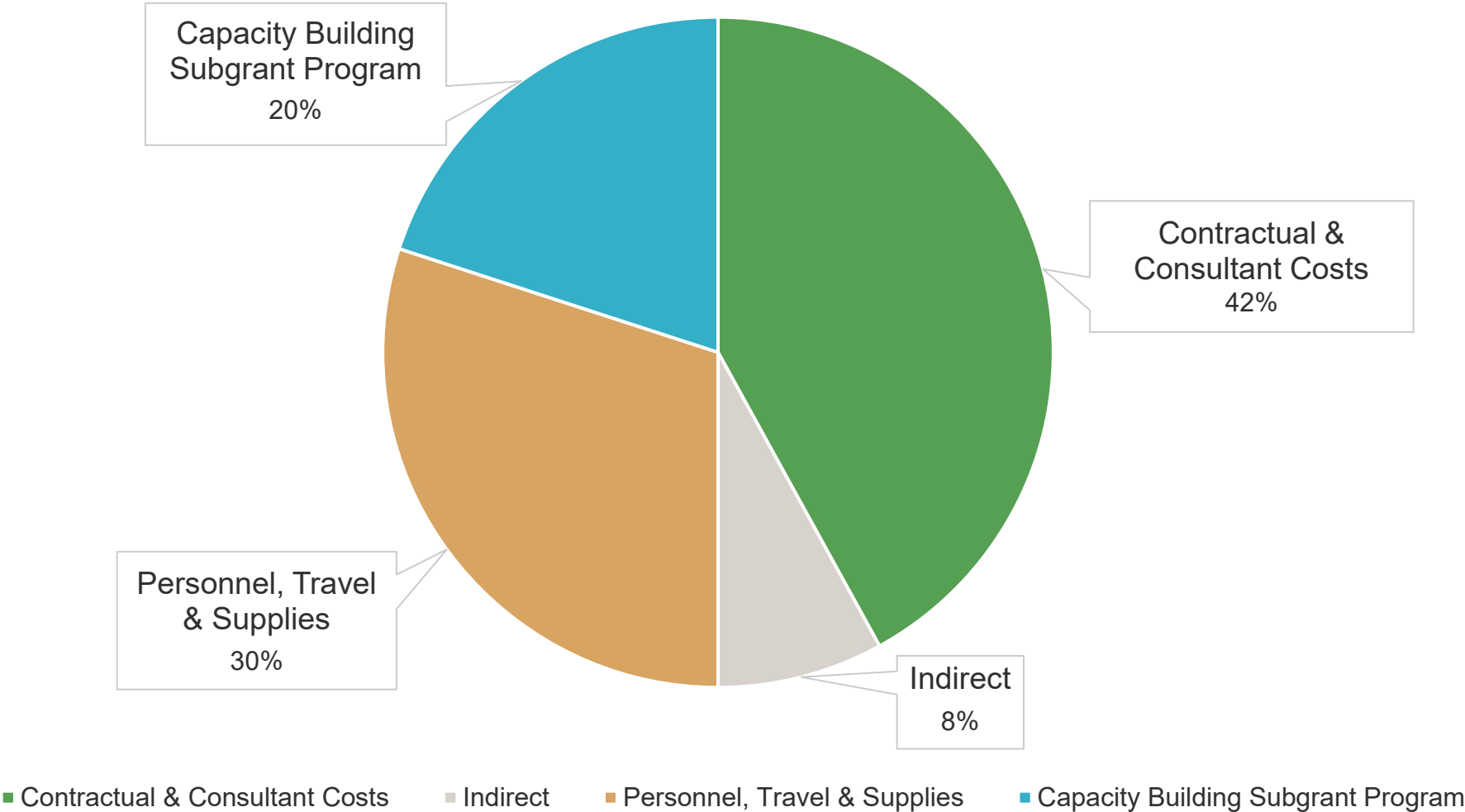
Covered Populations:
All

Estimated Budget Breakdown

Budget Category	Percent	Amount
Capacity Building Subgrant Program	20%	\$1,059,830
Contractual & Consultant Costs	42%	\$2,223,425
Personnel, Travel & Supplies	30%	\$1,589,745
Indirect	8%	\$426,150
Total	100%	\$5,299,150

Potential Contracts: Research, Digital Navigator Program, Workforce Development, Device Deployment

Budget Chart



Questions?

NTIA Application Project Plan

Vermont Community Broadband Board

Year 2024-2025			
Major Project Activities	Start	End	Progress Tracking
Improve Quantitative Data to understand baseline of digital inequities at state level	September 2024	September 2025	Measurement from baseline to current annually to be included in annual report.
Develop and strengthen partnerships with community stakeholders to identify opportunities for the VCBB to support and coordinate initiatives.	September 2024	September 2029	Conduct an annual evaluation of partnering with VCBB to be taken by partners and community stakeholders
Identify and implement a centralized function to collect and analyze data	October 2024	April 2025	Annual checks to ensure all information is captured, analyzed in stored in one central location
Establish and Inform of a public feedback mechanism about digital equity funded activities	November 2024	May 2025	Assess trends and/or usage of feedback mechanism annually
Identify key partnerships to increase capacity for data collection	February 2025	June 2026	Conduct an annual evaluation of partnering with VCBB to be taken by partners and community stakeholders
Increase learning from improved data around digital equity indicators for Vermont	August 2025	September 2029	-
Identify Resources for CAIs, government agencies and non-governmental organizations	August 2025	January 2026	Compile list of resources, track when new resources are added or removed from the list
Draft Annual Report	June 2025	September 2025	-
Year 2025-2026			
Major Project Activities	Start	End	Progress Tracking
Launch Digital Navigator Program	September 2025	September 2029	Surveys, focus groups, and interviews
Launch Capacity Building Subgrant Program	October 2025	September 2029	Surveys, focus groups, and interviews

Ensure all Vermonters have access to accessible, multi-lingual, community-based digital skilling, and technical support resources	November 2025	September 2029	Track reports of Vermonters not having access to accessible digital skilling and technical support. Track changes made in response.
Identify Vermont households that need devices or assistive technology. Create a plan for deployment.	December 2025	February 2026	Identify number of households and number of devices and/or assistive technology needs per household.
Connect in-need Vermonters with available digital equity resources and help empower them to use information and communication technology productively and safely	January 2026	September 2029	Provide assessment to learn current known resources and readminister assessment to see how knowledge of skilling resources grows
Support local champions and community organizations to help their community members find and use the affordability and skilling resources they need.	February 2026	September 2029	Provide assessment to learn current known resources and readminister assessment to see how knowledge of skilling resources grows
Deploy devices and Assistive technology to Vermont households in need.	March 2026	September 2026	Track which of the identified households in Vermont received devices, which devices and if devices met household needs.
Draft Annual Report	June 2026	September 2026	-
Year 2026-2027			
Major Project Activities	Start	End	Progress Tracking
Increase capacity and impact of education and training programs to develop the talent pipeline for the broadband industry	September 2026	September 2029	Evaluation of impact of programs completed by participants and program facilitators.
Support the private sector to create sustainable employment opportunities	November 2026	May 2029	Track changes in employment opportunities in partner private sector employers
Encourage the recruitment of a diverse workforce of Vermonters	December 2026	September 2029	Baseline of numbers of diverse employees in

for jobs in the broadband ecosystem and in the broader digital economy			workforce and track that number over the span of digital equity programming
Establish a coordinated effort with other state agencies to promote digital inclusion across Vermont	January 2027	August 2028	Track efforts of state agencies to increase digital inclusion
Promote the accessibility and inclusivity of digital public services	March 2027	September 2029	Track efforts of state agencies to increase digital inclusion
Draft Annual Report	June 2027	September 2027	-
Year 2027-2028			
Major Project Activities	Start	End	Progress Tracking
Explore funding support for successful digital equity programs	September 2027	May 2029	Track amount of funding support secured for digital equity programs
Engage community for feedback on digital equity programs- implement feedback	October 2027	May 2028	Administer survey for feedback
Explore Policy initiatives needed to support digital inclusion	November 2027	January 2028	-
Identify key partners to continue digital inclusion-identify a plan of support to put in place to sustain their work	December 2027	May 2028	Co-create plan of support to include a timeline to be assessed for completion
Draft Annual Report	June 2028	September 2028	-
Year 2028-2029			
Major Project Activities	Start	End	Progress Tracking
Measurement of quantitative data	September 2028	May 2029	Measurement from baseline to current annually to be included in annual report.
Assess strength of partnerships	October 2028	May 2029	Conduct an annual evaluation of partnering with VCBB to be taken by partners and community stakeholders
Identify trends in public feedback / input	November 2028	May 2029	Tracking input/entries
Dissolve VCBB support to key partners that will continue digital equity work	December 2028	May 2029	-

Measure success of digital navigator and capacity building subgrant programs	January 2029	May 2029	Surveys, focus groups, and interviews
Draft Final Annual Report	May 2029	September 2029	-

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VCBB Staff Memo to the VCBB Boardy
Subject: DVFiber Revised Grant Application
May 13, 2024

VCBB staff is pleased to recommend to the VCBB Board approval of the revised DVFiber grant. This revision considers the increased costs, Bill of Material corrections, as well as the reduction in addresses that have resulted from encroachment from existing legacy providers.

The proposal in the Board packet has some minor incongruencies in the address numbers. These numbers do not justify holding the process up for another meeting. These will be resolved prior to the May 13 Board meeting.

This proposal puts DVFiber on sound financial footing, showing that it remains cash flow positive and above an acceptable Debt Service Coverage Ratio for the entire planning horizon.

DVFiber intends to apply for a BEAD grant to complete the Universal Service Plan. If another party wins the BEAD grant, DVFiber will revise their business plan for the reduced area footprint. We have worked with DVFiber on this revised model. In this scenario, DVFiber can cut their administrative expenses to the appropriate level for their size and still maintain a healthy business plan.

DVFiber will present comparisons on key business model metrics between the existing grant and proposed grant during the Executive Session presentation to the Board.

We commend DVFiber for their work to revise the plan to reflect the current reality.

We look forward to Board review and discussion at the May Board meeting.





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VCBB Staff Memo to the VCBB Board
Subject: Northwest Fiberworx Construction Grant Application
May 13, 2024

VCBB staff is pleased to recommend to the VCBB Board approval of the Northwest Fiberworx \$20.2 million dollar grant request. This is the full amount based on the Board approved allocation formula.

Staff have been working closely with Northwest Fiberworx since late January to cure this request and we appreciate the hard work and commitment from the Northwest Fiberworx team and the VCBB staff. CTC has provided third party engineering and financial review and has confirmed that the assumptions are correct, and the business plan is successful and effective.

Northwest Fiberworx is proposing a fiber-to-the-premises (FTTP) deployment in three phases consisting of 648 miles of fiber that would connect approximately 6,365 un/underserved addresses across 22 member towns. Under this proposal, Northwest Fiberworx will own the network, while GWI will handle the design, construction, and operation. Northwest Fiberworx will employ a lit fiber open-access model, allowing multiple ISPs to lease the network to serve end customers.

We look forward to Board review and discussion at the May Board meeting.



BEAD Potential Subrecipient Support Grant Program

Funding Recommendations 5/13/24

In 2023, the Vermont Community Broadband Board (VCBB) was awarded \$229 million in funding from the federal Broadband Equity, Access, and Deployment (BEAD) Program. In an effort to promote a competitive program, the VCBB established the BEAD Subrecipient Support Program. The VCBB Board has approved \$1 million to provide needs-based grants to Eligible Providers to ensure they have the resources required to participate in the competitive BEAD grant program.

Goals of the Programs:

- To ensure all types of Eligible Providers have the ability to compete in the BEAD program.
- To encourage collaboration among potential subgrantees to promote the efficient expenditure of grant funding. This can lower costs and promote greater oversight and accountability.
- To encourage planning in expectation of the subrecipient selection process raising the quality of applications received.
- To raise the caliber of the applications received during the BEAD subrecipient selection process.
- To gather information to inform the implementation of the program from key stakeholders.

Scoring of Proposals:

- o 25 points – Likelihood of participating in the BEAD Program
- o 25 points – Extent of Barriers to participation (This can include new market entities, non-traditional entities, entities challenged to meet other BEAD Requirements)
- o 20 points – Proposed scope and budget
- o 10 points – Evidence of pursuing a collaborative approach or evidence of outreach to communities in the proposed service area
- o 10 points – Commitment to provide speeds of at least 100/100 Mbps via a Fiber Optic Connection, participation in the Affordable Connectivity Program, and agreement to meet Outside Plant Design Standards
- o 10 points – Provision of required data in the appropriate format. Current Grantees are exempt since data has previously been submitted to the VCBB.

Scoring of Individual Proposals:

Maple Broadband - \$69,800 (Score Avg – 93.5/100)

This additional request from Maple & WCVT. Total grant would be \$169,800. Support will fund efforts to submit a joint WCVT/Maple application. This includes data adjustments to reflect on-grid/off-grid and what has been built and/or is funded from other sources across the joint service area; optimizing the existing designs to reflect both on-grid and off-grid and reflect the work completed by competitors, and technical support for compiling data and drafting the application packet.

DVFiber - \$150,000 (Score Avg – 99/100)

DVFiber has requested \$150,000 in support. The support will fund updates to the Universal Service Plan and business plan to reflect BEAD addresses (when the final address list comes out). The grant will also support analysis of locations that may potentially fall about the Extremely High-Cost Threshold. Finally, the funding will be used for legal services related to applying for BEAD funds and the evaluation of network infrastructure as match.

Recommendation:

Staff recommends approving support via the Potential BEAD Subrecipient Support Grant Program for Maple Broadband/WCVT for a total of \$69,800. This brings the total grant amount for Maple/WCVT to \$169,800. Staff also recommends funding the DVFiber's request for \$150,000.

The projects proposed for funding meet the requirements outlined in the request for proposals. These include the likelihood of participation in BEAD, the presence of significant barriers to participation, among others. Additionally, most of the efforts proposed are ready to be executed (i.e. consultants identified). The program will fund modeling, application preparation, match analysis, legal analysis for partnerships and consortiums, and evaluating and updating plans to connect all BEAD eligible applications with fiber.

With the approval of these two applications, total dollar amount committed to the \$1 Million program equals \$870,970. Staff would also like to note that no private providers or towns have applied for funding despite extensive outreach.

Motion: To approve the Potential BEAD Subrecipient Support Program awards of \$69,800 for Maple Broadband/WCVT and \$150,000 for DVFiber.

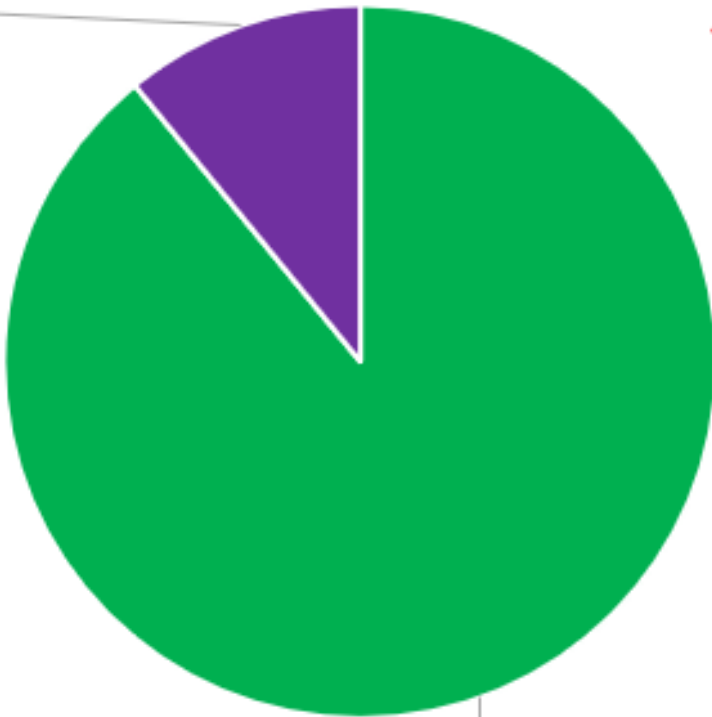
Overview of ARPA and ARPA Capital Spending

May 13, 2024

ARPA Funding Awarded

ARPA SFR Obligations vs. Remaining

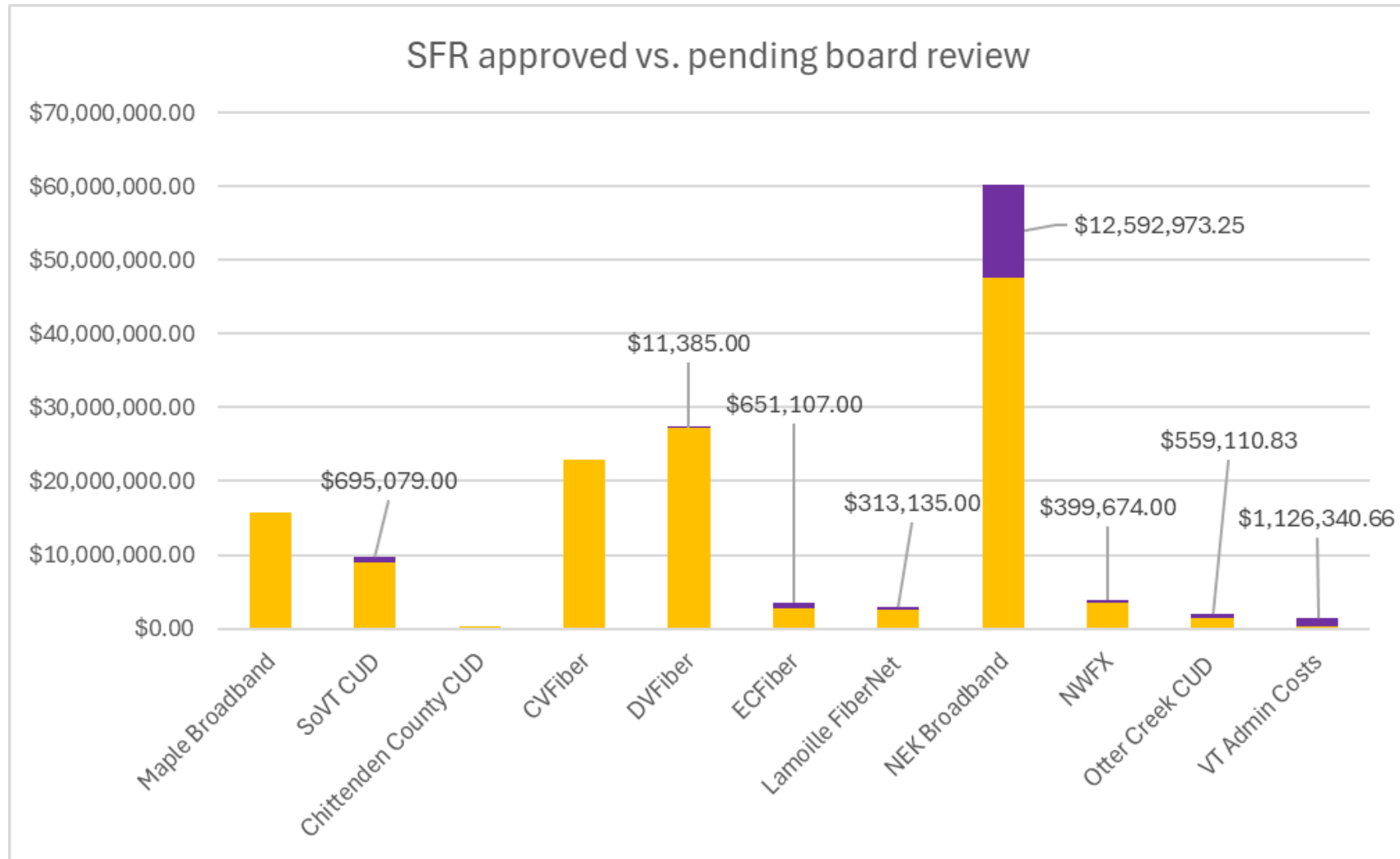
\$16,348,805.74



■ obligated ■ remaining

- **TOTAL = \$245 Million in “ARPA Funds”**
- **ARPA SFR – State Fiscal Recovery**
 - **\$150 Million; \$133.6M (89%) fully obligated**
Must be obligated to a subrecipient by December 31, 2024
 - Must be spent by subrecipient by December 31, 2026
- **ARPA CPF - Capital Projects**
 - **\$95 Million**
 - No requirement to obligate by December 31, 2024.
 - Must be substantially complete by December 31, 2026.

Available APRA SFR Allocations Pending Board Review

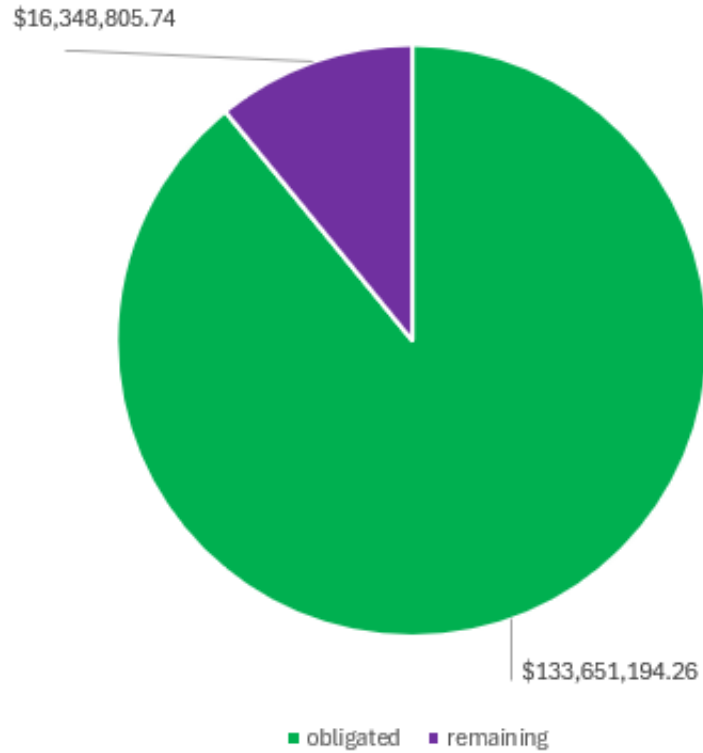


Plan of Action for ARPA SFR Funds

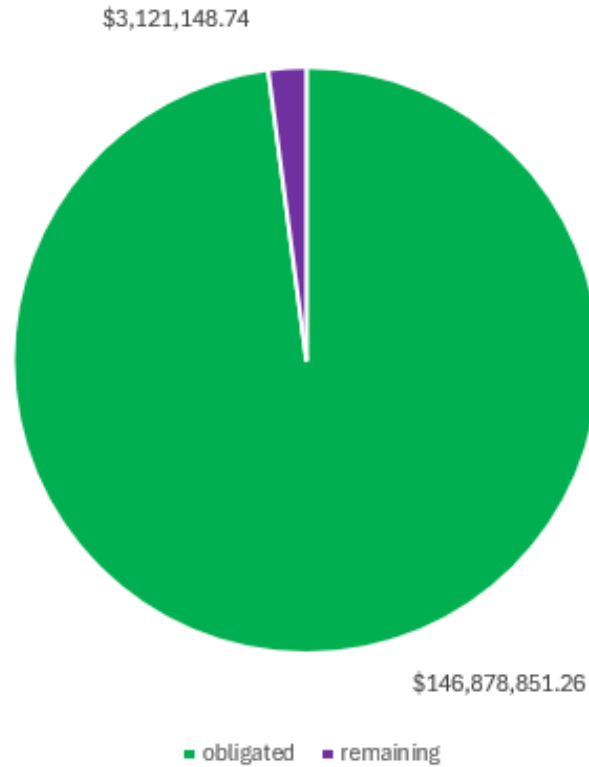
1. Staff will issue \$13.2M ECFiber Construction Grant as SFR instead of CPF. (\$0 left to obligate to ECFiber; 16.4k left to NEK)
2. Set a deadline for Eligible Providers to submit grant requests for remaining SFR funds 07/31/2024
 - Secure Board permission to combine each CUDs allocation across original grant program (PreConstruction, Construction, Materials)
 - All eligible entities with remaining allocations must come forth with an amendment or a request to shift the allocation to CPF (and the reporting duties!) by the September Board Meeting
3. This leaves about \$3M in SFR (see breakdown next slide)
 - Obligate to administration (contingency) – Staffing can be covered through 2026
 - Charge SFR to capital projects, as necessary
 - Check-in with Board in September

Plan of Action Visuals

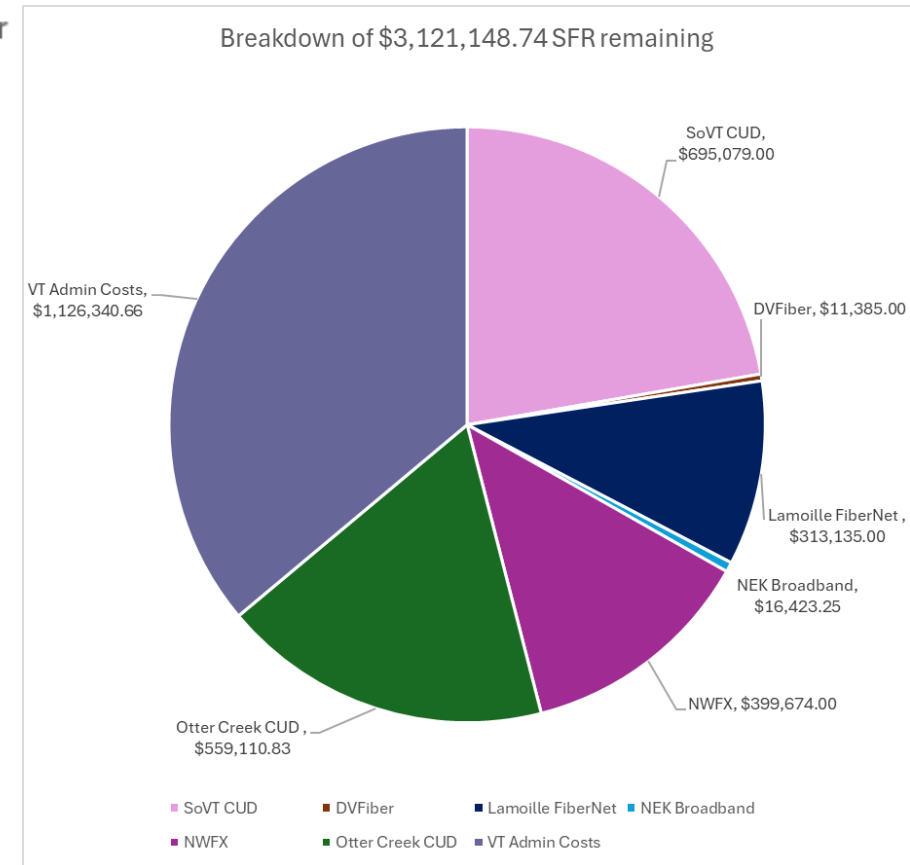
APRA SFR Obligations vs. Remaining



APRA SFR Obligations vs. Remaining after ECFiber



Breakdown of \$3,121,148.74 SFR remaining



#	Priority	Item	Date entered	Assigned to	Resolution and date
68	2	Change lien policy to recoupment policy	04/01/24	Toni Clithero	
67	2	The Board would like an update on the Ookla reporting project at a future meeting	04/01/24	Christine Hallquist	
66	1	Board members would like a statement from CTC about how Vermont is doing on this relative to what they're seeing elsewhere (Joanne Hovis).	04/01/24	Christine Hallquist	Joanne Hovis is on the agenda to present at the May 13 meeting.
65	1	develop a plan B for the ARPA money	04/01/24	Christine Hallquist	Will be presented to the Board at the May 13 meeting.
64	1	Is the Board's conditional approval of ARPA funds to CUDs for BEAD match constitute an obligation sufficient under ARPA? (even if the grant is contingent upon BEAD approval?)	04/01/24	Toni Clithero	
63	1	Update from the Digital Equity Officer on what other states are planning to do about affordability now that the ACP is ending.	03/25/24	Britaney Watson	Present to the Board in the July meeting.
62	2	Create a cross-referencing between the reporting requirement under the	03/25/24	Toni Clithero	This will be part of the reporting policy to be created after the May 13 meeting.

		constructions standards and a policy on reporting.			
61	2	Create a policy on Reporting	03/25/24	Toni Clithero	Reporting requirements to be included in the May 13 meeting. This will be followed up with a policy.
59	1	Prepare a memo that addresses a conflict if one arises between the Board policies and preexisting grant agreements	03/25/24	Toni Clithero	
58	1	Prepare a memo explaining that they intend the Board Policies apply to grant holders over and above whatever standards are applied by the FCC	03/25/25	Toni Clithero	
57	2	Act 71 and BEAD differential list -	03/11/24	Toni Clithero	Providing a presentation at the May 13 Board meeting by Joanne Hovis from CTC and will follow up with document after.
56	2	Cumulative dashboard for Grants	03/11/24		Explore VCBB (arcgis.com)
55	1	Present updated information as to ARPA funds remaining	03/25/24	Rob Fish	Will include in April 1 Board packet –Board has requested further information in the May 13 meeting
54	1	Develop a reporting policy and document w/ schedules	03/25/24	Christine	Will include in May Board meeting packet
53	2	Develop Cross-reference table with definitions	03/25/24	Christine	Will include in May Board meeting packet
52	2	Is Ookla data sold to third parties? Do users have an opt-out?	02/12/2024	Toni	Yes and there is no opt out and all ISPs require some form of speed testing upon installation of service. To address the Board’s consumer privacy concerns, Staff declined to proceed with a contract to Ookla. Staff have, however, arranged to support the CUDs’ requests for this information through its consultant, Stone Environmental.

51	2	Application scoring criteria policy	11/13/23	Staff	Awaiting approval from the NTIA.
35	1	Patty Richards to lead the Board in a response to the auditor's report	04/10/23	Dan Nelson/Christine Hallquist	Completed response, Currently awaiting finalization of Board Policies.
40	1	Develop Lien for the VCBB funded network and components ¹	07/18/23	Holly Groschner/Christine Hallquist	Policy is in revision
60	1	Prepare a redline version of the Grantee Agreement Policy for the Board to consider at the next meeting.	03/25/24	Toni Clithero	Complete. Policy has been approved.
41	1	Policy for certification of Grantee compliance to Performance and Operating Standards	07/18/23	Christine Hallquist	Approval of Construction standards complete. Will have this policy In place by the May Board meeting.
39	1	Develop Grantee agreement that VCBB will operate the system in the event of failure to comply	07/18/23	Christine Hallquist	Completed
37	1	Develop Construction Standards ²	07/18/23	Dan Nelson/Christine Hallquist	Completed
38	1	Annual Report Submission List ³	07/18/23	Christine Hallquist	Included in the Board Policy that will be submitted for approval at the 2/12/2024 meeting
48		Policy development Timeline, if needed	11/13/23	Patty	Completed

¹ Include sunset provision for the Lien

² Include open architecture policy, safety, reporting process on compliance and detailed description for each attribute. Staff process required for compliance to Board policy.

³ Identify all criteria, including how to address affordability, geographic diversity, Universal Service, operating standards, and reliability. Staff process required for compliance to Board policy.

47		Process for Approval of Working Group Policy drafts	11/13/23	Rob V/ Patty	Completed
44		Letters/memos to House and Senate Appropriations Committees		Christine Hallquist	Completed
42	1	Produce an overlay of the BEAD and ARPA timelines and the grant request timelines in the upcoming work of the Board.	09/11/23	Board	Completed
49		Develop an RFP for Government Affairs to bring on someone prior to January 01, 2024 and determine funding source	11/13/23	Staff	Completed
43	1	Propose strategy for Government Affairs	09/11/23	Christine	Completed- Government Affairs contractor hired – will tailor strategy suited for individual committees
45		Revise September 11 meeting minutes	11/13/23	Staff/	December meeting
46		Create folder on VCBB website for Board Policies, starting with Ex parte Communications	11/13/23	Patty Richards	Patty sent memo to Board members
36	1	Determine what restrictions exist for ex parte communications	07/18/23	CH	Passed policy at 09/11/23 meeting
26	1	Establish policy to address issue of enforceability with any of the partners and the CUDs.	8/22/22	CH	Policy discussion to be held at 4/10/23 meeting. This is now part of the Board Policy discussions related to the Auditor's report.
29		Include placeholder for budget update, dashboards, and policy	11/03/22	CH	Budget and Dashboards addressed at January and February Board Meetings

		and goals discussion to all Board Meeting Agendas			Christine will confirm with Patty what Board expectations are for the policy and goals discussion
24	1	Invite to the Federal Delegation to future Board Meeting	8/8/22	CH	Delegation will be invited to the January Board meeting
22	3	VCBB's approach to mapping and strategy for challenging the FCC.	6/14/22		Presented initial strategy 12/12/22. A Federal Program Officer at the NTIA will be needed to work on this with and that has finally been announced as Clay Purvis from the Public Service Department. He will be invited to January meeting.
28		Finalize subsequent overbuild policy and data policy.	10/31/22		This is addressed in the VCBB Data and Overbuild Policy submitted to the Board for continued discussion at the 12/12/22 meeting.
32		Alignment of VCBB Mission Statement based on Act 71	11/14/22	CH	Patty Richards to lead this 12/12/22.
25	2	Host workshop for the CUDs on Uniform Guidance	8/8/22		Completed December 7th
30		Adjust timing of Board Packet to at least 5 business days before the Board Meeting	11/03/22		Plan to start new schedule in January
33		Create a Communication Procedure Plan for Board notifications of updates from Staff (press releases, legislative presentations,	11/14/22		Completed in the November 28 Board meeting.
34		Discussion regarding development of a separate website			Staff recommends we continue with the current website which follows state protocols.

27		Board requested that a grant agreement template be shared	10/31/22	CH	Item closed – agreement was shared
23	1	Define audit criteria and post award grant reporting and review process for grantees/CUDs	8/8/22	CH	Item Closed - Compliance Recommendation Memo presented October 31 st . Additional reporting requirements will be shared once the new form is updated and staff will create a dashboard for tracking.
18	1	Signature Authority of Executive Director	03/28/22	CH	Closed. Approved in July.
19	1	Policy around hiring staff	03/28/22	CH	Closed. Approved in July.
21	1	Invite to Doug Farnum to future Board Meeting	6/14/22	CH	Attended August 8 th meeting.
20	3	Recommendation for designation of an entity for Digital Equity & Affordability Office	03/28/22	board	Closed. This is being addressed by the Governor's office per a directive from the NTIA. This falls into the responsibility of the VCBB as a subset of the IJA program.
8	2	Policy on "Material Default" see §8086(c)(2)	11/1/21	CH	Closed. Issue has been resolved through legislation.
5	3	VCBB Dashboard – to be shared monthly to show progress. What are the milestones?	11/1/21	CH	Closed. Stone Environmental has presented its proposal and the software platform meets the needs.
16	1	Provide Board with impact of Commitment letter	02/14/22	CH	Closed with material pre-purchasing proposal.
17	2	Statewide marketing collaboration with VCUDA	02/14/22	CH	Closed. VCUDA is not interested.
15	2	Provide Benchmarks for what telecom companies spend on Marketing	02/14/22	CH	Will research and present back on 3/14/22 Board meeting
1	1	Budget	10/18/21	CH	Completed. 2021 budget approved. 2022 will be presented in March.

2	1	Overbuild – what is the standard (20% of total served?)	11/1/21	CH	Completed. See Construction RFP Definition
3	2	Business Plans – what is the scope? Will they be updated before construction grants?	11/1/21	CH	Completed. The updated business plans will be included in the Construction RFP responses.
6	3	Fiber purchase – VCBB involvement? authorization? Status?	11/1/21	board	Completed
7	1	Make Ready Construction – policy: part of §8085 grants or not?	11/1/21	RF	Policy established. Make ready construction will be part of the construction grant program.
9	2	Revisiting timeline for VCBB – construction RFP & reporting timelines	11/22/21	CH	Completed. Part of the construction RFP. RFP approved by the Board on 01/03/22
10	2	Sequence assumptions for preconstruction and construction & reporting timelines	11/22/21	CH& board (LS)	Completed. Part of the Construction RFP. RFP approved by the Board on 01/03/22
11	2	DPS 2021 Map – Unserved	11/1/21	CH/Legal	Completed
12	1	Confidentiality. Grant Agreement Art 5 (state standard). Is the product of a grant a “public document” – e.g. will we post construction plans?	11/1/21	Board LS/HG	The RFP and construction schedules will be public.
13	2	USP & contiguous CUD construction- policy	11/22/21		Completed. Addressed in the Construction RFP.
14		Legislative Consideration – Purchase of consolidated services/goods	11/29/21		Not needed.



VCBB Staff Memo to the VCBB Board

Subject: Parking lot action item #54 - Develop a reporting policy and document w/ schedules
May 13, 2024

VCBB Reporting Requirement **Monthly Grantee Reporting (Phased)**

- Grantee reports are due in the grant management system by the 15th of each month regarding details of activities of the project and the use of funding provided under the grant:
 - All Grantee identifying information (e.g., UEI number and location).
 - A narrative of accomplishments and challenges to date and specifically during the most recent reporting period.
 - Detailed Project Timeline/Chart, along with KPIs including:
 - Number of construction miles built and lit;
 - Number of eligible addresses with access to service;
 - Total number of customers; and
 - Progress on engineering designs and permitting.
 - Invoices and Receipts: Grantees include all documentation of all expenditures with each report. This section includes an up-to-date ledger of all contracts payable via these grant funds. Documentation of legal review of all contracts greater than \$25,000 must also be included.
- In-person grantee meetings will be held week four of each month
 - Follow-up to written reports.
 - VCBB staff shall meet monthly with Grantees to address construction progress and any potential issues relating to the construction or the project in general. During those meetings, Grantees shall provide Staff with any information, preliminary or otherwise, that may tend to indicate successes or challenges in the project plan as well as discuss Key Performance Indicators

Quarterly reporting (conventional) - Quarter end dates are 3/30, 6/30, 9/30 and 12/31 shall include.

- A narrative of accomplishments to date and specifically during the most recent reporting period.
- Detailed Project Timeline/Chart
- Invoices and Receipts: Grantee shall include all documentation of all expenditures with each report. This section should include an up-to-date





ledger of all contracts payable via these grant funds. The following information must be tracked for all contracts, purchases, and other expenditures:

- Purpose of the contract.
- All Grantee identifying information (e.g., UEI number and location).
- Quarterly obligation and expenditure amounts.
- Attached to the report should be any contracts, invoices, and expenses incurred through the last day of the previous quarter. Documentation of legal review of all contracts greater than \$25,000 must also be included.

Grant Close-out Report to the Board (TBD)

NBRC Quarterly Grant Reporting

- Qualified contractor spending
- VCBB funded positions
- Leveraged funding.
- VCBB Capacity Grant

ARPA Reporting

- **ARPA SFR:** The combined programmatic / financial report is submitted quarterly and is due around the middle of the sequential month. We provide the data to Agency of Administration who does the actual submission.
- **ARPA Capital:** The combined programmatic / financial report is submitted quarterly and is due at the end of the sequential month i.e. 01/01/2024 – 03/31/2024
- **Reporting Requirements include –**
 - SMART Export - cumulative expenditures for both administrative expenses and subawards
 - Administrative Expenses - cumulative obligation and expenditure totals related to program administration.
 - Subrecipients - cumulative subrecipients receiving a subaward (i.e., all reported payees except for admin)
 - Subawards - cumulative subawards to project awardees
 - Summary of Locations – planned versus actual, total residential, business, and CAI

NTIA Reporting – BEAD and Digital Equity – Due 6/30 and 12/31

- Describes how the Eligible Entity expended the funds.
- Describes each service provided with grant funds.
- Describes the number of locations at which broadband service was made available using the grant funds, the number of those locations at which broadband service was utilized, and the comparative demographics of those served.
- Includes each report that the Eligible Entity received from a subgrantee under Section 60102(j) of the Act; and certifies that the Eligible Entity





complied with the requirements of this Section and with any additional reporting requirements prescribed by the Assistant Secretary

Annual Report to the Legislature – Due January 15

- To be identified in the Board Annual Reporting Policy

USF reporting - there are no reporting requirements to any specific entities for this.



VCBB Staff Memo to the VCBB Board

Subject: Parking lot action item #53 - Develop Cross-reference table with definitions

May 13, 2024

Glossary of Definitions

- **ARPU** – Average Revenue Per Unit - is a measure used by providers to capture the average revenue generated per user or unit, over a specific period. In essence, it calculates how much each customer (or unit) contributes to the company's revenues on average.
- **Asymmetrical Bandwidth** - A connection in which the maximum transfer rate is different for download and upload speeds.
- **Attachment** - any attachment by a provider of telecommunications service to a pole owned or controlled by a utility. 47 CFR § 1.1411(a)(1)
- **Backhaul** - is the connection or the company providing the from a local fiber buildout to the global Internet.
- **Broadband** - The term broadband commonly refers to high-speed Internet access that is always on and currently defined as faster than 100 Mbps upload and 20 Mbps download.
- **Backbone** - A high-fiber count fiber optic mainline that provides connectivity from the Optical Line Terminal (Hub) to the internet.
- **Backhaul** – the portion of the network comprises the intermediate links between the core network, or backbone network, and the subnetworks at the edge of the network. Typically Backhaul does not have drops and is solely used to transport data.
- **Communications space** - the lower usable space on a utility pole, which is typically reserved for low-voltage communications equipment. 47 CFR § 1.1402(r). The lowest zone on a Pole, located immediately below the Communications Workers Safety Zone. The Communications Space is used primarily to deliver communications services.
- **Community Anchor Institutions** - Schools, libraries, medical and healthcare providers, public safety entities, institutes of higher education and other community support organizations that provide outreach, access, equipment and support services to facilitate greater use of broadband service by the entire population and local governments.
- **Dark Fiber** - Unused optical fiber that is not currently being used in fiber-optic communications. Because fiber-optic cable transmits information in the form of light pulses, a "dark" cable refers to one through which light pulses are not being transmitted.



- **Drop** – Communications cable from existing splitter to a new customer’s premises for the sole purpose of providing service to the specific customer.
- **Fiber-to-the-Premise (FTTP) or Fiber-to-the-Home (FTTH)** - A last-mile fiber optic network that connects all buildings (residential, business and government) in a community.
- **Fiber Mile** - The strand length that covers the distance from pole to pole for a mile. This does not include sag, spare or slack loops.
- **Fixed Wireless Broadband Access** - The use of wireless devices/systems in connecting two fixed locations, such as offices or homes. The connections occur using radio frequencies through the air. These communications are bandwidth constrained and negatively impacted by terrain and foliage.
- **GPON Architecture** - Gigabit Passive Optical Network – a passive optical network (PON) is a system that brings optical fiber cabling and signals all or most of the way to the premise of a subscriber. This is the preferred network choice in Vermont.
- **Latency** - Term used to indicate the delay that happens in data communication over a network.
- **Lit Fiber** - refers to fiber optic cables that are in use, i.e., “lit” by a network provider’s electronics. Whether they be through dedicated internet circuits, point-to-point, or wave circuits, lit fiber means it is being used and customer drops can be connected.
- **Make Ready** - Utility poles that are properly prepped to receive a new fiber attachment.
- **Open-Access Network** - A network where the infrastructure assets (conduit and fiber) are made available through leases to multiple non-network owners that meet the terms and conditions set.
- **Overbuild** - To create a network that goes into competition with an incumbent provider. For broadband, this often refers to deploying fiber where current broadband (see definition above) service exists.
- **Passings** – The number of Broadband Serviceable Locations that are network passes and can provide service to. This is currently defined as those addresses found on the PSD maps and are on the grid. The BEAD definition will be those that are on the FCC map and will include off-grid.
- **Pole Survey** - The pole survey process involves technical evaluations of each pole, including taking photographs and height measurements, determining their overall condition through engineering analysis and placing their precise locations through GPS technology. This is typically done to prepare for make-ready work.
- **Take Rate** - The number of subscribers to a service - typically expressed in a percentage of those taking the service divided by the total number of people who could take the service.
- **Underserved** – Those housing units without access to a broadband network capable of offering service that meets the NTIA definition.
- **Underserved** – An underserved location is defined by the NTIA as a broadband-serviceable location that is (a) not an unserved location, and





(b) that the Broadband DATA Maps show as lacking access to Reliable Broadband Service offered with - (i) a speed of not less than 100 Mbps for downloads; and (ii) a speed of not less than 20 Mbps for uploads; and (iii) latency less than or equal to 100 milliseconds (NOFO Section I.C.bb)

