

# Vermont Community Broadband Board Meeting

## Tuesday, July 28<sup>th</sup>, 2023, 08:00am – 12:00pm

### Approved Minutes

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

Patty Richards called the meeting to order at 08:05 and completed roll call.

- Patty Richards, Chair (Remote)
- Laura Sibilia (Remote)
- Brian Otley (Remote)
- Holly Groschner (Remote)
- Dan Nelson (Remote)
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Alissa Matthews – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Britaney Watson – Staff (Remote)
- Heryn Herzog – Staff (Remote)
- Lucy Rogers – Staff (Remote)
- Kristin Brynga – Staff (Remote)
- Chance Payette – Staff (Remote)

Patty Richards made a motion to approve the agenda with a suggested change of removing the Parking Lot and ending the meeting with Executive Session and to add VCUDA updates as a standing item. Seconded by Laura. No further discussion. Unanimously approved.

#### II. Accountability Policy

Holly commented on the Public Comment Matrix that was provided by Toni and thanked the respondents for their participation and comments to the Accountability Policy. Holly also noted that NTIA has filed a Request for Comments on the applicability of the federal Uniform Guidance to the BEAD Program.

#### III. Public Comment

##### B. VCUDA

*Rob Vietzke and Eliie de Villiers presented the VCUDA comments utilizing a PowerPoint presentation (listed as attachment 1). VCUDA started by mentioning that their comments were not yet a consensus and did not represent every one of their members as seen by other comment submittals. They emphasized the role of CUDs in achieving accountability under Acts 71 and 79 and stressed the importance of the aggressive timelines in BEAD, noting there is an opportunity to help develop policy for BEAD as well.*

##### C. Consolidated Communications

*Sarah Davis, spoke to what their entity has done in the last 16 months and spoke in support of what the CUDs have accomplished with respect to Accountability. CCI's major concern is the lien proposal.*

##### D. Waitsfield and Champlain Valley Telecom

*Roger Nishi spoke for WCVT and agreed that accountability is important but questions whether the VCBB adding more accountability standards that may affect the cost of services provided and stressed the concern that liens might have on the ability to obtain financing.*

#### **E. Southern Vermont CUD**

*Eric Patch spoke for Southern Vermont CUD. Southern Vermont CUD agrees with the need for accountability but expressed concern that the Board was regulating rather than focusing on delivering broadband.*

#### **F. ECFiber**

*F.X. Flinn spoke for EC Fiber. The Board should consider whether these are policies or guidelines. The State has set a goal for VCBB regarding broadband, ARPA (pretty flexible), BEAD (a line extension program) and Municipal revenue bonds. Would encourage the VCBB to help support CUDs and help them become a sustainable business that can secure funding through the Municipal bond market.*

#### **G. NEK Broadband**

*Christa Shute spoke for NEK Broadband. NEK endorses the Accountability Policy with some modifications. She spoke in support of the lien proposal, noting that stacked financing is reasonable. NEK thinks that it would be useful if adjoining towns could discuss having a single entity providing service. She also spoke in favor of enforceability provisions in the grant agreements.*

#### **H. Otter Creek**

*Laura Black spoke for Otter Creek CUD. Accountability is Important and we want to be sure that the VCBB would continue to move forward with the Grant process. Our constituents are really excited to get fiber versus the copper network they are currently using. The VCBB clarified that Grant issuance has not paused and requested that Otter Creek proceed with its application.*

#### **I. Lamoille Fibernet CUD**

*Lisa Birmingham spoke for Lamoille Fibernet. Lamoille i will be submitting their application next week, expressing the belief that long term accountability is the responsibility of the CUDs.*

- J. Staff Comments:** *Christine Hallquist commended the Boards handling of the Accountability Policy and its decision not to delay applications during development of the policy. Also spoke in favor of the approach of "Controls" versus "Control".*

#### **Other Comments:**

*Jonathan Cooper: Employed by the Bennington County Regional Commission. Staff for Southern Vermont CUD. Spoke about the accountability by the CUD during the feasibility study and their selection of their private-public sector partner.*

*Jane Campbell: Lamoille Fibernet. The reason we have a CUD is that they understand what they need locally; said it was important that the VCBB doesn't tie the hands of the CUDs.*

*Paul Fixx: NEK Broadband Chair. Would like to reiterate Christa Shute's comments about the future of our fiber environment. As policy/guidelines are developed, NEK would like them to be flexible to accommodate what future entities may need.*

With the close of the Public Comment period, the Chair proposed the formation of a working group and subworking groups with a couple board members, VCBB staff, VCUDA and a couple members from CUDs to review the draft policy. She will provide the list of members during the August 14<sup>th</sup> meeting.

The Board requested that General Counsel determine whether the statute supports, or does not, the VCBB setting policy based on several comments made regarding the Accountability Policy and that she distributes the Comments Matrix to the public.

***VCUDA Update.***

- IV.** *Rob Vietzke stated they would stay with their public comments and hold their update for the next meeting.*

**V. Confirm Next Regular Meeting 8/14 & Motion to Adjourn**

Discussion about availability to attend the next Board meeting, all agreed the 8/14 meeting will work from noon to 4:00 pm Patty made the motion to adjourn and enter Executive Session. The motion was approved. And at 11:00 a.m. the meeting adjourned.

**VI. Executive Session**

Press inquiries; please contact Heryn Herzog, [heryn.herzog@vermont.gov](mailto:heryn.herzog@vermont.gov) (802) 522-3396.

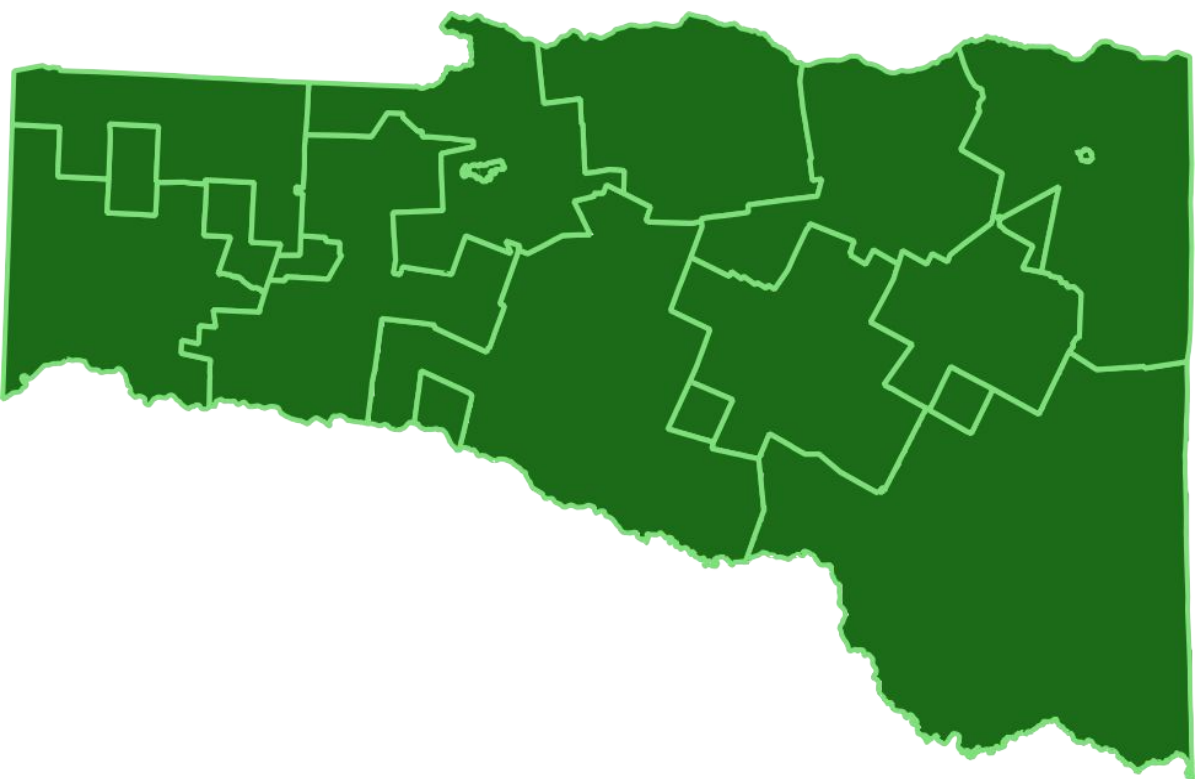
# VCUDA

*The Vermont Communications Union Districts  
Association serves to unite the interests of Vermont's  
growing municipal internet networks, devising ways  
to share resources and voicing CUD consensus on  
critical policy issues.*

Vermont Community Broadband Board  
July 28, 2023

Rob Vietzke, Program Coordinator  
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Ellie de Villiers, Chair  
[chair@vcuda.org](mailto:chair@vcuda.org)



# VCUDA Comments on Draft Policy:

- Continued strong support for “accountability” across CUDs
  - As municipal governments charged with accountability to VermonTERS, CUDs are committed to the mission of serving and protecting their community’s immediate and long term interests
- Across CUDs different strong objections and strong support on specific items in the initial draft. (reflected in letters sent to VCBB)
  - These comments include substance, structure, process, authority, and enforceability
- Clear that more conversation, listening, and thoughtful analysis will be required to guide implementation of objectives

## VCUDA Comments on Process:

- We are at our best when we bring our best minds together and take the time to work through complicated items like this together.
  - Lean in to the “community” focus of our broadband effort.
  - In this case interested Board, Staff, and CUD representatives.
- Would like to see the Board be clear on what outcomes it desires
  - Include enforcement process and authority in analysis.
  - Work with CUDs on how best to implement those outcomes.

# VCUDA Comments:

- Imprecise Language - Can be interpreted in multiple ways and implies significant policy and regulatory changes to some readers.
- Role of the CUD in assuring Public Accountability - Act 71 and 79 gave specific roles and authorities to the CUDs and VCBB. We believe the policy can do a better job recognizing the multilayer structure.
- Ensure specific outcomes rather than the rules to achieve them.  
“Controls” -vs- “Control”
- New “Implied accountability” ideas are not timely.

# BEAD is a Strategic Priority:

- **Broadband Equity, Access and Deployment (BEAD)**
  - VCB is recipient; providers selected competitively by VCB are sub awardees
  - BEAD submissions to the NTIA are policy; Volume I and Volume II are the “Act 71 of BEAD”
  - Expected high level of scrutiny from Congress on the NTIA
    - State plans are expected to receive a high level of scrutiny for compliance as a result.
    - Four+ tiers: Congress->NTIA->VCB-> CUD Applicant or commercial ISP (-> CUD Applicant's ISP)
- **Vermont's 5-Year Action Plan & Volume I** **August 28th Deadline**
  - (re) Establishes the State's Broadband Goals
  - Sets timeline for VCB's new broadband program
  - (re) Sets the total cost for Universal Service and funding plan
  - Describes policies and adjudication by VCB of address challenge process

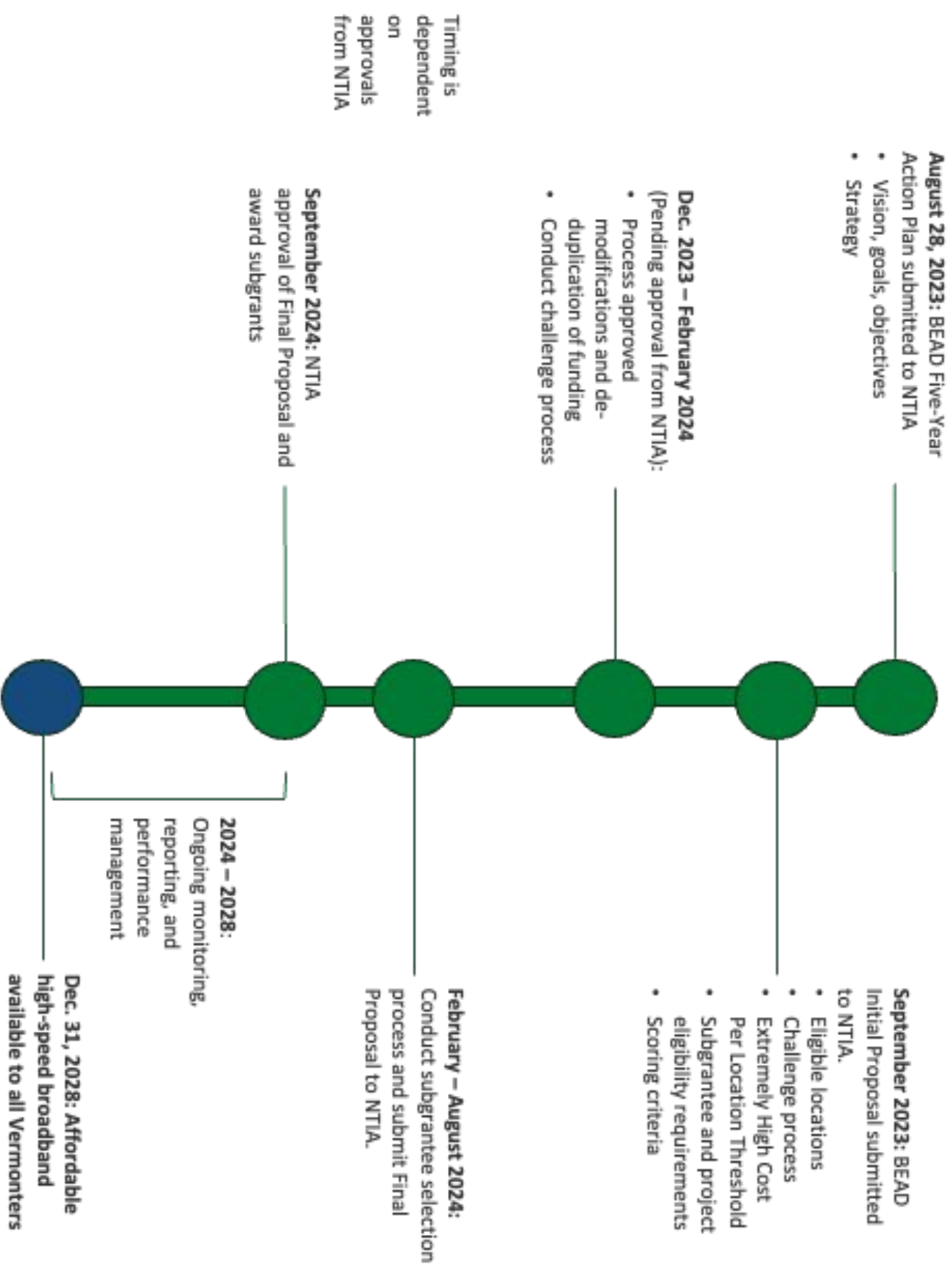


# BEAD is a Strategic Priority (2):

- BEAD Volume II
  - Defines the competitive process VCBB will use to define, solicit and score, select and defend award of its \$229M allocation from all eligible applicants
  - Describes the strategy, policies, accountability, and related items for the State's implementation of the program.
  - Dozens of strategic decisions in forming the program that will define the process for the next 5 years of execution by VCBB (under federal scrutiny).
- Board Briefings
  - Recommend that the BEAD timeline includes explicit board briefings on key elements of the proposed policy
  - ... Board may wish to propose a policy describing how Board and Staff will work to co-develop the BEAD submissions, particularly Volume II

# BEAD (3):

- Vermont's next 5 years of Broadband programs will begin to solidify when it is submitted to NTIA on August 28th.
- The plan is complete when Volume II is submitted this fall. (and then approved)



## BEAD (4) - VCBB in its role supporting CUDs:

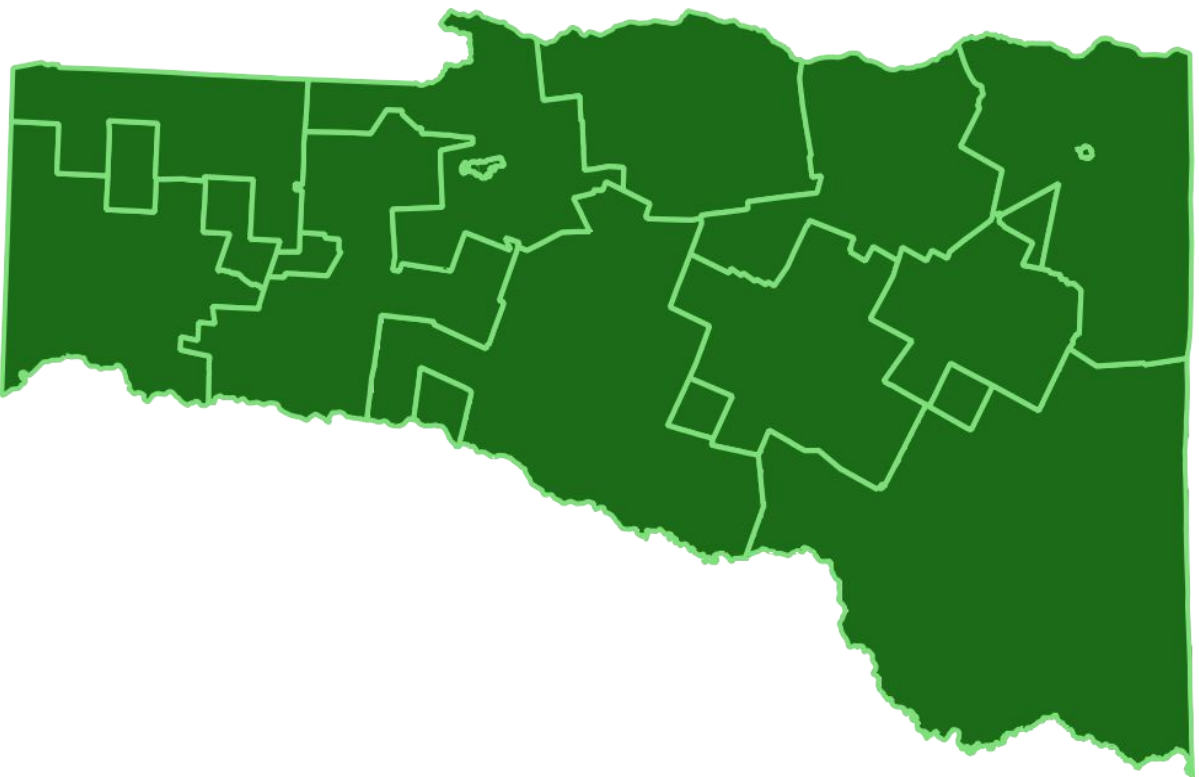
- CUDs remain State instrumentalities even as they compete for BEAD awards
- CUDs will need support for solutions for key applicant criteria
  - 25%+ matching funds
  - 25% Letter of Credit
- The VCBB in its supporting role for CUDs can play a key role in developing solutions for these significant new requirements.
- These solutions need to be crafted by the time VCBB opens its subgrantee competition.

# VCUDA's recommendation to VCBB:

- Convene working group of the Board, Staff, and CUDs to begin to review the accountability draft as a single team.
  - Board, of course, will have to adopt the policy and set high standards, but it can be informed in working group of expert and diverse opinions
  - Set a target for end of year adoption after BEAD volume II is submitted.
- Seek a deeper conversation across stakeholders about the BEAD program, its implications and plans for execution.
  - Assure that BEAD complements *and does not undermine* Act 71 purposes.
  - Also invite diverse opinions and allows strategic consideration by the Board.
- This parallelization and timing also allows the CUDs to continue VCBB build outs, while providing thoughtful team participation in policy and BEAD development

# VCUDA

# Thank you!



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Ellie de Villiers, Chair

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# Vermont Communications Union Districts

Developed under the direction of hundreds of community volunteers.



**NORTHWEST  
FIBERWORKX**

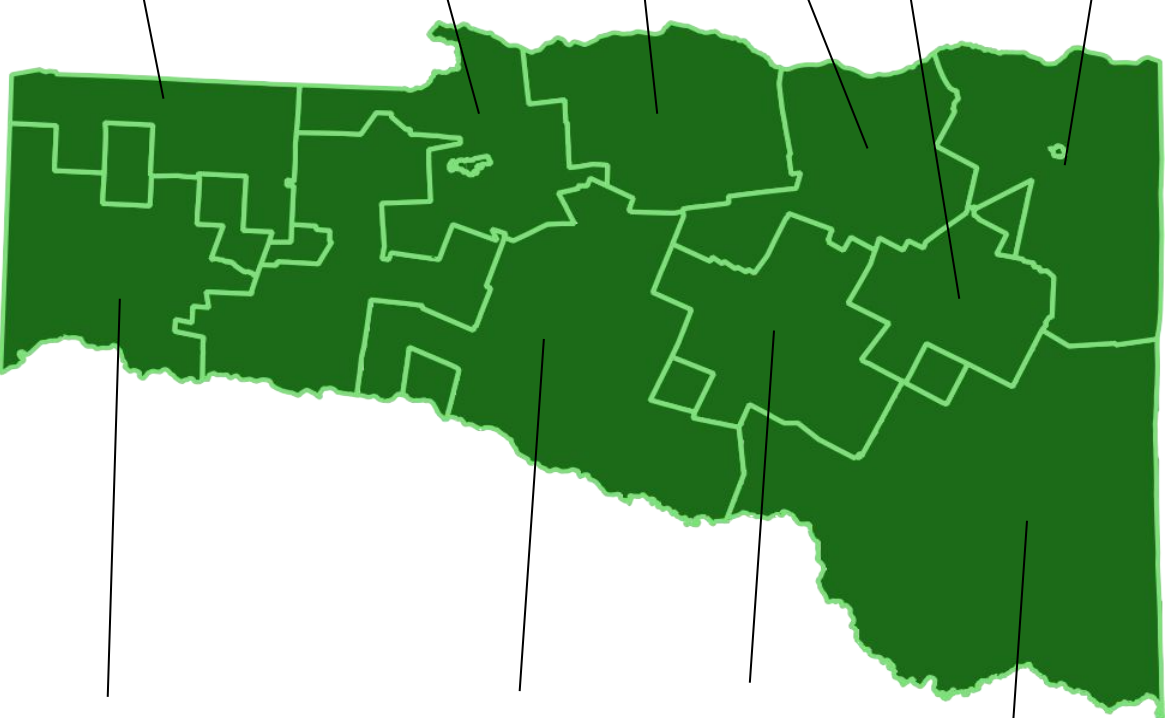


**MAPLE  
BROADBAND**



**Otter Creek**  
communications  
union district

Chittenden  
County CUD



**CVFIBER**

**ECFiber**

**DVFiber**

empowering our connection to the future



SOVT CUD