



Vermont Community Broadband Board Meeting
Monday, July 29, 2024 – 3:00pm – 4:00pm
AGENDA

Meeting is being held virtually.

[Join the meeting virtually](#)

Join by Phone: [+1 802-828-7667,447817937#](tel:+18028287667447817937)

Note: there may be additional executive sessions as needed.

No.	Time	Agenda Item	Category
1.	3:00	Call Meeting to Order, Roll Call, Approval of Agenda	
2.	3:05	Minutes Approval – 06.10.2024, 07.08.2024	
3.	3:15	Public Comment	
4.	3:30	Deliberation and Vote on proposed Motion to Establish the Methodology for Allocating the \$30M Appropriated for Providing Matching Funds to Eligible Providers for Federal Broadband Grant Programs.	
5.	3:55	Confirm next meeting date August 12, 2024; In person	
6.	4:00	Adjourn	

Press inquiries: please contact Herryyn Herzog, herryyn.herzog@vermont.gov

Vermont Community Broadband Board Meeting
Monday, June 10, 2024, 12:00pm to 4:00pm
Meeting Minutes

I. Meeting Call to Order, Roll Call, and Approval of Agenda

Patty Richards called the meeting to order at 12:02pm, noted that the meeting was in-person (with some joining virtually), and completed roll call:

- Patty Richards
- Laura Sibilila (Joined at 12:06)
- Brian Otley (Not Present)
- Holly Groschner
- Dan Nelson (Remote)
- Christine Hallquist - Staff
- Rob Fish – Staff
- Toni Clithero – Staff
- Heryn Herzog – Staff
- Alexei Monsarrat – Staff
- Kristina Sweet – Staff
- Alissa Matthews – Staff
- Tom Malinowski – Staff
- Britaney Watson – (Remote)
- Ginny Raboin – Staff

Ms. Hallquist introduced new staff member Ginny Raboin, who started her job as Administrative Services Manager III today. Ms. Raboin will be supporting Ms. Clithero in legal matters.

Ms. Richards made a motion to approve the agenda. Ms. Groschner seconded. Ms. Richards said they were not going to take up the affordability policy, which was listed on the agenda as item six. The committee is going to do further work on the policy, and they will take it up in July or August potentially. Ms. Richards noted that Ms. Clithero wrote a legal memo about the Board's authority with regard to affordability that will be included in the Board Packet for next month.

Ms. Groschner mentioned the memo from Ms. Clithero on the floor of the required rate range for BEAD. Ms. Groschner would like to put it on the agenda so they can review it. She would also like the Board to be updated on the monthly KPI meetings that are being held.

Ms. Richards added Ms. Clithero's memo to the agenda as item 10.1 and KPI updates as item 10.2. The motion to approve the agenda as modified was approved unanimously.

II. Introductions – was done during roll call.

III. Minutes Approval – 4/29/24 and 5/13/24

Ms. Richards made a motion to approve the 4/29/24 minutes. Ms. Groschner seconded. It was approved unanimously. Ms. Richards made a motion to approve the 5/13/24 minutes. Mr. Nelson seconded. Ms. Groschner abstained from voting because she was not at the 5/13/24 meeting. The motion was approved unanimously among the four other Board Members.

IV. Public Comment

F. X. Flinn, ECFiber, commented that he would like Board Members to ascertain whether any decisions they make with regard to match money and ARPA funding will preclude ECFiber from obtaining additional ARPA grant funds. He said that ECFiber is in a position to spend any ARPA money within its deadlines.

Christa Shute, NEK Broadband, asked whether Board Members consider the memo about affordability to be public. Ms. Clithero answered that it will be part of the July Board Packet.

Lisa Birmingham, Lamoille FiberNet, commented she wants to listen to the discussion about BEAD match funds and said if there are funds available for construction in 2025, not necessarily tied to BEAD, they would like to apply for them.

Ellie de Villiers, Maple Broadband, asked whether an analysis had been done of any changes to the terms and conditions of the use of funds that might be required, as a result of differences between the requirements of Act 71 and the intended uses here.

V. Match Proposal

Mr. Fish gave a presentation entitled, "[Deploying Matching Funds to Reduce the Overall Cost to Universal Broadband.](#)" It describes the program staff developed on how to deploy the \$30 million from the state for match funding.

Ms. Groschner asked to clarify if this is a new \$30 million or the return of the \$30 million borrowed from the VCBB allocation to be used for flood relief. Mr. Fish said this is the \$30 million that was returned to us.

Ms. Richards asked for more information about the Vernonburg model we will use to estimate 25% of the cost to serve all locations within the service area. Ms. Groschner agreed and said she thinks they should approve the model. Alexei Monsarrat explained it's a statistical model built using the FCC data, the state data, including addresses already covered by federal grants, and we would supplement that with data once our challenge process is complete. The statistics measure the cost of serving the remaining locations in the area with fiber, (locations still not served after existing grant funding).

Ms. Groschner commented that we gave out money based on a universal service plan, but we won't be at universal service. Mr. Fish clarified that we gave out money to serve parts of universal service plans, and we didn't expect the first round of funding to cover everything. These are eligible addresses that remain unfunded.

Ms. Groschner asked why we need a third-party vendor (Vernonburg) to help us figure this out and why this money is tied to another source of federal money. Ms. Clithero answered her second question that it is because that is the condition the legislature imposed. Mr. Fish answered her first question by saying we could spend a lot of time coming up with a formula, but this is tried and true and allows us to use a technical approach that is based on facts, so it's hands off, saves time, and keeps it objective. Mr. Monsarrat added that we want to make sure that everything is very transparent in the way that it works and this will achieve that. Ms. Clithero added that this is a fine line when working with BEAD, and we don't really want staff involved hands-on in this part.

Ms. Sibilía asked for clarification on who urged us, as mentioned in the first slide. Mr. Fish said the NTIA urged us to do this before the subrecipient process starts even though it is clear the state gave us responsibility and direction on how these funds must be distributed, to remove any potential appearance of favoring one applicant over another applicant.

Ms. Sibilía asked if the presentation should have stated that a Board vote is "recommended" rather than "required?" Mr. Fish said that would have been better language, but that he would like to move this along to keep within the timeframe we have.

Ms. Sibilía asked what the "tried and true" Vernonburg model accomplishes and if it's different than what the CUDs are using? Mr. Fish reiterated that the model estimates the construction costs to complete the universal service plans. Alissa Matthews added that the Vernonburg model takes into account the rurality of Vermont. Ms. Sibilía wanted to be sure that the Vernonburg

model produces the same thing as is required by Act 71. Rob Vietzke said the CUDs support the aggressive timeline staff is working under, and we should proceed even though we don't have certainty on every detail.

Ms. Groschner asked when we use the Vernonburg model, how does it reconcile with Act 71 requirement, since BEAD requires us to serve addresses that Act 71 does not (off-grid for example). Ms. Matthews answered we have matched E911 addresses with broadband serviceable locations.

During the "scenario" part of the presentation, there was discussion around using unused ARPA money. Ms. Richards emphasized that we need to make it clear to grantees our requirements for unobligated ARPA money and the associated deadlines since there is a possibility we could take the money back. There is more information on this topic in item 10 "ARPA Grant Fund Availability Update."

Ms. Groschner said she would like to vote on the program without the specific scenarios mentioned to keep it simple, so they are not pre-approving re-allocations of funds in the case that there is not enough match money.

Ms. Richards said she wants to be sure there's adequate notice to all Act 71 eligible providers with universal plans to assess interest since interested parties must file written letters of intent by email no later than July 1, 2024. Ms. Hallquist responded that Ms. Clithero will draft the letter.

Ms. Sibilis said she would like the Board to be informed of what amounts the model comes back with for match for interested BEAD applicants even though they are not voting on it.

Board Members took a break at about 1:15 to work on the wording of a motion and returned at 1:37.

Ms. Groschner made a motion and Ms. Richards seconded it. There were amendments offered and accepted to the motion. This was the final motion:

I move to approve the creation of a broadband construction federal grant match program of up to \$30 M appropriated by the Vermont Legislature under Act No. 3 of 2023 to reduce the cost of construction of unfunded eligible addresses within VCBB approved Universal Service Plans, all as defined by Act 71, as determined by July 1, 2024 providing:

1. Grant funds are awarded to Act 71 Eligible Providers,

2. Grant awards are 25% of the estimated cost projected by a third-party model to complete construction of such unfunded eligible addresses,
3. Awards are given to eligible providers that each demonstrate that
 - a. It has or commits to apply for federal grant funding for construction to complete or support the completion of construction of all eligible addresses in the universal plan that will equal or exceed the 25% match award, and
 - b. The VCBB staff certifies to the VCBB Board that such eligible provider and additional grant recipient is in compliance with all VCBB grants to date.
4. Providing each such awardee does not draw on grant funds until the federal fund grant designated has been approved. Grant funds not meeting this contingency will be returned to VCBB for reallocation.

The motion was approved unanimously.

Ms. Richards said that for the next meeting staff is instructed to model the costs and issues associated with contingent grant amendments to eligible applicants on or before July 31, 2024. Staff will report status of the amounts at the July VCBB Board meeting and detail all program expenditures in the VCBB annual report issued on January 15, 2025.

VII. NEK/CV Status Update

Jennille Smith, CVFiber, and Christa Shute, NEK Broadband, gave a [presentation](#) about their proposed merger. The governing boards of both NEK Broadband and CVFiber have voted to proceed with the preliminary merger agreement and merger plan.

Ms. Groschner asked if they have 652 customers, and they have unserved passings of 3140, are the passings all addresses or only eligible addresses. Ms. Shute answered that passings are all addresses. Ms. Groschner said the fraction of 652/3140 is the percentage of eligible addresses you're serving? Ms. Smith said yes, that is their take rate, and they are aggressively working to get a higher take rate.

Ms. Groschner asked if both CVFiber and NEK Broadband have creditors because it says the July 16 hearings will include notice to creditors? Ms. Smith answered they all have creditors, and they will have a closing on a lender before the hearing and they know about this.

Ms. Groschner commended the way they are handling the merger and is excited to hear more about how this impacts the terms of sustainability under your grants and whether or not there is integration with regard to service

offerings and rates/affordability. Ms. Shute said that as part of the BEAD process, they are committed to integrating our service offerings and our pricing plans, but because we know that we are going to be changing our pricing as a result of the BEAD process, we want to make all of those pricing changes at the same time.

Ms. Sibilila commended the work of both CUDs and asked what assistance they have gotten from the VCBB. Ms. Shute answered they used some of the BEAD Support Funding to help support this work, they had to hire some lawyers, and they've been meeting with the VCBB together. Ms. Sibilila asked Ms. Hallquist what the staff is doing to help. Ms. Hallquist answered that the staff is helping with financial knowledge and background. Mr. Monsarrat added they are providing technical assistance around how this works with programs and concerns such as universal service and business plans. Ms. Sibilila asked if there is anything more VCBB could be doing to help them. Ms. Smith said the transparency and continued meetings will be important as they go through the process.

Ms. Richards asked as the result of this merger what will be put in front of the VCBB. Ms. Shute answered that they will see a new business plan that will reflect both. It's your decision whether presenting the business plan will mean we need to amend either of our grants. For the foreseeable future, they will be maintaining both grants, they will not be combining grants.

Ms. Groschner asked Ms. Clithero to pay special attention to whether they can have two grant recipients here where their entity has become one, unless you're maintaining two separate organizations. Ms. Shute said the CVFiber grant will be amended to a Northeast Central Broadband. One is legal and one is perception. She said NEK Broadband will remain the legal entity. The CVFiber grant will become an NEK Community Broadband grant. However we are doing business as Northeast Central Broadband, so that will be the outward facing, on the CUD map it will have one name, but we have various grants, including with the USDA, so changing a federal entity in this time frame would be impossible.

Ms. Groschner said Ms. Clithero should be the one to tell the Board what to do in terms of the new entity taking the grant that belonged to another entity. Ms. Groschner said they would want in approving the transfer of a grant, to know what the status of compliance is, status of the entity, is there remediation that we expect as a condition of the grant transfer.

VIII. 2024 Budget Update

Kristina Sweet gave a [Budget Presentation](#). The first slide shows 2024 expenditures through Q3 of FY 2024. Ms. Sweet said she estimates that we will have expended about 70% of the budget by the end of the year, so we are well under budget. She said much of that is due to spending less than budgeted on contractual costs. Ms. Hallquist added that we also received a \$531,000 VDOL grant we hadn't planned on.

Ms. Groschner asked what the line "state contractual" refers to. Tom Malinowski responded that it is contract costs within the state, for example services provided by the Agency of Digital Services. Ms. Groschner asked if we didn't need those services, or if we overestimated what those services would cost? Ms. Hallquist answered that the state doesn't always process invoices until the end of the year, so it might not all be reconciled, but we expect to still be well under budget. She said there were a number of services they overbudgeted.

Ms. Richards asked about "non-state contractual," if that is just outside consultants. Ms. Sweet said yes and contractual costs for some of our non-BEAD other federal grants, like the Digital Equity Planning Grant. Ms. Hallquist said our VDOL grant falls within that category too, reducing the expenditures. Ms. Groschner pointed out that the actual expenditure was \$531,000 more than shown. She asked for an asterisk that the number was reduced by the amount of the VDOL grant.

IX. 2025 Budget

Ms. Sweet continued with the presentation from the previous item that includes the proposed 2025 budget. It includes a Digital Equity Data Analyst position. Ms. Groschner asked if by approving this budget they are approving the position or did they already approve it. Ms. Hallquist answered that it was included in the Digital Equity Capacity Grant application that the Board reviewed.

Ms. Groschner asked about the non-state contractual amount budgeted. She said she hates that we have a robust organization that then has to pay out to third parties to administer the primary source of funding. Ms. Hallquist responded that if you look nationwide, this is happening, otherwise we would have to hire additional staff. Ms. Groschner said it's helpful to compare our organization to what the cost is for other organizations to manage similar amounts of money. That should be in our annual report.

Ms. Richards and Ms. Groschner said they assume this extra contractual help will enable a level of detail of regular reporting on how each grantee is doing. She reiterated they need more reporting to make sure they don't have anybody going awry and they have knowledge into what is happening. We are moving from entrepreneurial to more institutional mode and see what is going on and monitor.

Ms. Sibilía asked if our government affairs contract is included in the budget. Mr. Malinowski said yes that is in the non-state contractual item. Ms. Hallquist said we want to use the same person again this year, but we need to negotiate a price.

Ms. Richards made a motion to approve the FY 2025 budget of \$5,549,705. Ms. Groschner seconded.

Ms. Sibilía commented she think the government affairs person was very helpful last year, but that we got a late start and should start earlier with her next year.

The motion was approved unanimously.

X. ARPA Grant Fund Availability Update

Ms. Sweet continued with the presentation linked above in item eight. SFR funds have to be obligated by the end of this calendar year and spent by the end of calendar year 2026. We have obligated 99% of our \$150 million.

Ms. Sibilía asked about a discrepancy in the slide explaining what has been approved and what has been obligated. Ms. Sweet says they are still working to find out the cause of that discrepancy. Ms. Groschner asked that this slide is stamped “draft” and come back to the Board with an explanation. And in the future please stamp things “draft” if they are not rock solid.

Ms. Sibilía asked what the audit requirements are in state government. Ms. Sweet said there is a federal single audit that takes place statewide.

Ms. Groschner asked if it’s appropriate for the Board to want an audit of its own for the organization. She would like a staff proposal on this.

Ms. Sibilía asked if staff has a policy about CUD audits, do they see them? Ms. Sibilía is asking to see the staff policy around that.

Mr. Nelson said he could get behind a controls audit, because you could see where you could go wrong, instead of a financial audit. Ms. Groschner said a financial audit would only be sampling and she’s not sure it isn’t a good idea. Mr. Nelson said it would be expensive and might not give us what we’re looking for.

Staff recommendation is to allow the CUDs to apply for remaining funds for preconstruction, materials, or construction by no later than August.

Ms. Richards asked if the game plan is to reach out to each entity to let them know what they have remaining? Mr. Fish said we are going to ask them in July if they intended to apply in August and they will all be amendments.

Ms. Groschner commented that another approach is that if we have \$2 million left over, we could use that for affordability connection money and have a grant program where you bring staff a qualified household and where a needy family is being served, there are funds to address that need. Mr. Fish said we are considering that for the connectivity initiative and will be bringing a proposal forth.

Ms. Sibilila suggested a special VCBB meeting so they could look at the slide with the numbers cleaned up before she makes a motion to support this.

Ms. Groschner made a motion that the remaining ARPA funds not be subject to construction and preconstruction allocation requirements and materials. Ms. Richards seconded. The motion was approved 3-1. Ms. Sibilila voted no. Ms. Sibilila said her no is in connection to the slide with the numbers that are off and still being worked on.

10.1 Item added to agenda: Ms. Clithero's Memo –

Ms. Groschner said that Ms. Clithero indicated there was a conversation with the NTIA where they encouraged Vermont to change its rate floor that's an obligation under BEAD grants. Ms. Clithero said that yes there was a request that with the expiration of the ACP, there were concerns with the floor of our low-cost option being too high at \$45. The \$30 floor is what the model was in the NOFO for the BEAD program. She said our \$45 floor was based on the existence of ACP. We changed it. Ms. Hallquist said it has no negative impact.

Ms. Sibilila asked if this gives an advantage or disadvantage to a big provider who comes and applies for BEAD. She said she wants to be sure it's remaining competitive. Ms. Hallquist said yes.

Ms. Groschner asked who makes the decision whether a sustainable business plan can meet the \$30 low-cost option or needs a waiver. Mr. Monsarrat said there are two places that will come into play, the first is a gating requirement that will likely be handled by a contractor, and then in the actual proposal itself.

10.2 KPI Monthly Meetings

Ms. Hallquist said they've started the KPI monthly meetings. KPIs will be reviewed informally monthly and formally quarterly to the Board. Ms. Sibilila said it would be great to start those with how many Vermonters are now served. Ms. Groschner asked to see at the July meeting what the reports will look like without specific numbers.

Ms. Groschner said she wants to set an expectation that if they uncover a crisis in the KPIs, they won't wait for the quarterly report to let them know. Mr. Monsarrat said they are asking basically what have you done and what did you plan to do so they can see the delta. Ms. Groschner asked that it be presented like a scorecard, with the metrics that mean the most at the top or dashboard.

XI. VCUDA Update (Act 71 related)

Rob Vietzke gave the update that there is a lot going on in all the CUDs, but he's not going to give an update on each, but what VCUDA is doing in shared services. They hired a GIS expert to model universal service plans. A number of the CUDs filed to intervene in the Consolidated sales docket. VCUDA is working on leading a coalition to apply for the competitive digital equity grant. They have also been discussing affordability issues. Lisa Birmingham was elected VCUDA Vice Chair. Christa Shute has assumed the Secretary role.

Ms. Sibilina thanked the CUDs for engaging in the process of the sale of Consolidated.

XII. Public Comment –

F.X. Flinn said he's disappointed ECFiber's ARPA grant has been re-categorized as SFR, which makes it look like there is not much left to spend when they were in a position to spend more now. He would like to see an alternative presented that would allow ECFiber to get additional ARPA money.

XIII. Parking Lot and Scheduling Special May Meeting

Ms. Hallquist said the Board will get an Ookla update at the July meeting. Britaney Watson will give an update on what other states are doing about affordability after ACP at the July meeting.

Ms. Groschner would like a review of the scoring criteria for BEAD.

Ms. Sibilina asked if we are doing enough to differentiate between when we're doing BEAD work and when we're doing other work. Ms. Groschner suggested having categories on the agenda of what kind of work it is. (BEAD, USF, Act 71)

c. Board Review – Executive Session

Ms. Richards made a motion to move into executive session to discuss personnel matters under 1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters. Ms. Groschner seconded. It was approved unanimously. They went into executive session at about 3:51. They did not come back into public session.

Action Items-

- Include Ms. Clithero's legal memo on the authority of the Board with regard to affordability in the Board Packet for July.
- Ms. Clithero draft letter to all Act 71 eligible providers with universal plans to assess interest since interested parties must file written letters of intent by email no later than July 1, 2024.
- Ms. Sibilia said she would like the Board to be informed of what amounts the model comes back with for match for interested BEAD applicants even though they are not voting on it.
- Ms. Richards said that for the next meeting staff is instructed to model the costs and issues associated with contingent grant amendments to eligible applicants on or before July 31, 2024. Staff will report status of the amounts at the July VCBB Board meeting and detail all program expenditures in the VCBB annual report issued on January 15, 2025.
- Ms. Groschner asked Ms. Clithero to pay special attention to whether they can have two grant recipients here where their entity has become one, unless you're maintaining two separate organizations. Ms. Groschner said Ms. Clithero should be the one to tell the Board what to do in terms of the new entity taking the grant that belonged to another entity.
- Ms. Groschner said they would want in approving the transfer of a grant, to know what the status of compliance is, status of the entity, is there remediation that we expect as a condition of the grant transfer. *add to parking lot*
- Ms. Groschner pointed out that the actual expenditure was \$531,000 more than shown. She asked for an asterisk that the number was reduced by the amount of the VDOL grant, especially for the end-of-year report.
- Ms. Groschner said it's helpful to compare our organization to what the cost is for other organizations to manage similar amounts of money. That should be in our annual report.
- Ms. Richards and Ms. Groschner said they assume this extra contractual help will enable a level of detail of regular reporting on how each grantee is doing. She reiterated they need more reporting to make sure they don't have anybody going awry and they have knowledge into what is happening. We are moving from entrepreneurial to more professional mode and see what is going on and monitor.
- Ms. Sibilia asked about a discrepancy in the slide explaining what has been approved and what has been obligated. Ms. Sweet says they are still working to find out the cause of that discrepancy. Ms. Groschner asked that this slide is stamped "draft." Please go back to Board with explanation.
- And in the future please stamp things "draft" if they are not rock solid.
- Ms. Groschner asked if it's appropriate for the Board to want an audit of its own for the organization. She would like a staff proposal on this.

- Ms. Sibia asked if staff has a policy about CUD audits, do they see them? Ms. Sibia is asking to see the staff policy around that.
- Ms. Groschner asked to see at the July meeting what the reports will look like without specific numbers.
- Ms. Groschner asked that it be presented like a scorecard – KPIs – with the metrics that mean the most at the top.
- Ms. Groschner would like a review of the scoring criteria for BEAD.

Ms. Sibia asked if we are doing enough to differentiate between when we're doing BEAD work and when we're doing other work. Ms. Groschner suggested having categories on the agenda of what kind of work it is. (BEAD, USF, Act 71)

DRAFT

Vermont Community Broadband Board Meeting
Monday, July 8, 2024, 12:00pm to 4:00pm
Meeting Minutes

1. Call Meeting to Order, Roll Call, Approval of Agenda

Chair Patty Richards called the meeting to order at 12:03pm. In attendance:

- Patty Richards
- Holly Groschner
- Laura Sibia
- Brian Otley
- Dan Nelson (Not present)¹
- Christine Hallquist - Staff
- Rob Fish – Staff
- Toni Clithero – Staff
- Kristina Sweet – Staff
- Alissa Matthews – Staff
- Alexei Monsarrat – Staff
- Britaney Watson – Staff
- Heryn Herzog – Staff
- Lucie Fortier - Staff
- Ginny Raboin – Staff

The Chair moved to approve the agenda, seconded by Mr. Otley and asked for any discussion. Ms. Sibia requested, and the Chair approved, the addition to the agenda the location of in person VCBB trainings. Ms. Richards stated she would add it just before approval of the minutes at 1.1. With no other changes, on a vote of 4-0 the addition was added to the agenda.

1.1 Location of VCBB Trainings- Ms. Sibia asked staff to hold future in person trainings in a central location such as Randolph or Montpelier, and to look at the possibility of changing the location for the Workforce Development workshop, if possible, rather than the Burlington location employed for the Alternative Technologies technical conference VCBB hosted on June 28, 2024. The Chair recommended staff to use the Montpelier location as it is a state facility and can handle the attendance virtually as well as in person.

2. Minutes Approval – 6/10/24 The Chair made a motion to approve the minutes seconded by Ms. Sibia and opened the item up for discussion. Ms. Groschner noted there are so many to do's and asked for a status report. She also expresses confusion with respect to the wording of the motion drafted during the June 10 board

¹ Mr. Nelson was on vacation.

meeting on the formula for estimating the allocation of the \$30M appropriated by the General Assembly to be used as match for federal broadband grant programs. Ms. Sibilina stated there was a lot of time spent at the last meeting creating the motion, correcting the minutes isn't the proper action, a new motion is needed. A discussion ensued regarding the wording of the motion. Ms. Richards postponed the approval of the minutes until after item 6 and directed further discussion to take place with respect to Agenda Item 6 concerning the formula for the estimate. Ms. Richards called the vote to approve the minutes with Ms. Richards, Ms. Groschner and Ms. Sibilina voting Nay and Brian Otley abstaining since he was not at the previous meeting; the motion to approve the minutes was voted down.

3. Public Comment- Ms. Richards opened public comment and asked Ms. Hallquist to facilitate, noting that Ms. Richards had to step away for a minute. Ms. Hallquist called on Mr. Flinn, EC Fiber, who advised he preferred to speak when Ms. Richards returned. Ms. Schute, NEK Broadband stated she wanted to clarify the work around digital equity. Specifically, NEK Broadband helped to fund the development and brought forward a coalition to reflect the state as a whole, noting that Vermont is often overlooked due to the population. Ms. Schute encouraged working together to make sure that this nationwide competitive grant of \$1.25 billion for digital equity could reflect the entire state. Ms. Schute asked that anyone interested reach out to her so that all parties can be brought together and represented. Providing the web address for NEK Broadband <https://nekbroadband.org> or through VCUDA. Mr. Flinn of EC Fiber stated that Act 71 does not support the idea that affordable broadband is the primary goal of that legislation. Mr. Flinn indicated Act 71 formidably means affordable enough to attract customers to sustain the network. Mr. Flinn went on to state in 2008 there was no affordable broadband in his service area, which meant a minimum charge of \$72 with 5 over 5 service for an average of 6 customers per mile, with no increase in cost. Mr. Flinn stated the goal of the board is to build fixed broadband that passes everyone and is sustainable. Mr. Flinn went on to state that he felt the board should not be spending time on an affordability policy and instead should use its convening authority to bring together stakeholders, government and social service agencies to develop the Vermont definition of broadband affordability and method of which it might be accomplished.

4. BEAD Timeline Update- Alexei Monsarrat (BEAD Project Director)- Mr. Monsarrat reviewed the [BEAD Estimated Timeline as of 6.27.24](#) advising staff is in the final process of getting the challenge data corrected and approved by the NTIA. The information in the timeline is dependent on the NTIA approval of the challenge data and volume two. The planned date on the timeline is late July to award federal match program funds. This needs to be completed prior to the subrecipient program being opened, which would happen potentially in late August. In the interim there will be some training provided so everyone understands the necessary steps. Pre-proposals may be received in late August into September, which will help to

determine the final project areas. The applicants need to express interest in participating in the BEAD bidding process, and potentially suggest adjustment in those areas which VCBB will evaluate and determine if action is needed. Early October is when full proposals need to be submitted. Staff will review the proposals over the following month (November). Once complete the staff will create the final proposal and submit it to the NTIA. Once approved, staff would then distribute funds. Ms. Groschner then asked for clarification as to why the ARPA quarterly reporting deadlines are in the BEAD timeline? Mr. Monsarrat responded that this once was a multi-use document, therefore, staff opted to leave that in for awareness only. Ms. Sibilia asked what the anticipated period of time will be from when the RFP is issued and when the submission date will be due? Mr. Monsarrat clarified that staff is calling the request for applications an RFA since staff have other RFP's with similar names. The RFA will be posted as soon as volume two is approved by NTIA. If the VCBB does not get approval in a timely manner, the timeline will need to be shifted. Ms. Sibilia asked if there are any potential delays given the upcoming election. Mr. Monsarrat stated there has been no guidance from NTIA at this time. Clarity around funding for planning and to ensure reliability is another consideration when building the timeline.

5. Affordability/Digital Equity- Britaney Watson (Digital Equity Officer), Toni Clithero (General Counsel)-

- a) Other State Approaches to the Loss of ACP Ms. Clithero advised there was a letter in the board packet titled [State Activity Post-ACP](#) which describes the preliminary approaches taken by certain states in response to the loss of the Affordable Connectivity Program (ACP), describing four categories of response. First New York, North Carolina, Pennsylvania) introduced legislation to create state-level replacements for the ACP. Other states, such as Connecticut and California, are pursuing a contractual requirement for a low-cost option. Ms. Clithero noted that, for example, under the terms of the VTBEAD program, Vermont is essentially imposing a contractual requirement for a low-cost plan option of between \$30-\$75. Third, another approach is a legal mandate, such as New York's Affordable Broadband Act, which requires a \$15 per month plan at 25 mbps. Fourth, some states are exploring reforming the Lifeline, one of four programs funded through the FCC's Universal Service Fund (USF). In Vermont, both BEAD and the Digital Equity Capacity grant include address affordability. The BEAD scoring rubric emphasizes affordability and requires subgrantees to demonstrate a commitment to reinvesting revenue.
- b) Affordability in the Digital Equity Context Ms. Clithero noted that although the [PEW letter](#) refers to affordability subsidies with respect to the Digital Equity Capacity grant program, in discussing the issue with the VCBB Digital Equity Officer, Ms. Watson clarified that the subsidy is not for affordability of internet service plans like ACP, but is instead intended for the projects that are planned as part of the Digital Equity program. Ms. Sibilia stated she had disagreements with the slides [Ms. Clithero provided](#) which talk about the law she helped to author. The Chair deferred that discussion until Ms. Watson had an opportunity

to present. Ms. Watson reported the implementation phase of the Digital Equity Plan (DE Plan) may begin as early as September 2024 based upon VCBB's receipt of the anticipated tentative allocation of \$5.3 million through the DE Capacity Grant. Ms. Watson indicated her focus is on the accessibility and affordability of devices, digital skilling and technology support. Ms. Watson shared the slide from her [May 13, 2024](#) presentation, which lists five program strategies to meet the goals identified in the DE Plan to bridge the digital divide. Ms. Groschner noted a recent article in Vermont Digger, republished in the White River Valley Herald, which discussed the loss of the ACP and characterizes the VCBB the DE Program as a plan to provide reliable and affordable broadband service to all who choose to get it. It goes on to state the CUDs are scrambling to fill the hole left by the ACP and that the VCBB is addressing the digital divide with a \$5.3M federal equity grant focused on affordability, accessibility and digital skills. Ms. Groschner asked Ms. Watson to confirm that the \$5.3M is really focused on technology and skills rather than on the affordability of internet service plans. Ms. Watson concurred with Ms. Groschner's statement noting that all of the planned initiative depends upon Vermonters being able to afford their internet service plans. Ms. Groschner thanked Ms. Watson for making that point and stated it is implied the ACP is gone and VCBB has this \$5.3M to fill in, which is false. Ms. Hallquist reported staff will work to clarify this with the press.

- c) Board Authority to Issue Affordability Policy Ms. Clithero shared her May 9, 2024, memorandum to the Board and a PowerPoint summarizing the Board's authority to issue an affordability policy. She proceeded to review the PowerPoint slides, [The Board's Role With Respect to the Affordability of Broadband of Broadband Service Plans](#). Ms. Clithero began reading her slides, noting her recommendation that the Board consider the affordability as a requirement under Act 71 and that it is also consistent with BEAD for the board to develop an accountability policy that promotes affordability of broadband service plans. Ms. Sibilia objected to the term "requirement" stating that affordability is not a requirement of Act 71. Ms. Groschner clarified it is not a requirement, but it is within the board's authority. Ms. Clithero stated the provision of Act 71 cited on the slide referred to the granting of authorization to the board to develop a policy indicating the legislature had identified the issue and noted it was not one of the policies mandated by the legislature. The provision authorizes the VCBB to develop the affordability policy and/or go to the legislature to seek a program that addresses affordability. Ms. Sibilia stated it was important to use accurate terms, saying that Act 71 requires this is inaccurate. She did not concur with Ms. Clithero's assessment and stated that she spent hundreds of hours working on this in the legislature. Ms. Groschner noted it doesn't change the legislation. Ms. Sibilia interjected that she wrote the legislation, and that many involved in this meeting were a part of the legislative process. Ms. Groschner stated the issue is what the legislature passed in its final form. Ms. Clithero noted her analysis concerns the final legislation passed by the legislature. Ms. Sibilia stated using the word "required" felt compelling in a way that the legislation is not. She asked the actual language be used. Ms. Richards agreed with Ms. Sibilia that it's not a requirement, but the statute is the enabling legislation that supports VCBB for taking action on

developing certain policies and one of those policies is consumer protection standards, another policy is construction standards, and another is affordability. The key word is enabling versus required. Ms. Sibilina stated once the word "required" is changed to enabling that there will be no argument from her. Ms. Richards said the legislation provided enabling language for the board to take action on certain policies, one being affordability. It has been discussed over the last few years that an affordability policy would be developed. Ms. Clithero apologized stating the intention was not to say the statute mandates the board to create the affordability policy. Ms. Sibilina continued to counter with her position that it is not a requirement. Ms. Groschner offered her understanding that Ms. Clithero used the word requirement as part of ingredients to a menu and stated that a legal opinion cannot be changed by fiat, and it is up to Ms. Clithero to decide the modifications. Ms. Clithero advised she would be happy to do that, that she understood Ms. Sibilina's concern and that she was not intending to convey a mandate. Ms. Richards read an excerpt from Ms. Clithero's memo which stated Act 71 does not mandate the board to develop an affordability policy. It does characterize the development of an affordability policy or program as an "necessary and convenient to carry out an effectuate the purpose, purposes and provisions" Ms. Sibilina suggested counsel check in with Legislative Counsel about legislative intent. Ms. Richards supported Ms. Clithero's intent was not to state that the board was required, Ms. Clithero was using the word required in a different context. Ms. Sibilina stated the excerpt Ms. Richards read of Ms. Clithero's memo was the section she believed to be incorrect. Ms. Sibilina stated she was happy to go through every instance of the word or sit down with Ms. Clithero to review each section or reach out to the Legislative counsel. Ms. Clithero expressed confidence in her analysis and would address Ms. Sibilina's concern about the use of the word required. Ms. Sibilina stated she would draft a memo detailing her concerns and send it to the board. Ms. Richards indicated she felt Ms. Clithero's memo was appropriate and squarely characterized that the board has enabling legislation and can develop policies if they choose around affordability within the confines that Ms. Clithero put in the memo. Ms. Sibilina indicated that her recollection as the author is very close to what Mr. Flinn had stated and is not opposed to developing an affordability policy. Ms. Sibilina stated that her intent is to clearly support Mr. Flinn's characterization of affordability as coming after the phrase "access to reliable services", noting that, as Mr. Flinn pointed out, access is the priority because there is no service without access.

Ms. Clithero continued in the presentation, outlining the purpose of ACT 71, and advising that the overall purpose of the legislation is to achieve the State's goal of providing everybody with high-quality, reliable broadband that they can afford and empowers the board to develop policies or recommend a program to promote access to affordable broadband service plans. Ms. Clithero noted that Act 71 mandates that the board prioritize the affordability of broadband service plans.

d) Affordability Under VTBEAD Ms. Clithero shared the affordability criteria under VTBEAD², stating the scoring is dependent on providing a commitment to providing the most affordable long term total price to the customer for one gigabyte in a proposed project area and 100/20 for last mile broadband projects. Ms. Clithero stated that the 31 points that VCBB assigned to affordability represents 40% of the total 75 points comprising the primary criteria. Ms. Clithero continued to describe the VTBEAD affordability criterion, noting that it requires a demonstrated commitment to reinvest revenue into increasing efficiency and ensuring that rates remain affordable over the lifetime of the funded network or 20 years, whichever is greater, and that by way of example, this could be demonstrated through a business structure that limits the network's profit or commits to stable or decreasing prices over the life of the funded network or 20 years, whichever is greater. Ms. Clithero characterized this as a very strong statement in the VTBEAD program, representing 40% of the total points available for the primary criteria. The Chair asked where 40% came from. Ms. Clithero advised that 75 points make up the primary criteria, noting that Mr. Monsarrat would be in a better position to describe the entire scoring rubric, that the BEAD outlay is the most important criterion with 31 points, affordability was given 30 and the remaining 14 points have been allocated to fair labor standards. The Chair again asked where the 40% number came from and the Executive Director asked Mr. Monsarrat to take the question. Mr. Monsarrat stated that he thought the Chair was asking how VCBB arrived at that or if it was a BEAD directive. He advised that the affordability issue is an NTIA requirement and that VCBB's only nuance on that, noting that Lucy Rogers (the primary author of the document) was very careful about this when they were working on it, and that the "now and into the future" was the only Vermont language. Thus, he indicated that VCBB used the number provided by the NTIA. Ms. Clithero continued by addressing that the VTBEAD program also requires all projects to provide a low-cost option, originally \$45 and now \$30 in the wake of the loss of the ACP. Through various proofs and evidence, the \$30 amount may be waived up to a limit of \$75. This must be annually certified by the VCBB. The requirement persists over the useful life of the funded network or 20 years. The Chair noted that this appeared to sum up the statutory context and offered an opportunity for questions providing that these questions allowed for the Board to move forward productively. Additionally, the Chair asked, specificity and that disagreements be stated in terms of the content, noting that Ms. Sibia had expressed that she would be putting together a memorandum, asking that we not hold a major debate. Ms. Groschner asked Ms. Clithero whether she agreed with Mr. Flinn's statement that Section 8086(g) of Act 71 is controlling to the point of being the priority over the rest of the statute, to which Ms. Clithero responded no. Ms. Groschner reiterated her commitment to affordability and accountability for the hundreds of millions of grant funds and her concerns about controls and the need to scrutinize the business plans of CUDs to identify the rate structure that is going to allow for a sustainable business mode. Mr. Otlely stated that he believes the Board has exhausted the productive use of the discussion and that while he considers this a worthy discussion for an

² Vermont Broadband Equity, Access, and Deployment Program

offline session to see if the Board can reach a consensus. The Chair thanked the presenters and advised that she would reach out to the Executive Director to figure out next steps on some further dialogue on the issue.

- 6. Match Estimation Summary Statement -Rob Fish, Alissa Mathews, Stone Environmental Summary of Technical Approach to Estimate and Award BEAD Match to Eligible Providers under Act 71- Executive Session - 1 V.S.A. s.313(a)(1) (A), authorizing a public body to hold an executive session after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage.** Ms. Richards asked for an explanation on the appropriateness of executive session for this topic. Ms. Clithero explained that the financial numbers in the proposal are confidential and fall under the contract negotiations exemption under the Public Records Act and Open Meeting Law. Ms. Hallquist noted that a bidder could take the numbers and figure out what a competitive bid would be, which creates an unfair bidding process. Ms. Richards clarified that for anything that is general and not confidential, she wanted to remain in public session. Mr. Fish stated that letters were sent out to eligible providers, responses were received, and staff have put that information into the model. Ms. Groschner asked Mr. Fish, since he took on the task of contacting all eligible providers, can you confirm that you didn't only contact grantees? Mr. Fish responded stating that this was all eligible providers with universal service plans that have been approved, so that these were the only grantees that had been approved by the board for ACT 71 Universal Service Plan. Ms. Groschner asked for how many intentions to participate had Mr. Fish received? Mr. Fish stated approximately 5 responses. Ms. Richards made a motion to go into executive session per 1 V.S.A. s.313(a)(1) (A), *authorizing a public body to hold an executive session after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage* seconded by Ms. Groschner, motion carries 4-0. The board went into executive session at 1:50pm and returned at 2:56pm with no action taken. Ms. Richards stated the board will follow up with a second meeting in July to review in detail the formula presented.
- 7. Ookla Update – Alissa Mathews, Stone Environmental-** Ms. Mathews reported that the VCBB has been collaborating with South Carolina, who developed a way to utilize the Ookla BEAD test data for updated performance monitoring which will allow tracking progress for grantees, in real time with other federally funded project areas. Mr. Floersch of Stone Environmental presented [Ookla Tracking Update](#) that outline show the VCBB will be tracking network growth and performance using data from Ookla. The team lead in South Carolina, James Stritzinger, is helping Vermont through this process. The data will be used to show where people are connecting and at what speed. This will be done as passive monitoring of the growth of

connectivity across Vermont. The data will go directly to VCBP as opposed to having the CUD's or ISP's collect and report. This information will be filtered to only provide CUD and grantee information and progress. Ms. Groschner asked if somebody could use a cell phone to run tests. Mr. Floersch stated this dashboard works with an app on your phone or through the website and your IP address is recorded. That is how they know if the newly installed fiber is functioning and what provider you are using. There are securities in place to hinder individuals from running tests over and over. The system will need to be set up using a phone or other mobile device. Ms. Richards shared concerns regarding data privacy and asked if Ookla was able to data mine by IP address. Mr. Floersch reported from the IP address they cannot specifically see what you are doing while you are doing the speed test. They will only know the location, speeds and service provider. There is also an option to rate the service provider, which is not required as part of the test. Ms. Clithero confirmed that any other third-party data mining is unavoidable which is why VCBP contracted with Stone and not Ookla directly.

Return to Agenda Item 2, Minutes revisions to motion concerning BEAD match estimation formula- The "adopted by a third party" language will be deleted as VCBP is no longer intending to use the Vernonburg model. A discussion ensued about the language of the motion. The Chair asked Ms. Raboin to set another agenda item so that the language of the motion may be modified offline.

8. **Update on ARPA SRF Obligation – Rob Fish-** Mr. Fish reported that a letter regarding the match program went out as well as asking for letters of intent to the previous grantees to use their ARPA allocations. Staff have received letters back from all of the CUD's and Act 71 grantee WCVT that they are intending to submit applications for all or some of the remaining funds. Some applications could be ready for August board meeting. Mr. Fish advised If the board approve the applications coming in and if the applicants ask for the full amount, the remaining would be \$2.6 million of ARPA SRF funds. Ms. Richards confirmed there would be \$2.6 million remaining that the board would need to allocate. Ms. Richards asked Mr. Fish to provide a suggestion of what to do with the \$2.6 million in the next regularly scheduled Board meeting.
9. **Board Process update/Parking Lot- Toni Clithero and Ginny Raboin-** Ms. Raboin outlined her function is to collect, organize and monitor the status of the [Parking Lot](#). There are three categories of assignments: Parking Lot items specifically requested by the Chair to the Executive Director, Action Items representing individual board member assignments to Staff and Staff Assignments. She reported that she is prioritizing tasks from newest to oldest and including time sensitive matters as necessary. She will be using Microsoft Planner to create tasks, timelines and priorities for Staff, and will follow up with Staff prior to the board meetings. Ms. Raboin recommended to the board Action Items continue to be added to the [VCBP Parking Lot](#) in an effort to centrally locate all tasks. Ms. Richards indicated she believed that all action items should be on the parking lot. Ms.

Richards indicated that any board member can add to the parking lot, not just the chair. Ms. Groschner asked how it would appear if the completed items would continue to be shown. Ms. Raboin advised the parking lot will show on the far-right column action taken, date and status of completion. Ms. Groschner received confirmation from Ms. Raboin that the Parking Lot also includes the need for a legal memorandum on the standard items needed for a merger.

10. VCUDA (Act 71 related) Update- Rob Vietzke reviewed that the CUD's are working to reach the unserved and underserved addresses in other states and that it is the intention to use line extension programs to serve a few addresses. Vermont chose to create entities to receive grant funds to support the most expensive and hardest to serve addresses that can negatively impact the business models and impacts affordability. Mr. Vietzke spoke about the digital equity competitive grant program and indicated he expected to see a NOFO within a month. VCUDA is working with stakeholders to determine next steps. Once the NOFO is received, they will be able to have more information regarding eligibility, the process and timeline. Mr. Vietzke advised that the evidentiary portion of the CCI docket related to the sale of Consolidated is happening. The key point is providing information to state government information to better understand what portion of the new holding company will be investing in Vermont and as the volume of activity increases in Vermont VCUDA will ask for concerns of make ready and preparing the poles for broadband deployment are part of the investment strategy for the state.

11. Public Comment- Ms. Richards opened to public comment. Mr. Vietzke from VCUDA commented on the timeline in the slides presented earlier stating that it seemed aggressive between the date of releasing the RFP and submitting an application. He went on to share that the timeline showing staff would be able to evaluate, score make recommendations and complete a final proposal to the NTIA seemed aggressive and asked for a future presentation to talk about what the process is for asking for an extension and timeline on the final selection.

Christa Schute, NEK Broadband commented on the discussion around affordability. She made the distinction between developing a policy versus recommending to the General Assembly a program. She went on to state the importance of the language in the statute 30 V.S.A. § 8084(a)(6)(F), which speaks to the discretionary authority of the board to develop policies or recommend programs to the General Assembly. Ms. Schute continued to state that as the policy is being developed, or if it comes into existence, the degree to which it creates programmatic requirements, would determine the recommendation to the General Assembly.

Lisa Birmingham, asked for the information regarding the next steps on the affordability discussion and policy. She is unclear about the process and is willing to submit additional written comments or analysis if needed. Ms. Birmingham stated

slide 20, 30 V.S.A. § 8086(b)(6) citation is advising the board to prioritize construction grants that provide affordable service options, turning it on its head by saying everyone has to offer a low-cost option as that is problematic. Ms. Groschner responded stating she held a meeting to discuss baseline concerns, there were revisions made and the policy is shrinking. Prior to releasing the policy for comment, she and Ms. Clithero will have a brief meeting with the Chair to advise her of the status of the policy and that we will release it for comment with the hope that it will be ready for Board deliberations in August.

12. Confirm next meeting date August 12, 2024; In person or Virtual- Ms. Richards confirmed the next meeting is August 12, 2024; In person, 12-4pm. Ms. Richards confirmed the four board members in attendance were available to attend that meeting.

Return to Agenda Item 2, Minutes and revisions to motion concerning BEAD match estimation formula- Ms. Groschner asked Ms. Clithero to check the proposed language to ensure it includes Ms. Clithero's changes. Mr. Fish indicated he thought the Board had reviewed most of the items except for item 4 that was the big issue request from programmatic staff. He proposed "statistical estimation" rather than "VCBB model" Discussion concerned possible alternative terminology such as standard model or documented objective model. A discussion ensued between the Board and staff regarding the language of item 4. Ms. Groschner offered to revise the language to refer to eligible unserved and underserved addresses, which was acceptable to Ms. Matthews. The Chair directed Ms. Groschner, Mr. Fish and Ms. Clithero to work on redrafting the motion for deliberation at a second meeting in July.

13. KPI Scorecard - Monthly Update- Alexei Monsarrat – Executive Session 1V.S.A. § 313 (a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters. Ms. Hallquist recommended the KPI scorecard update be sent via email under confidential cover to the board. Ms. Richards agreed and stated this would be taken up in August as well. The Chair noted the issue is important to many board members, and that the Board would like to spend appropriate time on it.

14. Board Review - Executive session - 1 V.S.A. s.313(a)(3) (3), authorizing a public body to hold an executive session to consider personnel matters. No executive session was held.

Adjournment: Ms. Richards made a motion to adjourn, seconded by Ms. Groschner. With unanimous vote the meeting was adjourned at 4:01p.m.

Action Items:

- Clarification in the press in regard to Digital Equity and Affordability

- The General Counsel will review her slide presentation to address Ms. Sibia's objection to the use of the term "required" with respect to the Board's authority to issue an affordability policy.
- Ms. Richards asked Mr. Fish to provide an action suggestion of what to do with the \$2.6 million.
- Ms. Groschner stated that a task needs to be added to the parking lot for Ms. Clithero to address the requirements for merger and have a standard set of things that need to happen at a merger.
- Ms. Richards indicated this motion needed more work, not to be rushed and will be taken up in the July special meeting
- KPI scorecard be sent out under confidential cover.
- Poll sent to determine July Special Meeting.

DRAFT



Vermont Community Broadband Board

Motion to Establish the Process for Allocating the \$30M Appropriated for Providing Matching Funds to Qualifying Eligible Providers for Federal Broadband Grant Programs

WHEREAS, the Vermont Community Broadband Board (Board) is the entity authorized by the Vermont General Assembly (General Assembly) to coordinate, facilitate, support and accelerate the development and implementation of universal community broadband solutions (Broadband Deployment) pursuant to 30 V.S.A. § 8081 (see generally Act 71); and

WHEREAS, Act 71 provides the Board with approval authority with respect to budget development, program design, grant awards and all other funding allocations for broadband with respect to Broadband Deployment pursuant to 30 V.S.A. §8084(a); and

WHEREAS, the General Assembly appropriated \$30,000,000 (thirty million dollars) to the Board for the purpose of leveraging federal grants for Broadband Deployment in Vermont pursuant to Act No. 3 of 2023 (Appropriation); and

WHEREAS, VCBB has determined that the Appropriation directs the Board to allocate the \$30M to Eligible Providers with an approved VCBB Universal Service Plan (USP) pursuant to Act 71; and

WHEREAS, the Appropriation will be allocated among Eligible Providers who have filed Letters of Interest with the VCBB as of July 1, 2024; seek matching funds for a qualifying federal program for Broadband Deployment (Federal Grant); have an existing Act 71 Construction Grant Agreement pursuant to 30 V.S.A. § 8086 (Existing Grant); and are in compliance with all Existing Grant conditions as certified by VCBB Staff to the Board (Qualified Eligible Providers); and

WHEREAS, VCBB has developed a data-driven process (Process) for allocating the Appropriation among Qualified Eligible Providers and to determine the estimated cost to complete construction of the remaining or a subset of the remaining eligible un/underserved addresses in the USPs of Qualified Eligible Providers; and

WHEREAS, the Process seeks to equitably allocate the Appropriation among Eligible Providers to provide the 25% matching funds required for Federal Grants; and

WHEREAS, if the Appropriation is insufficient to provide the match to all Qualified Eligible Providers, the Appropriation will be allocated using the highest percentage available.

NOW, therefore it is resolved that the Board authorizes VCBB Staff to issue grant amendments to the Existing Grants based on the following conditions:

1. As determined by the Process, each Qualified Eligible Provider receives 25% match for the cost of the project funded by the Federal Grant to the extent of the equitable proportionate share of the Appropriation; and
2. Providing each Qualified Eligible Provider:
 - A. Commits to apply for a Federal Grant on or before October 31, 2024 for construction to complete or support the completion of construction of remaining or a subset of the remaining un/underserved addresses in its USP; and
 - B. Agrees that no portion of the award is available until the Qualified Eligible Provider provides the VCBB with notice of the Federal Grant award; and
 - C. Agrees to relinquish any claim to the Appropriation in the event it does not secure the Federal Grant award identified in its Letter of Interest.

July 29, 2024

Signed: _____

Patty Richards, Chair

Approved by:

Patty Richards, Chair

Dan Nelson, Co-Chair

Holly Groschner

Brian Otley

Laura Sibia