



# **Vermont Community Broadband Board**

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Board Packet Executive Summary

November 13, 2023

Christine Hallquist, Executive Director

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### **Public Comment**

In our planning session with Toni Clithero, Patty Richards and me, we decided to include a public comment section at the start of the meeting and the end of the meeting. This was to respond to requests to allow comment on agenda items prior to the Board discussions. We will continue to hold public comment at the end for any summary thoughts.

### **Policy Sub-group discussion and transfer of responsibilities to Staff**

Patty Richards will lead this discussion.

### **Legislative Priorities**

Ton Clithero will lead this discussion. These are staff recommendations regarding 2024 legislation for Board discussion.

### **ARPA Local Fiscal Recovery and Town Match**

Rob Fish will lead this discussion. This is to put closure on the Town Matching Program that the Board approved last year. A resolution is included in the packet. A total of \$2,832,916 additional funds have been provided by the towns to be matched by the VCBB.

### **NTIA Plans – BEAD and Digital Equity Updates and Discussion**

Lucy Rogers and Britaney Watson will lead this discussion. The VCBB has incorporated feedback on the BEAD Initial Proposal Volume 2 based on the September 11 VCBB board meeting and the September 15 - October 15 public comment period. The VCBB received public comments from 10 entities and worked to incorporate them into a new, post-public comment period draft of the BEAD Initial Proposal Volume 2 that was released publicly on November 1. Please review this post-public comment period draft (clean version here [Vermont BEAD Volume 2 Post-Public Comment Draft \(Clean\) | Department of Public Service](#) and redline version here [Vermont BEAD Volume 2 Post-Public Comment Draft \(Redlined\) | Department of Public Service](#)) and plan to come prepared to engage in any final comments and discussion at the November 13 board meeting. In particular, we will be looking to hear from the board on the topics of subgrantee selection (requirement 8), affordability (requirements 16 and 20), and accountability (requirement 19). Final board feedback will be incorporated after the November 13 meeting, and the board will

be requested to take a final vote at the November 21 special meeting on submission of the Initial Proposal Volume 2 to the NTIA. Included in the packet is a timeline that outlines estimated BEAD and Digital Equity planning and implementation dates through summer 2024.

**Vermont Community Broadband Board Meeting**  
**Monday, November 13, 2023, 12:00pm – 4:00pm**  
**AGENDA**

Meeting is being held virtually.

[Click here to join the meeting](#)

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*Note: there may be executive sessions as needed.*

- 12:00 1) Meeting Call to Order, Roll Call, Approval of Agenda
- 12:05 2) Approval of August 14 and September 11 Meeting Minutes
- 12:10 3) Public Comment
- 12:20 4) Discussion of Policy Subgroups and transfer policy drafting to staff
- 12:35 5) Personnel Matter – Executive Session, pursuant to 1 V.S.A. s. 313 (a)(3)  
*“The appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting.”*
- 12:55 6) Legislative Priorities
- 1:25 7) ARPA Local Fiscal Recovery Town Match - *Robert Fish*
- 1:35 7) NTIA Plans - Digital Equity & BEAD updates and discussion - *Lucy Rogers*
- 2:50 8) VCUDA Updates – *Rob Vietzke*
- 3:00 9) Public Comment
- 3:10 11) Confirm Special Meeting 11/21 and Next Regular meeting 12/11 & Motion to Adjourn
- 3:15 12) Executive Session. Update on Executive Director Review and Board Performance, pursuant to 1 V.S.A. s. 313 (a)(3)  
*“The appointment or employment or evaluation of a public officer or employee, provided that the public body shall make a final decision to hire or appoint a public officer or employee in an open meeting and shall explain the reasons for its final decision during the open meeting.”*

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# Vermont Community Broadband Board Meeting

## Monday, August 14<sup>th</sup>, 2023, 12:00pm – 4:00pm

### Draft Minutes

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

Patty Richards called the meeting to order at 12:05 and completed roll call. Patty would like to meet new staff at the September meeting.

- Patty Richards, Chair (Remote)
- Laura Sibilia (Remote)
- Brian Otley – (not present – family emergency)
- Holly Groschner (Remote) *Arriving late @ 12:10*
- Dan Nelson (Remote) *leaving at 1:30*
- Christine Hallquist - Staff (Remote)
- Robert Fish – Staff (Remote)
- Toni Clithero – Staff (Remote)
- Steven Zubkoff – Staff (Remote)
- Herryng Herzog – Staff (Remote)
- Lucy Rogers – Staff (Remote)
- Chance Payette – Staff (Remote)

Patty Richards made a motion to approve the agenda Seconded by Dan. No further discussion.  
*Unanimously approved by Patty, Laura, and Dan.*

#### II. Approval of Minutes (June 12, July 18, July 28)

Patty Richards made the motion to approve all three sets of minutes, June 12, July 18, and July 28<sup>th</sup>, seconded by Laura. Discussion and agreement that the language in the minutes concerning the NEK and Maple Construction Grant amendments in item VII (NEK) (subject to VCBB policies including future policies) and VIII (Maple) (subject to being consistent or subject to VCBB current and future policy) in the July 18 draft minutes did not require revision. *Voted unanimously by Patty, Laura, Dan, and Holly.*

#### III. State of Vermont Emergency Board Decision Regarding Match Appropriation

Will Anderson, from the Department of Finance and Management, discussed the State of Vermont's Emergency Board's decision to reallocate \$20 million of the \$30 million allocated to the VCBB from the General Fund as match funds under Act 145, Section B (a)(28) based upon the understanding that these matching funds were not currently being used and would be returned in the 2024 Budget Adjustment Act in time for use by the VCBB in the BEAD program in mid-2024. Will expressed confidence that the amount will be available given the current revenue forecast, which anticipates a \$78.4 million surplus. Will agreed to report back to the Board concerning the status of the remaining \$10 million allocated by Act 145 and on which other appropriations had been considered when the Emergency Board determined to allocate the VCBB appropriation.

The Board indicated it would prepare a letter to the Chairs of the House and Senate Appropriations Committees concerning the VCBB's interest in the prompt reallocation of these match funds, which is to be added to next month's agenda and to the Parking Lot.

#### IV. Lamoille FiberNet Construction Grant Application

Staff and CTC recommended approval of both the Pre-Construction and the Construction Grants. Lisa Birmingham, Chairperson of Lamoille FiberNet (LFN), presented the applications and, along with VCBB's consultant, CTC Technology and Energy (CTC), addressed questions from the Board. The discussion concerned the enforceability of an agreement to the retroactive application of future Board policies. LFN could not agree to the same at the meeting, and the Board agreed to postpone its consideration of LFN's Construction Grant application until the next Board meeting. Holly requested staff to provide a redacted copy of CCI and Lamoille FiberNet's agreement in hopes of helping create/drive policy discussions moving forward.

*Holly made a motion to grant Lamoille FiberNet's Pre-Construction Grant without caveat in the amount of \$1,369,478 seconded by Patty. No further discussion. Voted unanimously by Patty, Laura, Holly, and Dan.*

## **V. Otter Creek Construction Grant Application**

Given the commonalities between the Lamoille and Otter Creek (OCCUD) Construction Grant applications and OCCUD's indication that it would also need to postpone its agreement to the applicability of future Board policies, OCCUD agreed to present its construction grant application at the next Board meeting.

*Dan left the meeting at 1:55 pm.*

Patty asked if Otter Creek would like to go through their Pre-Construction application. Laura Black explained they were applying for an amendment to their Pre-Construction grant from June of 2022.

*Holly Groschner made a motion to approve the Pre-Construction Grant for Otter Creek CUD in the amount of \$1,314,650 without the contingency regarding the accountability policy. Seconded by Patty. No further discussion. Voted unanimously by Patty, Laura and Holly.*

Patty noted that the construction grant is tabled, if the CUD would agree to the policy provision, it could be voted on later.

## **VI. ECFiber Construction Grant Application**

Discussion concerning whether Holly should recuse herself given that she previously served on ECFiber's Board, resolved to be unnecessary. F.X. Flinn presented the application and agreed to the application of future Board policies.

Discussion concerned whether applicant had considered what percentage of operating surplus would be put toward construction or lowering costs for consumers, which the applicant considers addressed by the business plan requirement for sustainability rather than surpluses. Holly cautioned that VCBB grant funds should not be used for elevated capacity.

*Patty made a motion to approve the construction grant for ECFiber in the amount of \$13,227,657 subject to future policies being developed by VCBB related to accountability. Seconded by Laura. No further discussion. Unanimously approved by Patty, Laura, and Holly.*

## **VII. VCUDA Updates**

### *Moved after VIII*

Rob Vietzke introduced their new Program Manager Andrew Tarley. Rob had a constructive comment to have the Board and staff map out what the next few months look like as this policy is developed and provide some predictability. Rob commented about the Emergency Board's decision and how to move forward. VCUDA has filed comments on the Five-Year Action plan. As far as Volume II, one month does feel a little tight for public comment.

**VIII. BEAD Update & Intro to Needs based program to Boost the Ability of Potential Sub-Grantees to Participate in BEAD**

Rob Fish discussed the needs-based program originally called the CUD Assistance Program. It is open to all applicants with financial needs to conform with the neutrality requirements on the BEAD program. Technical Assistance must be provided to all applicants including small telecom companies, CUDs, and individual Towns. VCUDA is supportive of this program. Would ask for a competitive versus first come first served basis. *No action is needed as the VCBB heard a proposal from staff to change the \$1,000,000 CUD assistance program to a non-restricted application, open to anyone in the state with a bidding process and an RFP process. This was a change directed by the federal funding Agency, not the VCBB.*

Lucy Rogers discussed the BEAD Five-Year Plan. Public comment period has closed. Lucy asked if there were any further questions from the VCBB, they come to her in the next couple days as the Board will be voting on the Five-Year Plan at the next scheduled Special Meeting. The Five-Year Plan is a high-level review of the State's plan. Initial Plan Volume II is where more of the details would be included. Initial Plan Volume I, public comment period closes on Friday of this week. The intent is to have Board and public comment available at the regular September Board meeting. Holly asked that these large documents coming forward not be included in the Board packet, just a link provided to the documents.

**IX. Public Comment**

*Irv Thomae* wanted to thank the Board for their support and also wanted to thank F.X. and all the ECFiber Board members for their work. Irv mentioned he believes the BEAD process will not be timely and flow well due to the bureaucratic process.

*Lisa Birmingham* would like to thank the board for approving their pre-construction grant and would like to schedule their Construction Grant

*Laura Black* also thanked the Board for its approval of the OCCUD preconstruction grant and requested the opportunity to present its construction grant application at the next Board meeting.

**X. Parking Lot**

Sub-Committee Assignments.

VCUDA will come back with a list of which CUD members would like to participate and on which sub-committees. Christine will get a list of names of Staff that should be listed on the sub-committees as well. Patty will pull all names from VCUDA and Christine and circulate this list hopefully on Monday, challenging committee members to get a meeting scheduled by the end of next week. Holly mentioned Rob Vietzke's request to have a timeline and Holly was hoping Patty could set some benchmarks to help move everything forward. Patty mentioned she has been working on the ex parte communication policy in consultation with Toni for the next Board meeting. Holly mentioned on that note, she received an email with information on the Otter Creek application from GoNet.

**XI. Executive Session**

*Holly made the motion to enter executive session referencing 1 VSA § 313 a(3).*

*Staff members Christine Hallquist, Toni Clithero, and Rob Fish are invited to discuss. Patty seconded. Vote was unanimous by Patty, Laura, and Holly. Meeting is adjourned and entered Executive session at 3:35. No action was taken.*

**XII. Confirm Special Meeting Date and Regular Meeting 9/11 & Motion to Adjourn**

*Confirming the special meeting for Friday August 25 from 12:00 to 1:00 for approval of the Five-Year Plan for BEAD. September 11 will be the next regularly scheduled VCBB Board Meeting.*

# Vermont Community Broadband Board Meeting

## Monday, September 11<sup>th</sup>, 2023, 12:00pm – 4:00pm

### Draft Minutes

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

Patty Richards called the meeting to order at 12:01 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)
- Toni Clithero – Staff (Remote)
- Steven Zubkoff – Staff (Remote)
- Herryng Herzog – Staff (Remote)
- Lucy Rogers – Staff (Remote)
- Chance Payette – Staff (Remote)
- Alexei Monsarrat– Staff (Remote)
- Kristen Brynga– Staff (Remote)
- Alissa Mathews– Staff (Remote)

Patty Richards made a motion to approve the agenda Seconded by Brian. No further discussion.  
*Unanimously approved by Patty, Laura, Holly, Brian and Dan.*

#### II. Approval of Minutes (August 14 and August 25<sup>th</sup> Special Meeting)

Patty Richards noted that Brian was not present for the August 14<sup>th</sup> meeting and asked him to abstain. Patty made the motion to approve the minutes for August 14<sup>th</sup>, seconded by Holly. Discussion from Laura was concerned around language, narrative, framing and consistency section 4 & 5. Patty withdrew her motion and Laura will work on changes until the next meeting on October 9.

Dan was not present for the August 25<sup>th</sup> meeting and will abstain. Patty Richards made the motion to approve the minutes for the August 25<sup>th</sup> meeting, seconded by Laura. No further discussion  
*Voted in favor of the motion by Patty, Laura, Brian, and Holly. Dan Nelson abstained.*

#### III. Lamoille FiberNet Construction Grant Application

Staff recommended approval of the Lamoille FiberNet Construction Grant in the amount of \$13,588,636, Christine mentioned Lamoille had written a letter agreeing to comply with the VCBB's future policies. Holly questioned a statement in the Board packet regarding "Fidium is taking all risk" Brian mentioned staff should be factual not biased and the statement should be stricken from the staff report as it is biased and may not be accurate. Staff can recommend without bias. Holly commented that she had reviewed all of the prior grant approvals and they were not as limiting as Lamoille's language and all applications should be consistent. Using the language "Subject to future policies being developed by the VCBB related to accountability." Language under the second condition regarding a future plan for sustainability of the CUD should be considered. Lisa Birmingham, Chairperson of Lamoille FiberNet (LFN), addressed questions from the VCBB Board regarding the CUD's sustainability plan.



Patty made a motion to grant Lamoille FiberNet's Construction Grant in the amount of \$13,588,636 the approval is conditioned on and subject to future policies developed by the VCBB based on accountability. As well as development of a sustainability plan within one year or prior to Phase 2 construction grant application, whichever comes first. And execution of an operator agreement consistent with the grant requirements. Holly asked to amend the motion to read *a motion to grant Lamoille FiberNet's Construction Grant in the amount of \$13,588,636. The approval is conditioned on and subject to future policies developed by the VCBB related to accountability. As well as development of a sustainability plan as described in the letter from Lamoille Fibernet, within one year or prior to Phase 2 construction grant application, whichever comes first. And execution of an operator agreement consistent with the grant requirements.* Holly seconded the amended motion. Laura noted that many of the other CUD applications that have come in have in fact had sustainability plans through viable business plans. No further discussion. Voted unanimously by Patty, Laura, Holly, Brian and Dan.

#### **IV. Otter Creek Construction Grant Application**

Staff recommended the approval of the Otter Creek Construction Grant in the amount of \$9,952,273 and Christine turned it over to Laura Black, chair of the Otter Creek Communication Union District (OCCUD) Board for presentation and questions from the VCBB Board. Laura started with a brief history and description of the 17 town CUD. She then proceeded in explaining their relationship with Lamoille Fibernet and how this helped to negotiate an agreement for a 20 year contract with Consolidated Communications. Patty had questions around speed testing and remedy for failure. Laura answered that if the contract defaulted, they could negotiate with another provider if they chose to. Laura asked about the proposed pricing and how long those prices would be guaranteed? Laura responded that although the prices are not guaranteed, the prices must remain in the same tier as other places in Vermont like Rutland and Burlington where there is significant competition in those areas. Further discussion was held regarding similar sustainability issues as Lamoille. Identical terms and conditions would be accepted by OCCUD.

The board asked about the similarities or differences between the two contracts between Consolidated and Otter Creek versus the contract between Consolidated and Lamoille Fibernet. Laura Black responded that the only difference in the contract was around construction terms regarding liquidated damages assessed on the double funding of what was left for the final 2% and Otter Creek cannot not do that on the out of territory area. Holly mentioned getting more details from staff regarding process of organization of the CUDs.

*Patty made a motion to grant Otter Creek's Construction Grant in the amount of \$9,952,273. The approval is conditioned on and subject to future policies developed by the VCBB related to accountability. As well as development of a sustainability plan as described in the letter from Otter Creek, within one year or prior to Phase 2 construction grant application, whichever comes first. And execution of an operator agreement consistent with the grant requirements. Seconded by Holly. Laura Sibilia asked why Otter Creek and Maple broadband aren't working together. Ellie de Villiers explained there were discussions around 4 towns and a full merge was never discussed. Ellie said that Otter Creek declined working with Maple due to Maple's higher consumer rates. Laura believes we are creating a problem on the western part of the state and are actively participating in problem creation and extending the issue that has been plaguing Vermonters with the deterioration of our legacy landline phone provider and she is really concerned about that. No further discussion. Patty, Holly, Brian and Dan all voted in favor, Laura opposed. Motion approved on a 4 – 1 vote.*

#### **V. BEAD Initial Proposal Volume 1 – Board Approval**

Lucy Rogers led Discussion concerning the BEAD Initial Proposal Volume 1 and requested Board approval for submission to the NTIA, having conducted the 30 day public comment with any board input.

*Patty made a motion to approve the BEAD Initial Proposal Volume 1 as presented in the Board Packet, with the understanding that there will be some additional language explaining the Fixed Wireless challenge process by staff. Seconded by Laura. No further discussion. Unanimously approved by Patty, Laura, Holly, Brian and Dan.*

## **VI. BEAD Initial Proposal Volume 2 – Board review**

Lucy Rogers began by explaining the process and timeline for BEAD Volume 2. The BEAD 5 year Action Plan was submitted on August 28<sup>th</sup>, BEAD Volume 1 was just voted on by the Board and now the board is reviewing BEAD Volume 2. Next steps for Volume 2 include a public comment period from September 15<sup>th</sup> to October 15<sup>th</sup>. We will work to incorporate the comments from the public comment period and bring the draft for submission to the NTIA to the November Board meeting. After that, the Challenge Process can begin once Volume 1 is approved by NTIA and Volume 2 has been submitted. We will hopefully begin subgrantee selection in late spring 2024, and then everything goes back to the NTIA for approval of the BEAD final proposal in the middle of next year. Lucy explained the Challenge process will take place over 120 days from November to March if Volume 1 has been approved by November. Digital Equity's timeline may need to be adjusted some, as we have asked for a 180 day extension for a March submission with a Board presentation to the Board in December. Holly voiced concern over the amount of work that will have to come through board meetings with BEAD and Digital Equity. Lucy introduced Greg from Vernonburg Group to lead a brief overview of Volume 2. Greg began by describing this as a high level look at the guidance from the NTIA. Greg then summarized the content of the draft Volume 2 plan for each of the NTIA requirements, starting with Local Broadband planning process(#2), Local coordination(#4) and Subgrantee Selection (#8). Holly asked How do the local ISPs get incorporated into the planning process? Alexander Jeffery from Vernonburg Group responded that they have been working with the local ISPs individually and receiving their input during the stakeholder discussions. Greg continued explaining Subgrantee Selection by adding that based on discussions with the NTIA, Vernonburg recommends not setting the high cost threshold in the beginning regarding the 100/100 fiber for extremely high cost per location, but setting it after bids have come in for potential subgrantees. The NOFO has a directive that 75% of the BEAD scoring criteria come from 3 categories. 1st is minimal BEAD outlay, so it's sort of upping the matching funds. 2nd is around affordability and 3rd is fair labor practices. As you'll see in the proposal, we've rated affordability higher than minimum BEAD outlay, and that's based on some information we have around matching that they could be very difficult and a number of locations throughout Vermont to get something in excess of 25% match. And so we've tried to put some weight around affordability and still bring some opportunity for bids to distinguish themselves on minimum BEAD outlay, but not sort of overweighting that given the on the ground realities in Vermont. There are requirements for the 25% match and Vernonburg is having discussions with the NTIA on any flexibility regarding meeting this match of 25% on a statewide basis versus a per proposal. A national letter containing over 200 signatures raising concerns over the proposed letter of credit requirements was submitted to the NTIA. Greg explained that under eligible entity implementation activities, 2% of the grant funding is eligible for VCCBB to use in terms of its administration and the proposal reiterates that we intend to use up to that 2%. Holly inquired how much that would be and Christine responded this year we utilized about 3 million but would be looking around 2 million dollars a year moving forward. Holly questioned whether this extra implementation money might be used towards CUD sustainability to help with the lack of revenue for CUDs. Laura pointed out that most CUDs have revenue, there are only a few that lack a source of revenue. Lucy mentioned The BEAD funding will only last for 5 years but the conversation around sustainability is an important

one and will have to go further than that. Greg agreed this is a great flag to raise. Greg continued with Cost and Barrier Reduction (#14) and noted a lot of the work conducted in the state over the last decade. Like the Pole attachment is good news for Vermont and will be noted as already undertaken to reduce cost and barriers to deployment. Requirements 16 and 20 address low cost broadband option and middle class affordability. The proposal recommends the low-cost broadband service option recurring cost not to exceed \$45.00 for low-income families. And that the Affordable Connectivity Program and is going to be a requirement for participation in the program. For the middle-class affordability, potentially utilizing the median income and allowing flexibility and guidance for the providers to develop their middle-class affordability plan with a diversity of speed offerings of some slower and some faster than the 100/100. Holly wanted to point out that the \$45.00 cost may not be suitable for rural Vermont providers, regardless of whether it meets the NTIA guidance. Staff will need to try and come up with a suitable creative solution for this. Greg shared the language from NTIA guidance showing each subgrantee is supposed to put forward how they will address low cost service options in their area. So it could vary. NTIA is suggesting that their variation would look like this and if you're not going to have this, then it needs to be explained. The board suggest a couple different options to consider instead of the \$45.00 flat fee, perhaps a range or percentage might be more successful for providers. Staff and Vernonburg will continue to write a draft that may allow for more flexibility and still adhere to NTIA guidance. Holly asked if ARPA funding requirements may be incorporated to for BEAD requirements? Toni stated that she would certainly take a close look at that and make sure there isn't anything falling through the cracks. Laura asked if the Sunset Provisions in the Act 71 language would conflict with the BEAD plan. Lucy answered that she would look into that question. Patty closed. No further discussion and no action taken by the VCBP board.

#### **VII. Ex parte communications**

Patty had done a cursory dive regarding open meeting law and Robert's Rules of Order. Patty had sent out a memo regarding items/documents sent out after the Board Packet had been sent out. The board discussed the memo and what they would like to see happening in regard to staff sending information. The suggestions for moving Public Comment to the start of the meeting and potentially having two public comment sessions, one at the start and one towards the end, were discussed. *Patty made a motion that the Board approve this practice as presented in the memo with the addition of the exception for emergency items from staff that require action and documents from the public on items that are on the agenda proposed for action, if they are going through the executive director of the VCBP. Laura seconded. No further discussion. Motion was approved by Patty, Holly, Laura and Dan. Brian had to step away for another meeting during this discussion.*

#### **VIII. Governmental Affairs**

A general concept discussion around Legislative representation. Laura mentioned several issues that representation would help as some are not going to be resolved easily, and would like to see a contract for a Government Affairs person on a year to year basis. This person would be accountable to the Executive Director of the VCBP. Holly asked what our budget line for Government affairs was? Laura mention funding like USF might be the best option. Dan liked the idea and voiced that cost would come in to play but thinks it may be an area worth investing in. Patty asked Christine for her reaction and she stated we do have staff that would be willing and able to conduct this type of work. Christine also mentioned we would have to check on grant requirement to see if we could contract this work out or if we would have to use staff. Christine reported she had received a text confirming BEAD funding could not be used and would have to look into other funding. Laura agreed that the staff member is a fine suggestion however thought an experienced Vermont Lobbyist someone who has experienced relationships, umm, particularly with the relevant committees that we are that we know we're going to have to engage with. Patty also

mentioned that this type of relationship would need to be on an in-person basis every day during session and working remotely probably would not be as effective. Christine stated she would Toni check to see where and if we're able to pull that off from the funding sources we currently have. Patty asked if board members had thoughts of any entities or people that would be good, please pass those on to Christine and copy the board. Laura mentioned that she would not want to see the board choose a lobbying firm that had a major national telecom client. Patty hearing no further discussion suggested moving on to the VCUDA update. *No further discussion. No action taken.*

## **IX. VCUDA Updates**

*With a new Policy coordinator helping out Committees are flourishing. Legislatively, the Policy and legislative committee are talking about some technical corrections and other things that we deferred last year, but the restoring the 20 million dollars, the revenue changes that are being discussed, including the Vermont Universal Service Fund and the Consumer Protection bill and it's impact on broadband is high on the list for that group. The Finance Committee issued an RFP over the last month and has selected and hired an individual to help lead the development of the shared services programs that are funded by the Northern Borders Grant. She's a Vermont expert with a lot of tax and accounting experience, and experienced across a number of agencies and distributed programs. That doesn't mean she's doing all the work, what we've asked her to do is to do the needs analysis, and she's starting by talking to all of the CUD's about what they see would be beneficial and shared services from a finance and HR perspective. She is going come back in about a month and give us a readout of her findings, and then we'll probably do some additional RFP's or additional sourcing of resources to actually implement those programs. We hired her t the expert to lead the program not necessarily implement the program. We are happy with the way BEAD Volume 1 came out and particularly the attempt to put some more rigorous process around determining addresses served by wireless and how that would be done. There are some substantial policy declarations that are a little different. There certainly are implementation and workflow differences in terms of selecting grantees and things like the financial impact of some of the bead requirements and how those work into sustainability plans. So we will be making a lot of comments about language, certainly some substantive ones around things like the selection process, the affordability requirements and the accountability requirements. VCUDA and most of the CUDs signed a letter to Secretary of Commerce Raimondo and the NTIA, about the letter of credit calling on the NTIA to reconsider the arbitrary requirements for the letter of credit. As a final note, CVFiber has their first six friendly customers online.*

## **X. Public Comment**

*Irv Thomae commented about the affordability discussion earlier in the meeting and wanted thank Board members for questioning the flat fee that may not be realistic. He does not want to see Vermonters expectations raised on a number that may not be sustainable. He also commented about service drop being more expensive on mobile homes versus regular homes due to National Electric code that requires utilities to be delivered to a mobile home in conduit versus an overhead drop.*

*F.X.Flinn, chair of ECFiber, explained their 21 towns served by their business. The method to develop their top line revenue to cover all costs and expenses. The determination was \$100 per customer with at least 6 customers per mile. Currently, they are at 5 customers per mile with the average price of \$104 per customer. We would not be able to go forward with the \$45.00 in place. He would also like feedback from the Board on his and Irv's comments.*

*Paul Fixx, chair of NEKFiber, also is concerned with the \$45.00 affordability amount. The BEAD document seems to mention \$75.00, which NEK believes they could sustainably meet with some of their own affordability programs. Paul also mentioned they have a working group that's very*

*carefully looking at possibilities to provide their own affordability program and will try to share some outline of where that might go so that the BEAD proposals might allow independently stood up programs rather than a firm price.*

*Ellie de Villiers wanted to echo the point that Irv made about possibly not including a specific target value in the version for public comment. And also wanted to point out, the affordable connectivity program currently has a limited amount of funding, which is currently projected to run out next year. She agreed that the output discussed earlier in the meeting, whereby staff would take this up and discuss with the stakeholders, is absolutely right.*

**XI. Parking Lot**

Christine mentioned all of the hard work the Board has put into the Accountability Policies. Completed the Ex Parte discussion, that item will be closed. We are adding 2 more items, 1. Is the request to produce an overlay of the BEAD timelines and the grant requests in the upcoming work of the Board. And 2. Staff will produce an update to the Board on BEAD versus ARPA requirements. Holly added the action item for Governmental Affairs. Patty asked if all subgroups had met? Christine responded yes and Holly added multiple times. Laura asked if the Sunset Provision could be allowed more time for development as they are try to create a review process for the board to evaluate reporting recommendations to the Legislature. The Board discussed having a special meeting in September and may not have to conduct a meeting. Dan commented that there is constant feedback in the meetings, and perhaps the board members can just review the other folders. The board determined a first draft will be due October 9<sup>th</sup>. Patty also mentioned she will not be present for the 10/9 board meeting and Den will be chair for the meeting. Lucy added the next BEAD item for the Board is a vote in November, but some time could be set out in October to have a conversation and then vote on Volume 2 in November. Alissa Matthews mentioned a review might be needed at the end of October, beginning of November regarding Digital Equity. The Board confirmed there will not be a special meeting in September.

**XII. New Staff Introductions**

*Christine introduced the three newest members of the VCBB staff including Chance Payette, Alexei Monsarrat, and Steven Zubkoff.*

**XIII. Confirm Regular Meeting 10/9 & Motion to Adjourn**

*No special meeting for the month of September. The next scheduled VCBB Board meeting is Monday, October 9th from 12:00 to 4:00. Patty made a motion to adjourn at 3:46. Motion approved unanimously by Patty Holly Laura Brian and Dan.*

### Proposed Legislative priorities for 2024 session

	Subject Matter	Proposal	Recommendation
1.	Reinstatement of \$20M borrowed for flood relief	Consider broadening the language of the appropriation to include all potential BEAD requirements including letters of credit and potentially performance bonds	Prepare proposed language and share with Board at December meeting
2.	Affordability	<p>Create an affordability fund to complement the federal Affordable Connectivity Program (ACP) with the following potential funding streams</p> <ul style="list-style-type: none"> <li>• The USF (based on fees charged to all phone numbers (mobile and VOIP in addition to traditional Plain Old Telephone Service (POTS) lines</li> <li>• Savings from implementing an exemption from the Rule 3.700 pole attachment tariff for publicly owned broadband infrastructure or infrastructure located in un/underserved areas</li> <li>• Fees paid by nonpublic broadband providers to VTrans for use of the Right of Way for broadband infrastructure</li> <li>• Require landlords of multiple dwelling units to include the cost of broadband in rent and nonexclusive access to conduit to allow competition from other broadband providers and promote fiber broadband deployment</li> <li>• Require owners of mobile home communities to include the cost of broadband in lease payments and nonexclusive access to conduit to allow competition from other broadband providers and promote fiber broadband deployment</li> </ul>	Complete research and outreach to identify potential litigation and other risks and prepare any appropriate recommended language
3.	H-0419, Consumer Protection/Privacy Bill	Staff is proposing that we add a review and discussion of this important proposed legislation to our December meeting. It appears that this legislation would provide a statewide baseline of	Add to agenda for December meeting

		consumer protections similar to what the Board is requiring in its Consumer Protection provisions in its grant agreements involving CCI and WCVT.	
4.	Technical Corrections	<ul style="list-style-type: none"> <li>• Updating the definitions in Act 71 to align with BEAD to allow the use of a single state map of served/underserved/unserved locations (e.g., 25/3 is underserved in Act 71 and unserved in BEAD)</li> <li>• VCUDA will address the following: <ul style="list-style-type: none"> <li>○ Changing the date of the annual CUD reporting; and</li> <li>○ Providing a process for the merger of CUDs</li> </ul> </li> </ul>	VCBB will address in December meeting; VCUDA will include in its comments

# VCBB Town Match Program For Broadband

**Proposed Board Motion:** To approve the matching of \$2,832,916 in funds contributed by 57 Vermont Towns using ARPA funds re-allocated from towns that have yet to take advantage of the ARPA broadband funds. The funds will be deployed in the following amounts: Chittenden County CUD (\$50k), CVFiber (\$863k), DVFiber (\$217,852), WCVT (\$243,830), Lamoille FiberNet (\$2254,900), Maple Broadband (\$415k) and NEK Broadband (\$816,334). Staff shall amend construction grant agreements or allocations if no construction grant agreement in place to reflect the provided match. Staff shall also a conduct a final review to ensure the uses of the match funds are compliant with the Treasury requirements.

## To-Date: 57 Towns Have Committed \$2,832,916

### Chittenden Cnty Total Broadband Match: \$50,000

Shelburne	\$50,000
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### CVFiber Total Match: \$863,000

Cabot	\$50,000
Calais	\$200,000
Duxbury	\$20,000
East Montpelier	\$100,000
Middlesex	\$100,000
Moretown	\$50,000
Northfield	\$90,000
Orange	\$30,000
Plainfield	\$30,000
Roxbury	\$20,000
Washington	\$20,000
Waterbury	\$50,000
Woodbury	\$50,000
Worcester	\$53,000

### DVFiber Total Match: \$218,852

Brookline	\$5,000
Guilford	\$30,000
Halifax	\$50,000
Jamaica	\$22,100
Marlboro	\$24,652
Newfane	\$15,000
Readsboro	\$20,000
Stamford	\$7,500
Wardsboro	\$20,000
Wilmington	\$10,000
Windham	\$14,600

### WCVT Total Match To-Date: \$243,830

Bolton	\$200,000
Charlotte	\$43,830

### Lamoille FiberNet Broadband Total Match: \$225,900

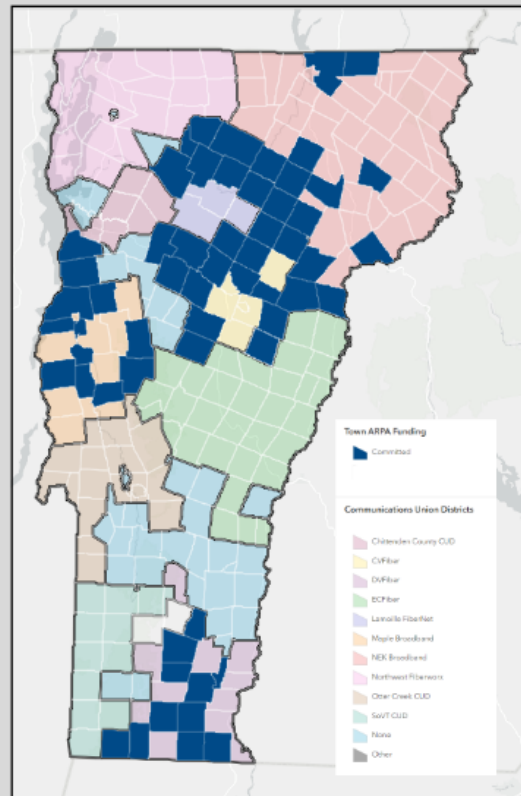
Belvidere	\$10,900
Cambridge	\$25,000
Eden	\$50,000
Hyde Park	\$25,000
Johnson	\$50,000
Waterville	\$50,000
Wolcott	\$15,000

### Maple Broadband Total Match: \$415,000

Bridport	\$40,000
Cornwall	\$50,000
Ferrisburgh	\$50,000
Lincoln	\$35,000
Monkton	\$50,000
Panton	\$50,000
Ripton	\$25,000
Salisbury	\$30,000
Waltham	\$45,000
Weybridge	\$40,000

### NEK Broadband Total Match: \$816,334

Burke	\$56,500
Derby	\$72,417
Glover	\$41,267
Greensboro	\$31,917
Groton	\$40,800
Hardwick	\$139,800
Holland	\$123,833
Peacham	\$30,000
Ryegate	\$76,000
Walden	\$40,000
Waterford	\$110,883
Wolcott	\$52,917





## **Estimated BEAD Timeline as of Nov 7, 2023**

(Digital Equity Timeline is included in gray)

Start Date	End Date	Activity	Notes
<b>Past Actions</b>			
28 Aug 23		VCBB submits Five Year Action Plan to NTIA	
11 Sep 23		VCBB Board previews Initial Proposal Volume 2 and provides initial feedback	
15 Sep 23	15 Oct 23	Initial Proposal Volume 2 Public Comment period	
18 Sep 23		VCBB submits Initial Proposal Volume 1 to NTIA	
15 Oct 23	1 Nov 23	VCBB revisions to Initial Proposal Volume 2 based on board and public feedback	
1 Nov 23	7 Nov 23	Final comment period for Initial Proposal Volume 2	This was not required by NTIA, it was an additional comment period VCBB held
<b>Current and Future Actions</b>			
13 Nov 23		VCBB Board provides final feedback on Initial Proposal Volume 2	
Ongoing	30 Nov 23	Preparation for BEAD challenge process	VCBB deconflicts ARPA Act 71 and federal grants and provides public with challenge process information
21 Nov 23		VCBB Board votes on Initial Proposal Volume 2	
21 Nov 23		VCBB Board provides comments and ideas on Digital Equity Plan Overview Presentation	
22 Nov 23		VCBB submits BEAD Initial Proposal Volume 2 to NTIA	Required before challenge process can begin
27 Nov 23 (Determined by NTIA)		NTIA Approves BEAD Initial Proposal Volume 1	Required before challenge process can begin
1 Dec 23	1 Jan 24	Digital Equity Public Comment Period	May be extended for additional public engagement if time allows.
1 Dec 23	1 Jan 24	BEAD challenge and rebuttal process	A preliminary list of BEAD eligible locations will be published prior to Dec. 1
11 Dec 23		VCBB Board provides comments and ideas on Digital Equity public comment draft	
1 Jan 24	1 Mar 24	VCBB adjudicates challenges and conducts final de-duplication	

8 Jan 23		VCBB Board provides Digital Equity post-public comment period comments and final feedback	
12 Feb 23		VCBB Board votes on Digital Equity plan; Digital Equity plan submitted to NTIA	Required submission date to ensure 45 day curing before end of Digital Equity period of performance
15 Feb 24 (Determined by NTIA)		NTIA Approves BEAD Initial Proposal Volume 2	Required before pre-proposal window opens
1 Mar 24		VCBB publishes final list of all BEAD eligible locations and submits to NTIA for approval.	
1 Mar 24	1 Apr 24	Pre-proposal window open for prospective subgrantees	
28 Mar 23		End of Digital Equity Planning Grant period of performance	
1 Apr 24	15 Apr 24	VCBB pre-proposal review	Ensure all unserved locations will be included within a full proposal
15 Apr 24	15 May 24	Full proposal window open	
15 May 24	4 Jun 24	VCBB subgrantee initial selection and negotiation process	
10 Jun 24		Present scoring and negotiation result and selection recommendations to the VCBB Board for approval or revisions.	
11 Jun 24		Notify all applicants of the results of the evaluation process	Those eligible for initial 20 percent of funding may begin deployment activities.
24 Jun 24		VCBB submits final proposal to NTIA	Due 365 days after approval of Initial Proposal by NTIA
31 Aug 24 (Determined by NTIA)		Final Proposal approved by NTIA	Remaining subgrantees may begin deployment activities



# Digital Equity Plan Summary

**VCBB Board Meeting**

**Nov. 13, 2023**

# Agenda

1. Summary
2. Timeline
3. Engagement Plan
4. Gaps
5. Next Steps

# Summary

- Serves as the state's vision and strategy for digital equity
- Part of the *Internet for All Plans*, must directly align to and complement the BEAD Plan
- Includes a digital equity needs assessment, asset inventory, and implementation plan
- Prepares Vermont for NTIA grant funds for implementation

# Digital Equity Timeline

Nov.	Dec.	Jan.	Feb.	Mar.
✓ <u>11/21</u> – D.E. Plan overview presentation to get Board comments and ideas	✓ <u>12/1</u> – Public comment period opens (30 days)  ✓ <u>12/11</u> – D.E. Plan update presentation to get Board comments and ideas	✓ <u>1/8</u> – D.E. Plan update presentation (after comment period closed) to get Board comments and feedback	✓ <u>2/6</u> – Board packet with D.E. Plan – please read and give us any changes ASAP to be included before Board meeting  ✓ <u>2/12</u> – Final Board review and submission to NTIA (same day)	✓ <u>3/28</u> – End of period of performance (after 45 days curing)

# Engagement Plan

## Prior Engagement

- Digital Equity Core Team meetings
- Public listening sessions
- Requests for Input
- Public survey
- Stakeholder meetings

## Planned Engagement

- Focus groups
- Canvassing
- Additional listening sessions
- Digital Equity Core Team meetings
- Stakeholder meetings

# Defining “Covered Populations”

Per the Digital Equity Act Notice of Funding Opportunity, NTIA defines the term “covered populations” to mean:

1. Individuals who live in covered households (income up to 150% of poverty level);
2. Aging individuals;
3. Incarcerated individuals, other than individuals who are incarcerated in a Federal correctional facility;
4. Veterans;
5. Individuals with disabilities;
6. Individuals with a language barrier, including individuals who— a. Are English learners; and b. Have low levels of literacy;
7. Individuals who are members of a racial or ethnic minority group; and
8. Individuals who primarily reside in a rural area.



# Plan Content

- Builds on BEAD Five-Year Action Plan, maintain same goals and objectives
- Develops the digital equity needs assessment
- Designs activities, key performance indicators, and partnership approach that aligns to goals and objectives and meets needs
- Has gotten positive feedback from NTIA on rough draft

# Gaps

## Granular data on the experience and barriers of specific Covered Populations

- VCBB seeks to resolve this in the near term with focus groups and grassroots data collection
- In the long term, a key priority of the DE Plan will be to establish a strong data collection and monitoring function and partnerships with relevant peer agencies

# Next Steps

- Complete first draft of the plan and share it for Board and public comment
- Conduct focus groups and stakeholder engagement to bolster evidence in the plan and ensure plan reflects lived experience of Vermont's Covered Populations

# Resources

- [Digital Equity Plan Notice of Funding Opportunity](#)
- [Digital Equity Technical Assistance Hub](#)

# Thank you