

Vermont Community Broadband Board Meeting

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

Draft Meeting Minutes

I. **Agenda Item #1 - 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
- Laura Sibilila (Remote – may join later)
- 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)
- Herryng Herzog – Staff (Remote)
- Britaney Watson – Staff (Remote)
- Alexei Monsarrat - (Remote)
- Kristina Sweet – Staff (Remote)
- Thomas Malinowski – Staff (Remote)

Patty Richards made a motion to approve the agenda. Dan Nelson proposed moving item 4 on the agenda RE: Board policies to the next meeting. Discussions will be an overview of the process and status of policies. There will be no action on the Construction policy. Item 9 of the agenda, Fiber resolution is removed. Patty added an executive session at the end after 13 for board evaluation and personnel matters. The board voted and approved the changes.

II. **Agenda Item #2 - Public Comment**

Irv Thomae raised issues regarding the mission of ACT 71 and the BEAD requirements. Ellie de Villiers stated that Maple Broadband has now completed 100% of their build. Christa Shute, NEK Broadband discussed FCC update about the number of off-grid and habitable locations and would be meeting with them in June. Christine Hallquist confirmed that the VCBB BEAD plan was accepted, and the BEAD Challenge was beginning March 18, 2024. Holly Groschner suggested creating a Grants cumulative Dashboard for the CUDs.

III. **Agenda Item #3 - Meeting Minutes**

Meetings minutes for February 6, 2024, to be corrected to note that Patty Richards was absent. The board voted and approved. The meeting minutes for February 12, 2024, did note that sections that needed corrections. The minutes were not approved. The minutes are to be revised. The board had a motion and voted.

IV. **Agenda Item #4 - Board Accountability Policy Review – Tony 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 in the December 11th meeting. There are three (3) policies, Construction Standards

Policy, the Consumer Protection Policy, and the Grantee Agreement Policy that have been through a public comment and post public comment in depth. There were subsequent meetings with the subgroups to make edited changes and will be posted again for public comment for a period of five (5) 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. Annual report policy that's very comprehensive and that's also going to require a separate meeting. Recommended the sunset provisions policy for the VCBB be postponed for a bit. With respect to the LEAN Committee, there were significant comments that were received that were received by the NTIA and response to a request for comment that they issued this past summer. NTIA did recently issue a new policy notice with respect to all the federal interest period and the uniform guidance. Patty Richards requested that the policies be sent via email to have the latest draft. Toni did so.

Patty Richards stated about the significant comments from the NTIA and the Lean Committee, asked how our policies fit or not fit with the next step with a BEAD grant to this to the policies were writing today. Toni responded that there was alignment but there were also differences. Groschner then Holly stated that doing the ACT 71 policies and then noting changes necessary for BEAD. Patty Richards requested VCBB to identify for each Staff (person) in their respective role who can talk to the distinctions between BEAD and ACT71.

Tony requested a change to process by requesting a second public comment review and posting. This led to a discussion where questions by Holly Groschner, Patty Richards and Brian Oatley were asked about why another public posting would be required. Holly stated that the Board should get a redline version to know what the changes were rather than a final version. Patty Richards stated that go above and beyond the repost it for public comment just to make sure and then will then go to the Board.

Laura Sibilia joined the meeting stated her perspective on accountability and overall comment for us to keep in mind about ACT71 was about two things, universality, and accountability.

V. Agenda Item #5 - BEAD Potential Subrecipient Support Program – Rob Fish

Rob 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 and Lamoille Fibernet grant application. 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 county of their CUD. There were discussions regarding the sub-recipients, the competitive and award process/approval, and the allocation of funds. There are two (2) applicants. Tony suggested to move into executive session on the grounds that information may be proprietary to one or more of the applicants. Patty motioned to go to the executive session. There will be an executive session for each applicant. Toni stated it is title one, section 313, little A, little 6 that applies to discuss records that are subject to the public records exemptions and the exemption that Tony cited - BSA section 313A1A, which protects information concerning premature information concerning contract negotiations Patty requested a vote. The Board agreed unanimously.

No action was taken in the executive session. Patty put forth a motion to approve Lamoille Fibernet's application. Laura seconded the motion. The Board voted and approved

unanimously. Patty put forth a motion to approve Northwest Fiberworks' grant application. Dan seconded the motion. The Board voted and approved unanimously.

VI. Agenda Item #6 - CVFiber Request for Grant Extension/Tiger Team Update

Patty requested a move to executive session under chapter One BSA section 313, Subparagraphs A1A, which protects information concerning contracts where premature general public knowledge would clearly place the public body or person involved at a substantial disadvantage. Patty requested a vote. The Board voted and approved unanimously. Patty stated we have come out of executive session; no action was taken in executive session on item number 6.

VII. Agenda Item #7 - Legislative Update – Gwynn Zakov

The legislature has passed the Budget Adjustment Act H839. The bill was sent to the governor on the 7th for signatures, so we can anticipate it being signed by the governor as early as today or tomorrow. The bill contains the \$20 million that the VCBB borrowed 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 the governance of the CUD. It was passed by the Senate and is currently in the House Committee on the Environment and Energy, and the bill outlines the processes and procedures for mergers of CUDs. The bill permits annual meetings to be changed to a different date than is currently in statutes, and adjust the type of fiscal year that is used, as well as dates for budget approval, delegates authority of duties that are if authorized by the bylaws or given the authority by the board, and it also amends the Public Records Act as it relates to CUDs to define confidential business information to include the operation records of ISPs under contract with CUDs as well as CUD's deployment plans. Patty put forth a motion of S199 that the VCBB should send the committee a letter of support and willingness to testify. Holly second the motion. The Board voted and approved unanimously.

The third bill is S181 and is an act relating to the community, media, Public Benefit fund and is currently in the Senate Finance Committee. It would implement an assessment on satellite and video streaming services and that is based off of what New York State has used as a modeled approach for and assessing fees and taxations and creating a new revenue source from satellite and video streaming services and providers would pay an assessment that's equal to 5% of their gross receipts and with the revenue raised from this the revenue raised at least in Vermont the proposal. It creates a communications public benefit fund and revenue from the gross receipts would support the operations of PEGTV, which is also known as Amos. It creates a broadband affordability program to qualify low-income households. The Broadband Affordability program was added at the very end of the last week of session before they broke for town meeting. Holly asked whether the bill designates who would receive those funds or anything about the administration of an affordability program. Christine Hallquist on talking about the bill at this point.

Bill H657 passed out of the House Ways and Means Committee and is currently in the House Environment and Energy Committee. it would repeal the 2.4% USC for landlines, prepaid wireless and interconnected wipes customers, and to replace it with a 72-cent monthly charge per access line. It repeals the telephone personal property tax and gross receipts tax, and it replaces, or it places Community property on the grand list as real property to be taxed at the local level.

VIII. Agenda item # 8 - Limited-Service Position Requests - Legal/Admin Support and Data Management Support (BEAD Funded) - Rob Fish

Two limited-service positions; one to support general counsel and board activities and the other to support digital equity as a data manager as was discussed in November 2023. Holly 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. Brittany 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 Christine provide on roles. Many on the board suggested hiring a contractor instead of more staff for the data manager role. Patty made a motion to approve moving forward and hiring the legal admin support position. The motion was second by Dan. The title of the position is Administrative Service Manager. The Board voted and approved unanimously. Data management to be discussed in the next meeting.

IX. Agenda Item #10 - VCUDA update

FCC staff about how we could deal with some of these off-grid addresses and that they were supportive of us putting data a little behind their deadline. Discussed the upcoming RFP for BEAD. Talked about the legislature and current bills and how it relates to CUDs. Mentioned the boards in progress policies.

X. Agenda Item # 12 - Public Comment – none

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

Special meeting to be held at the end of March to discuss Accountability Policy. Next Board meeting to be held April 1, 2024. 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 to discuss board evaluation and personnel matters.