

Vermont Community Broadband Board Meeting Minutes
Meetings are being held virtually.
April 11, 2022

I. Call To Order – 12:03pm

Roll call completed by Patty Richards

Patty Richards, Chair (Remote)
Dan Nelson (Remote, stepped out of meeting from 1:01pm to 2:05)
Brian Otley (Remote)
Holly Groschner (Remote)
Laura Sibilica (Remote, joined at 12:46pm)
Christine Hallquist - Staff (Remote)
Robert Fish – Staff (Remote)
Stan Macel – Staff (Remote)
Alissa Matthews – Staff (Remote)

II. Review of Agenda

Christine Hallquist made a request to postpone the WCVT Construction Grant Review to the next Board Meeting.

Patty Richards made a motion to approve the amended agenda. Brian Otley seconded, and the motion was unanimously approved.

III. Approval of Meeting Minutes

The Board discussed the March 28th, 2022 draft Board Meeting minutes. Patty Richards made a motion to approve the minutes. Dan Nelson seconded, and the motion was unanimously approved.

IV. Construction Grant Review – Bolton/WVCT (discussion)

Review postponed until April 25th 2022.

V. Removing Disincentives and Accelerating the Deployment of Construction Funding – Competitive Grants (discussion)

Rob Fish presented details regarding the proposal to make the allocated funding competitive for towns that are not members of CUDs. Rather than base the amount of available funding on the underserved road miles, the proposal will make the program competitive for towns who are not members of a CUD. This will help remove the disincentive for CUDs to not accept denser towns as members because there is so much overbuild required to serve few addresses. The program would still have all of the same requirements for applicants, but this would incentivize towns to pull together projects to ensure ARPA funds are deployed in a timely manner.

Patty Richards asked how a group of 50 unserved residents would access these funds. Rob clarified that they would have to reach out to an eligible service provider and put together a universal service plan. If there is a CUD willing to take on those unserved addresses outside of their CUD, they can also apply on behalf of those addresses. Brian Otley confirmed understanding that it is the same model seen from Bolton.

Holly Groschner asked about the legislative challenges and if this means that there would be reduced funds available to towns that need more time to pull a plan together. Rob responded by providing some of the issues that have been discussed in the House Energy and Tech Committee about Chittenden County and other areas and explained that this will only apply to the amount allocated to individual towns, and in many cases that allocation is not enough for a project so this enables the funds to be aggregated and accessed by projects that are ready with a universal service plan.

Patty Richards made a motion to approve the proposal as presented by staff. Brian Otley seconded the motion, and the motion was unanimously approved.

VI. Broadband Equity, Access & Deployment (BEAD) Program Presentation

Christine Hallquist presented a summary of the Broadband Equity, Access & Deployment (BEAD) Program, along with an overview of other funding opportunities and requirements that are expected from the Infrastructure Investment and Jobs Act (IIJA).

- On May 15, the NTIA will release a Notice of Funding Opportunity (NOFO) for the BEAD program.
- After the NOFO is published, States will have to file a letter of intent (LOI) with the NTIA to describe the current state of broadband in the State and must describe the State's plan for using and administering the BEAD funding. LOI to include:
 - State Broadband Office details
 - State Broadband Plan with goals and current status
 - State Broadband Grant History outlining outcomes and funding sources
 - BEAD Implementation Program covering use of funds, staffing, known barriers, additional capacity needs, partner information & subgrant award process, timeline, oversight and reporting
- States are allowed to request up to \$5 million at the time that they submit the LOI. This funding is provided to:
 - publications, outreach, and communications support to help States reach out to citizens, communities, and businesses
 - research & data collection
 - developing a budget for pre-planning activities & operating the State grant program
 - technical assistance, through workshops or events
 - broadband office employee training related staffing capacity
 - additional consulting or contracted support
- States that accept the \$5 million of funding must file a 5-Year Action Plan to the NTIA. This plan must include describe how a State will set priorities for things like economic development, telehealth, or other priorities the State feels are the most important.
- After the revised FCC maps are issued and the amount of funding to each state is known, States must file an Initial Proposal that will include a description of how it will administer the BEAD grants.
 - NTIA will judge if a State has assembled a team capable of administering the proposed grants and if a State doesn't get approved, the State won't be given any BEAD funding.
 - If the NTIA approves a State's Initial Proposal, the NTIA will then release 20% of the BEAD funding allocated to that State. Then the challenge process begins;
 - States can't award any BEAD funding the challenge process must be completed on the locations it has identified as unserved or underserved. The challenge process requires each state to:

- Advertise the challenge process to all BEAD program stakeholders – including providers and local communities – to promote engagement.
 - Set clear benchmarks for proof of service. Collect all provider, locality, and resident information as record. A technical evaluation can be a helpful addition to information that is submitted and provide objective reason for disputed territories.
 - Publish challenges lodged in the process on the state website to ensure transparency. Include challenger information, details of the disputed area, and evidence used in the final decision.
- Once the challenge process has been fully resolved, a State must submit its Final Proposal that contains the most up-to-date information on state broadband initiatives and unlocks the state’s remaining BEAD program allocation. Including:
 - Intro - update on progress since initial proposal; detail outcome of Challenge Process; and recap state broadband objectives
 - Broadband Deployment Plan
 - Known Barriers & Challenges
 - Relevant Partners

Holly Groschner made a motion that the Board authorize and approve the VCBB Staff to file a Letter of Intent to NTIA indicating Vermont’s interest and participation in All available broadband funding in the IIJA. Patty Richards seconded, and the motion was unanimously approved.

Christine Hallquist then returned to the question of if the VCBB should be designated as Vermont’s Digital Equity Office.

Holly Groschner commented that her interpretation of the language in Act 71 is that it requires universal service be available to all Vermonters and has a distinction between just passing an address and actually making service available and expressly authorizes the VCBB to coordinate and facilitate community broadband efforts and has the goal of providing affordable service. She added that taking on this role helps set the CUDs up for sustainability by managing coordination and implementation with various partners as necessary. Patty Richards shared that she doesn’t see a downside of the VCBB acting in this role. Brian Otley added that his only concern is that if the VCBB is facilitating the funding of the construction of these networks that it might make sense for another entity to provide equity oversight. Laura Sibilia shared that her concern would be around diverting any capacity and resources away from construction including staff. Patty responded that she thinks we would have to add staff and capacity for this. Laura added that this feels more consumer focused and regulatory based. Christine responded that this really ties back to affordability and access to technology, education, etc. to utilize the network once built and will allow the VCBB to provide more services and support to the CUDs. Laura added that she would like to confirm that the CUDs are supportive of these efforts and don’t have concerns. Patty asked for Christine to outline how we would plan this out and would like to see the structure of how it may work.

VII. Staff Updates

- Legislative –
 - VCBB staff is monitoring H.739 and H.740, bills that will provide broadband funding to the VCBB
 - Christine is monitoring the Workforce Bill and may be called in to testify
 - The VCBB received notice that the ACT 71 language changes related to the

reversion of assets to the State is being attached to H.738 which is in the Senate Finance Committee

- Legal – The VCBB is close to signing an agreement for the consultant to provide Regulatory Legal Counsel to CUDs
- Budget – Christine requested to wait to discuss the FY23 Budget until the end of the legislative session to provide more clear overall picture of available funding
- Grants – Staff are expecting applications this week from NEK and at least one more CUD and are collecting a few updates from an ISP. Staff also continue working on updating guidance to assist CUDs with their applications.

Patty Richards added a suggestion that as the VCBB matures the Board consider reducing the frequency of Board Meetings as a topic to be revisited later.

VIII. VCUDA Update

Will Anderson provided an update for VCUDA. He shared that CUDs legislative priority is keeping an eye on the Budget Bill.

Will stated that VCUDA is appreciative of the workshop that the VCBB staff hosted last week and any further clarification on expectations will continue to be helpful.

Will expressed that the CUDs are supportive of the VCBB efforts in relation to BEAD and the Digital Equity Act and building capacity would be a way to provide additional support to the CUDs and to ensure affordability of service for the networks that are being built.

Will shared that VCUDA is neutral to the discussion on the proposal regarding the funding for non-CUD towns.

Will commented on the continued materials supply discussion emerging as the principal challenge, along with labor and financing.

Will appreciated the GIS Atlas and the training provided by Stone Environmental and sees continued support needed in that area.

IX. Public Input

Two members of the public provided input:

- Maureen Hopkins, Associate General Counsel for OTELCO, asked for clarification around the ability for an ISP like themselves to apply for funding. The VCBB confirmed that eligible providers can apply if they have a Universal Service Plan and recommended OTELCO review the Construction Grant RFP for the process and the rules outlines in Act 71.
- Christa Shute, NEK Broadband, expressed support for VCBB to incorporate affordability programming and shared that it is critical to the CUD business model as a way to increase the take-rate in lower-income areas. She also shared that material supply issue is both seeing longer lead times 7-10 month timeline and also seeing pricing increasing every day.

X. Parking Lot Review & Agenda for Next Meeting

Parking Lot Review

Christine Hallquist reviewed the five open topics in the parking lot:

- Develop policy around signature authority – will have update next meeting
- Can the Board hire staff without Legislative or State approval – plan to tie that into the BEAD program discussion
- Recommendation for designation for Digital Equity & Affordability – will continue to discuss
- Material default policy – Stan Macel confirmed he should be able to provide an update at the next Board meeting
- VCBB Dashboard – this is ongoing and Stone Environmental will present progress at the next Board meeting

Agenda for Future Meetings

Christine Hallquist reviewed the additions for the future agendas:

- Grant Reviews
- Material default policy update
- Designated entity for affordability and State's Digital Equity Office
- GIS platform presentation from Stone Environmental

XI. Executive Session

Patty Richards made a motion to move into Executive Session as premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage (1 V.S.A. Section 313). Dan Nelson seconded the motion. The Board approved the motion and went into executive session.

XII.

Patty Richards confirmed that no action was taken in the Executive Session. Dan Nelson made a motion to adjourn. Patty Richards seconded, the motion was unanimously approved and the meeting was adjourned at 2:42pm.