



## Telecommunications & Connectivity Advisory Board

Meeting Minutes

April 5th, 2021 Meeting

2:00pm – 3:30 pm Remote Meeting

### Attendees:

1. David Snedeker – Chair of the Board, Northeastern Vermont Development Association
2. Michael Clasen – Deputy State Treasurer
3. Clay Purvis – Director, Connectivity Division, Dept. of Public Service
4. Michael DeHart - Telecommunications & Connectivity Staff, Dept. of Public Service
5. Evan Carlson – NEK CUD
6. Costa Pappis - AOT
7. Kenneth Jones – ACCD
8. Robert Fish - Telecommunications & Connectivity Staff, Dept. of Public Service
9. Aaron Brassard- Telecommunications & Connectivity Staff, Dept. of Public Service
10. Corey Chase - Telecommunications & Connectivity Staff, Dept. of Public Service

### Members of public:

Steven Whitaker – Member of the Public

Item	Item Description	Action By
1.0	Called to Order 2:02pm	
2.0	Meeting Minutes Approval 2/11/21	Moved: Jones Second: Pappis Approved
3.0	<p><b>3a. Telecom Plan Status</b></p> <p>Purvis- PSD hired CTC and Rural Innovations to write the plan. Preliminary public input is underway, with 2 input hearings held 3/31 and 4/1. Input also collected via surveys and written comment form on the PSD webpage. Public comment draft due to PSD on 5/10. Final Draft to be published in June '21.</p> <p>Carlson- Can you provide a list of milestones between now and the plan's presentation to the legislature?</p> <p>Purvis – I think I just gave that.</p>	

Carlson- I want to know what individual actions they're taking to create the plan.

Purvis- I could provide you with our contract with them.

Whitaker- Public participation piece is not well-defined in the contract, but is well-defined in statute.

Carlson- Does the Director have a response to that?

Purvis- The Department and the contractor intend to follow all statutory requirements. If you are not contacted, please let me know.

### **3b. Status of Available Funding**

Purvis: Second Covid relief bill included a variety of new BB funding opportunities, the biggest being a broadband benefit pgrm run through the FCC. We anticipate several Vermont carriers to participate in that (inc. Comcast and Charter), but I don't think the list of participants has been finalized. \$2B was included for "rip and replace" of Chinese telecom equipment.

-\$300M to be administered through the NTIA. Can fund PPP's between Muni's and private ISP's (not yet available).

-\$65M to FCC to fix broadband mapping

-Stimulus #3, States all receiving block grant funding to respond to the pandemic. Responses can include BB infrastructure. 2 pieces of legislation under consideration to spend that money. In the next few weeks, the Administration will weigh in with its own spending recommendations for the American Rescue Plan money.

Snedeker- Is this information accessible in any one place?

Purvis- Not currently. When the dust settles, we would like to do something like that- but things are still likely to change.

Pappis- President's broad policy proposal included \$100B for BB. No legislation attached yet, but how will that relate to other funding efforts? How are all these programs going to work together to achieve the goal of complete coverage?

Purvis- We're often criticized for not having a comprehensive Telecom plan. I hope we have a good one by June 30. Whether or not VT has one, it would be very useful to have one at the Federal level. NTIA, USDA, FCC all doing BB expansion with only a minimal level of coordination (avoiding geographic overlaps). But at the same time, there doesn't seem to be an over-arching plan to direct federal efforts. Trying to work

around the Federal govt and planning for its future efforts is difficult. As it stands, we will have the money, so we should just do it ourselves.

Pappis- I'd like to see an inventory of these funding sources so we at the TCAB could see it all in one place.

Purvis- I agree with that and I would expect that to be included in the upcoming Telecom plan.

### **3c. Reverse Auction Approach- pros and cons**

Jones- When I suggested this, I wasn't aware that it was already off the table.

Purvis- I think there was a lot of anxiety over the PSD pushing for a reverse auction. It was part of the Broadband Action Plan and was met with so much resistance that it was effectively abandoned. A lot of what drove that proposal was the amount of funding that could have been available. There's now so much money available that it might not be the best way to go about universal service. From the PSD's perspective, it's less about the method and more about prioritizing unserved and underserved over competitive overbuilds. We want to see universal broadband.

Carlson- Has the Department had any further discussions on the definition of "unserved" and "underserved?"

Purvis- We consider underserved to be anywhere that lacks a wired 25/3 connection at a minimum.

### **3d. CUD planning, administrative, technical capacity**

Fish- H.315 currently contains funds to support CUD's, but we're seeking feedback on the best use of those funds.

Jones- How are we assured that the CUD's are equally-prepared to utilize the funds? What needs do they have prior to receiving, using funds? Are they expected to compete with private ISP's or partner with them?

Fish- The needs vary from CUD to CUD. We're looking at it in a comprehensive and cohesive way.

Pappis- Regardless of what form the deployment takes, are we confident in Vermont's contractor capacity's ability to meet the demand of all this funding?

Purvis- This is an issue that we did raise in the Broadband Action Plan, and it's a real concern. H.360 includes workforce development language.

However, I don't think any workforce development efforts can solve the contractor shortfall in the short term.

Whitaker- The next several years' of Eustis capacity is pre-booked with CCI's fiber build. It's worth looking to the model where distribution utilities (like Washington Electric) use their own union labor and are still around for maintenance/repairs when it breaks. Open access requirements, etc.

### **3e. Low-Income support programs**

Jones- As these programs are envisioned and implemented, it will affect the business models of CUD's

Purvis- An overview of subsidy programs:

-Lifeline-like "Temporary Broadband Subsidy" program: ~3k people used the \$40 bill credit retroactive back to March (like the Utility Arrearage Program).

-Second stimulus provided \$3.2B will provide a \$50 credit to consumers (available now)

-H.315 will provide more funding to continue the Temporary Broadband Subsidy into July (using some ARP funds)

### **3f. Speed thresholds for Connectivity Initiative investments**

Carlson- I want to put something on the record that we unanimously voted to have a comment drafted and nobody took any action. A draft was provided to the board and no action was determined. This was to get the CI program to comply with the 100/100 requirement.

Snedeker- We received that, but the board can't take action outside of meetings- that's why it's on the agenda again today.

Purvis- I understand the concern, but our emergency programs (specifically Line Extension Customer Assistance Program) have been extremely popular with consumers. That's open to fiber-based providers, but if you eliminate cable from that program- it really becomes the ECFiber line extension program. For people who have a pending LECAP application, we would be eliminating entire regions from eligibility. I don't think it will have a long-term negative effect on CUD or fiber-based buildouts. We're talking about a couple hundred locations, not thousands.

I don't know if the proposal covers broadband subsidies, but I certainly don't want to low-income cable customers to not be eligible. These programs are applicant-driven, small-scale- not state-driven.

For the Connectivity Initiative, I don't think we'll be doing that until we

have new legislation that determines how we'll use the ARP funds. I imagine that will be largely replaced.

Carlson- Do you have any opposition to requiring 100/100 for the Connectivity Initiative?

Purvis- Not really, but when the decision comes down to a huge build vs a small 100/100 build- it's tough. But when all the money is in place (like it is now), we'd prefer to see 100/100.

Pappis- Unless there's an emergency, there isn't a reason that we shouldn't be meeting/exceeding statutory goals. If this amount of funding is real, the systems it builds could be in place for 15-30 years.

**Carlson read aloud the letter he circulated among the Board after the previous meeting.**

*"The COVID-19 pandemic has exposed the seriousness of Vermont's connectivity deficits and the ever-increasing demand for more bandwidth for education, health care and business. In light of this experience, Vermont Telecommunications and Connectivity Advisory Board believes that going forward, state programs, to the greatest extent possible, should not fund projects that do not meet the statutory goal of 100Mbps symmetrical. However, due to the continuing pandemic, we believe that exceptions may be made for emergency programs such as the Line Extension Consumer Assistance Program (LECAP) and the Temporary Broadband Subsidy (TBS) program.*

*In 2014 the Legislature amended 202c which guides State telecommunications, policy and planning to state;*

*"support measures designed to ensure that by the end of the year 2024 every E-911 business and residential location in Vermont has infrastructure capable of delivering Internet access with service that has a minimum download speed of 100 Mbps and is symmetrical"*

*Only 17% of the addresses in the state had access to 100/100Mbps, according to the Department of Public Service Broadband Availability Report published on September 30, 2019, the most recently available data. That leaves 254,305, nearly 83% of the state remaining to be served. With 2024 looming, and the new urgency to get addresses connected, funding projects that use technology can not reach 100Mbps symmetrical actively competes against this statutory goal. Following the pandemic, state programs, including Line Extensions, the Connectivity Initiative and any CUD program should require no less than 100 Mbps symmetrical."*

	<p><b>Motion: Jones</b>  <b>“approve that letter, send to Commissioner, copy the legislature”</b></p> <p><b>Second: Clasen</b>  Motion carries unanimous</p> <p>Tabling final agenda item for next meeting.</p>	
4	<p>Public Comment:</p> <p>F.X. Flinn: Language for H.360 amends the law to say 100/100 instead of 25/3. HET is on board with this and that’s the direction the legislation is going.</p> <p>Purvis: A member of the legislature has contended they want to see 50/5</p> <p>Whitaker: That was to help StarLink</p> <p>Flinn: Frustrated by other members of the public speaking up out of turn.</p> <p>[closing public comment]</p> <p>Whitaker: open access, competitive choice, shared infrastructure</p>	
5	<p><b>Next Meeting: TBD</b></p> <p>Adjournment 3:32pm</p>	<p>Motion: Pappis</p> <p>Second: Jones</p>

\*\*\*Minutes Subject to Approval\*\*\*