



Vermont Community Broadband  
Board  
**Vermont's Broadband Equity,  
Access, and Deployment Initial  
Proposal Volume 2**

September 2023 Public Comment Draft

Public Comment Period: September 15 – October 15





## Contact Information

**Vermont Community Broadband Board**

**Department of Public Service**

Email: [vcbb.info@vermont.gov](mailto:vcbb.info@vermont.gov)

Mailing address: 112 State Street, Montpelier, VT 05620

Telephone: (800) 622-4496

DRAFT



## Table of Contents

<i>Contact Information</i> .....	2
<i>Acronyms</i> .....	4
<i>Introduction</i> .....	5
<i>Requirement #1 Objectives</i> .....	10
<i>Requirement #2 Local, Tribal, and Regional Broadband Planning Processes</i> .....	14
<i>Requirement #4 Local Coordination</i> .....	15
<i>Requirement #8 Deployment Subgrantee Selection</i> .....	32
<i>Requirement #9 Non-Deployment Subgrantee Selection</i> .....	62
<i>Requirement #10 Eligible Entity Implementation Activities</i> .....	65
<i>Requirement #11 Labor Standards and Protection</i> .....	66
<i>Requirement #12 Workforce Readiness</i> .....	68
<i>Requirement #13 Minority Business Enterprises (MBEs/ Women’s Business Enterprises (WBEs)/ Labor Surplus Area Firms Inclusion</i> .....	70
<i>Requirement #14 Cost and Barrier Reduction</i> .....	72
<i>Requirement #15 Climate Assessment</i> .....	73
<i>Requirement #16 Low-Cost Broadband Service Option</i> .....	78
<i>Requirement #17 Use of 20 Percent of Funding</i> .....	80
<i>Requirement #18 Eligible Entity Regulatory Approach</i> .....	82
<i>Requirement #19 Certification of Compliance with BEAD Requirements</i> .....	83
<i>Requirement #20 Middle Class Affordability</i> .....	86



## Acronyms

**Commented [RL1]:** This list will not be submitted to the NTIA

Acronym	Definition
<b>ACP</b>	Affordable Connectivity Program
<b>ANR</b>	Agency of Natural Resources
<b>BABA</b>	Build America, Buy America Act
<b>BEAD</b>	Broadband Equity, Access, and Deployment
<b>CAI</b>	Community Anchor Institution
<b>CAPEX</b>	Capital expenditure
<b>CUD</b>	Communications Union District
<b>DEA</b>	Digital Equity Act
<b>EHP</b>	Environmental and Historic Preservation
<b>FCC</b>	Federal Communications Commission
<b>Gbps</b>	Gigabits per second
<b>ISP</b>	Internet Service Provider
<b>Mbps</b>	Megabits per second
<b>NEKCA</b>	Northeast Kingdom Community Action
<b>NEPA</b>	National Environmental Policy Act
<b>NOFO</b>	Notice of Funding Opportunity
<b>NTIA</b>	National Telecommunications and Information Administration
<b>OSHA</b>	Occupational Safety and Health Act
<b>PSD</b>	Public Service Department
<b>RDOF</b>	Rural Digital Opportunity Fund
<b>SAC</b>	Special Award Condition
<b>SCRM</b>	Supply Chain Risk Management
<b>VCBB</b>	Vermont Community Broadband Board



## Introduction

**Commented [RL2]:** This section will not be submitted to the NTIA.

The Infrastructure Investment and Jobs Act (Infrastructure Act or IIJA), passed into law in 2021, includes a significant investment of \$65 billion to help close the digital divide and ensure that all residents have access to reliable, high speed, and affordable broadband. This historic funding will lay critical groundwork for widespread availability and adoption of broadband, creating new jobs and economic opportunities, providing increased access to healthcare services, enriching educational experiences of students, and improving overall quality of life for all residents.

The National Telecommunications and Information Administration (NTIA) is administering two grant programs for states: the Broadband Equity, Access, and Deployment (BEAD)<sup>1</sup> program and the Digital Equity Act program.<sup>2</sup> The Vermont Community Broadband Board (VCBB) of the Public Service Department (PSD) has been tasked with developing Vermont’s strategy for broadband and digital equity, and the State’s plan for administering the funding it receives from NTIA. The required components and process for the BEAD program are summarized in Figure 1.

The Initial Proposal serves as Vermont’s proposed plan, submitted for NTIA approval, to administer subgrants with BEAD funding to achieve the intended purpose of the BEAD program: “every resident has access to a reliable, affordable, high-speed broadband connection, utilizing all funding available to be brought to bear to accomplish this goal, including but not limited to BEAD Program funds.”

<sup>1</sup> The BEAD NOFO details the requirements of the program with which Vermont and subgrantees must comply. It is available here: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>.

<sup>2</sup> The Digital Equity Act Program Notice of Funding Opportunity details the requirements of the program with which Vermont and subgrantees must comply. It is available here: <https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/DE%20PLANNING%20GRANT%20NOFO.pdf>.



Figure 1. BEAD Components and Process

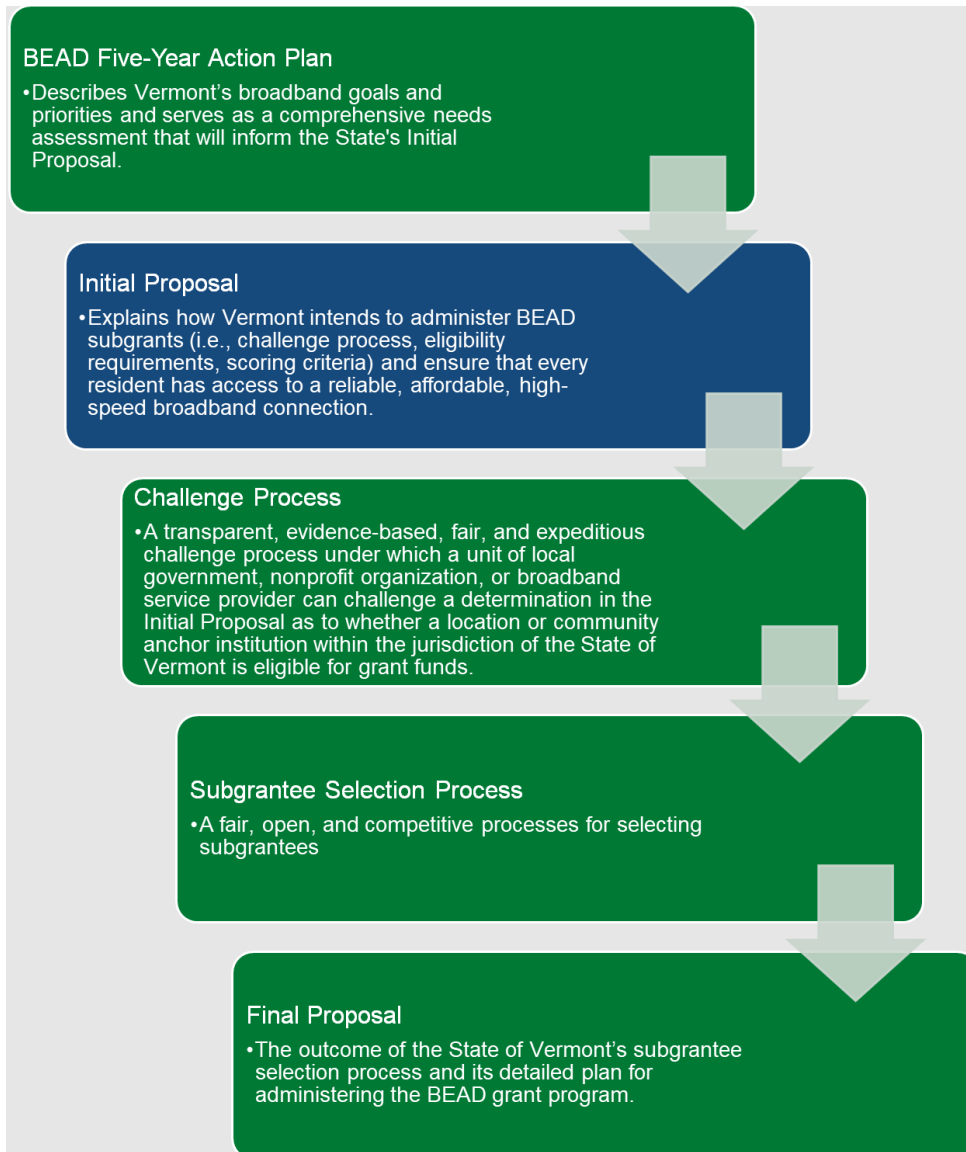
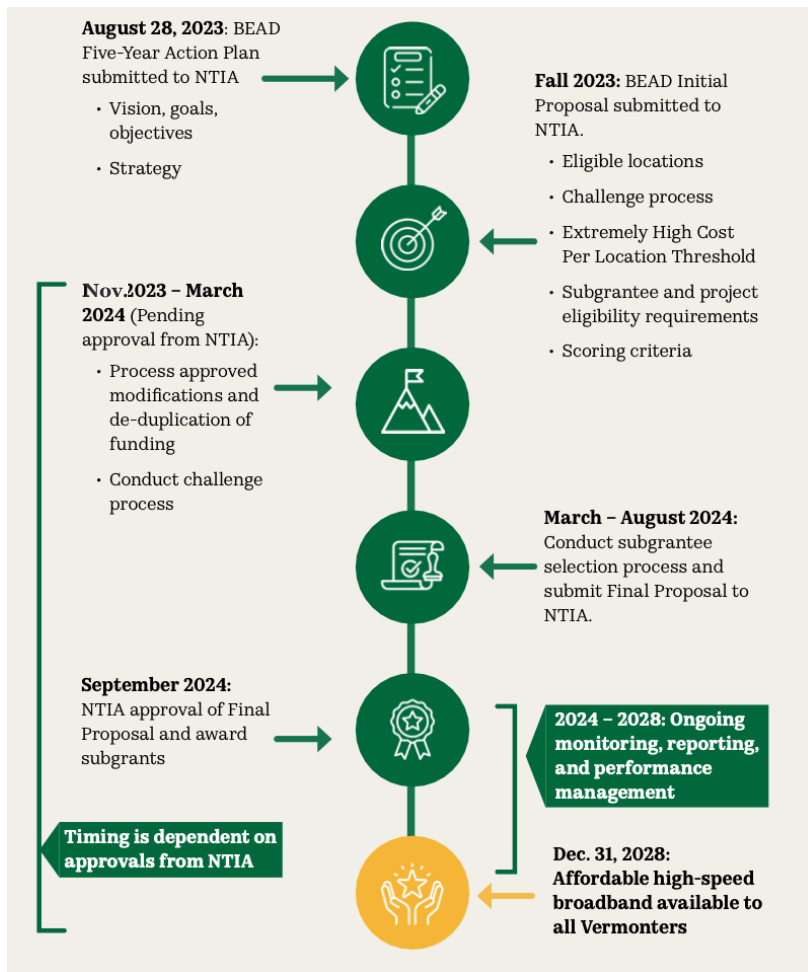




Figure 2 summarizes Vermont’s estimated timeline for completing the BEAD program and achieving universal access to reliable and affordable broadband service across Vermont.

Figure 2. Vermont’s Estimated Timeline for Universal Service





This document represents **Volume 2** of Vermont's Initial Proposal. NTIA allows BEAD Eligible Entities to submit the Initial Proposal in two volumes:

- ▶ **Initial Proposal Volume 1** was released for public comment in July and included the following BEAD requirements:<sup>3</sup>
  - Existing Broadband Funding (Requirement #3)
  - Unserved and Underserved Locations (Requirement #5)
  - Community Anchor Institutions (CAIs) (Requirement #6)
  - Challenge Process (Requirement #7)
- ▶ **Initial Proposal Volume 2** (this document) includes the following BEAD requirements:
  - Objectives (Requirement #1)
  - Local, Tribal, and Regional Broadband Planning Process (Requirement #2)
  - Local Coordination (Requirement #4)
  - Deployment Subgrantee Selection (Requirement #8)
  - Non-Deployment Subgrantee Selection (Requirement #9)
  - Eligible Entity Implementation Activities (Requirement #10)
  - Labor Standards and Protections (Requirement #11)
  - Workforce Readiness (Requirement #12)
  - Minority Businesses, Women-Owned Business Enterprises, and Labor Surplus Area Firms Inclusion (Requirement #13)
  - Cost and Barrier Reduction (Requirement #14)
  - Climate Assessment (Requirement #15)
  - Low-Cost Broadband Service Option (Requirement #16)
  - Use of 20 Percent Funding (Requirement #17)
  - Eligible Entity Regulatory Approach (Requirement #18)
  - Certification of Compliance with BEAD Requirements (Requirement #19)
  - Middle Class Affordability Plans (Requirement #20)

---

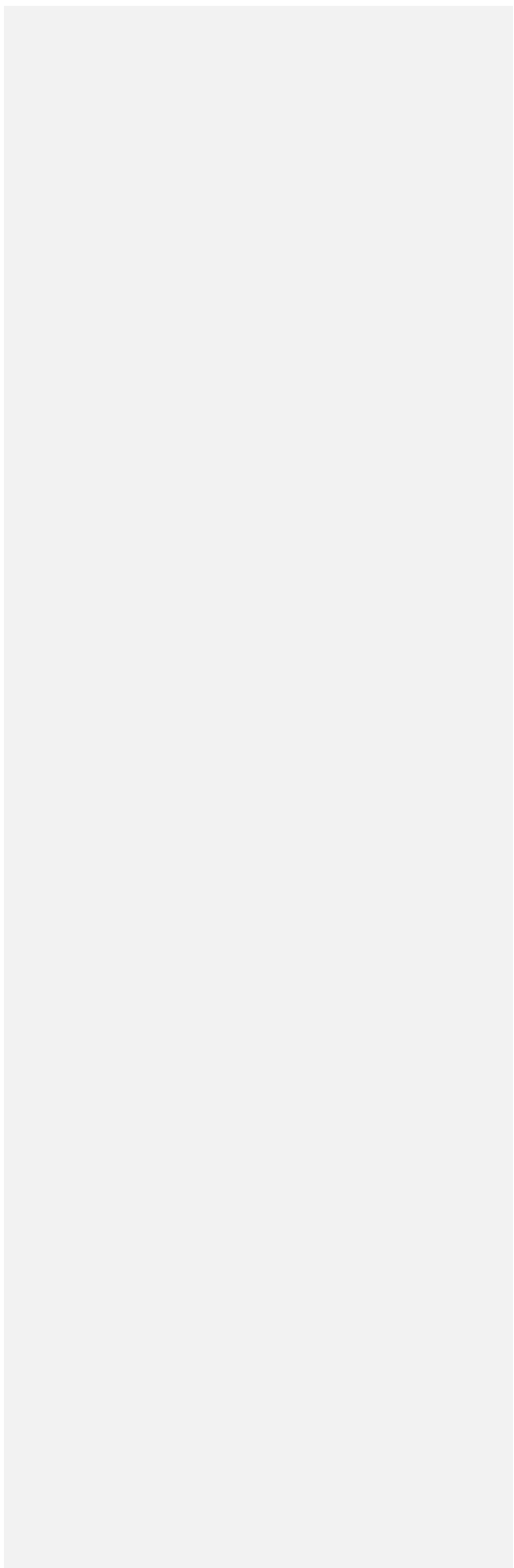
<sup>3</sup> National Telecommunications and Information Administration. "Proposed BEAD Challenge Process Guidance." Available at: [https://www.internet4all.gov/sites/default/files/202304/BEAD\\_Challenge\\_Process\\_Policy\\_Notice\\_-\\_Public\\_Comment\\_Draft\\_04.24.2023\\_0.pdf](https://www.internet4all.gov/sites/default/files/202304/BEAD_Challenge_Process_Policy_Notice_-_Public_Comment_Draft_04.24.2023_0.pdf).





The following sections describe the VCBB’s responses to NTIA’s required components and questions regarding Vermont’s proposed approach to administering the BEAD Program.

DRAFT





## Requirement #1 Objectives

**Commented [RL3]:** Per NTIA guidance, this section is directly taken from Vermont's previously submitted BEAD 5 year action plan.

**2.1.1 Text Box:** Outline the long-term objectives for deploying broadband; closing the digital divide; addressing access, affordability, equity, and adoption issues; and enhancing economic growth and job creation. Eligible Entities may directly copy objectives included in their Five-Year Action Plans.

Vermont's vision for broadband equity, access, and deployment is that Vermonters—now and in the future—have universal access to reliable, high-quality, affordable, fixed broadband at speeds of at least 100/100 Mbps, and that all Vermonters and institutions have the tools and skills to maximize the value Internet connectivity can offer. Vermont is working toward this vision by coordinating, facilitating, supporting, and accelerating community broadband solutions.

The social and economic benefits of high-quality Internet connectivity and online services are now widely understood and accepted. Connectivity has become integral to everyday activities from regular social interactions and access to media to participating in school or pursuing a career, responding to emergencies, improving farming efficiency and agricultural output, and combatting climate change.

Achieving universal high-speed Internet access for all residents isn't just a question of ensuring everyone has access to faster connections. It also involves making sure people can afford the fixed broadband services made available to them, have devices that enable them to productively work and learn online, and have the skills, comfort, and confidence to navigate and leverage online content and services.

To achieve this vision, the VCBB has defined five actionable goals, subsequent objectives, and indicators of success by December 31, 2028, and December 31, 2030. Specific priorities, plans, and activities are described later in the section titled Implementation Plan.

**Goal: Mobilize resources for end-to-end broadband infrastructure deployments to all unserved and underserved locations and Community Anchor Institutions (CAIs) in Vermont.**

*Objectives:*

- ▶ Leverage BEAD and other available funding resources to remove barriers and foster a competitive and sustainable market for broadband service across Vermont.



- ▶ Design and implement the BEAD grant program for reliable and resilient broadband infrastructure deployments that use scalable technologies appropriate to the local geography to expand high-speed broadband to (1) unserved locations lacking access to 25/3 Mbps broadband; (2) underserved locations lacking access to 100/20 Mbps broadband; and (3) connecting eligible CAIs.
- ▶ Assist subgrantees in securing funding from additional sources for broadband infrastructure deployments.

*Indicators of success by December 31, 2028:*

- ▶ 100/100 Mbps broadband or better available in 100 percent of currently unserved and underserved on-grid locations.
- ▶ 100/20 Mbps broadband or better available in 100 percent of currently unserved and underserved off-grid locations.
- ▶ One Gbps symmetrical broadband available to 100 percent of CAIs.

**Goal: Ensure sustainable, community-driven solutions across the entire state.**

*Objectives:*

- ▶ Design and implement a BEAD grant program that invests in infrastructure and digital equity initiatives with community support.
- ▶ Develop and strengthen partnerships with community stakeholders to identify opportunities for the VCBB to support and coordinate initiatives.
- ▶ Ensure BEAD-funded initiatives include commitments to future equipment upgrades and continued universal service coverage.

*Indicators of success by December 31, 2028:*

- ▶ 100 percent of BEAD subgrantees have documented meaningful community support or partnerships.

**Goal: Ensure high-speed broadband services and devices are affordable and advance digital equity for all Vermonters both during the BEAD performance period and into the future.**

*Objectives:*

- ▶ Promote the ACP and other related resources for broadband affordability and adoption.
- ▶ Assist communities with strategies and resources to ensure broadband affordability and accessibility, along with connecting communities with digital skilling and other related resources.



Indicators of success by December 31, 2028:

- ▶ 80 percent of households subscribe to fixed broadband.
- ▶ 60 percent of eligible households signed up for a broadband service subsidy (e.g., ACP).
- ▶ 95 percent of households own a laptop, tablet, or personal computer.
- ▶ 80 percent of population surveyed reports confidence in their digital literacy.
- ▶ 80 percent of ACP eligible households own a laptop, tablet, or personal computer.
- ▶ All Vermonters can choose from multiple service plan options and price points.

Indicators of success by December 31, 2030:

- ▶ 90 percent of households subscribe to fixed broadband.
- ▶ 70 percent of eligible households signed up for a broadband service subsidy (e.g., ACP).

**Goal: Enhance workforce development for broadband and the digital economy**

*Objectives:*

- ▶ Increase capacity of education and training programs to develop the talent pipeline.
- ▶ Increase industry awareness and involvement in the opportunities created by these programs.
- ▶ Promote, target and recruit participants in Vermont.
- ▶ Support for the industry to create sustainable employment opportunities.
- ▶ Establish a roadmap of career possibilities for participants in the Workforce Development Programs.
- ▶ Encourage the recruitment of Vermonters for jobs in the broadband ecosystem, including fiber technicians, flaggers, inspectors, trenchers, tree clearing crews, and electricians.

*Indicators of success by December 31, 2028:*

- ▶ 200 new local fiber technicians recruited and trained for a mix of inside (installing equipment, working with customers) and outside (running fiber) work through the VCBB's training program.



## Goal: Improve socio-economic conditions across Vermont

### Objectives:

- ▶ Ensure fair labor standards among subgrantees.
- ▶ Support workforce development opportunities in broadband-related industries.

Vermont will monitor several key performance indicators across the State and in funded network service areas to gauge the indirect impact of broadband access and digital equity initiatives on socio-economic factors, such as:

- ▶ Economic:
  - Unemployment rate
  - Number of remote workers
  - Household income level
  - Population change (gain/loss)
  - Rural community vacancy rates
  - Number of farms using Smart Farm technologies
- ▶ Health:
  - Utilization rates of telehealth services
  - Life expectancy
- ▶ Education:
  - High school graduation rates
  - Student performance on standardized test scores



## Requirement #2 Local, Tribal, and Regional Broadband Planning Processes

2.2.1 Text Box: Identify and outline steps that the Eligible Entity will take to support local, Tribal, and regional broadband planning processes or ongoing efforts to deploy broadband or close the digital divide. In the description, include how the Eligible Entity will coordinate its own planning efforts with the broadband planning processes of local and Tribal Governments, and other local, Tribal, and regional entities. Eligible Entities may directly copy descriptions in their Five-Year Action Plans.

Housed under the Public Service Department (PSD) of the State of Vermont, the VCBB is well-positioned to stay informed of and coordinate with other local, regional, and state-wide planning efforts related to telecommunications and digital equity. Since its establishment in 2021, the VCBB staff have sought to solidify relationships and coordination with local and regional entities. An important mandate of the VCBB is to support CUDs with their universal service and business plan development and implementation. CUDs are organizations comprised of two or more towns that join together as a municipal entity to build communication infrastructure together. Additionally, the VCBB connects with Regional Planning Commissions for mutual information-sharing and coordination. Regional Planning Commissions and CUDs are represented in the VCBB's Digital Equity Core Planning Team. The VCBB also supports the development of the State's Ten-Year Telecommunications Plan.

Vermont does not have federally recognized Tribal entities. However, the VCBB has actively prioritized outreach to its State-recognized Tribes.



## Requirement #4 Local Coordination

**Commented [RL4]:** As per NTIA guidance, this section is taken from Vermont's previously submitted BEAD 5 year action plan. It will be updated prior to final submission to the NTIA.

**2.3.1 Text Box: Describe the coordination conducted, summarize the impact such impact has on the content of the Initial Proposal, and detail ongoing coordination efforts. Set forth the plan for how the Eligible Entity will fulfil the coordination associated with its Final Proposal.**

Prior to the launch of the BEAD Program, the State of Vermont and Vermont's municipal CUDs had already conducted extensive stakeholder engagement to inform broadband strategy and policy. Each CUD was established through popular votes at town meetings or votes of publicly-elected selectboards. Indeed, the creation of the first CUD and the CUD model came about as a result of significant advocacy by the general public. This ultimately led to the formation of additional CUDs, and the adoption of Act 71 by the state legislature in 2021. Additionally, the PSD developed the Ten-Year Telecommunications Plan in 2021 using surveys, direct outreach to stakeholders, and public comment periods, and is currently working on an updated version of this plan.

Building on this history, the VCBB conducted extensive and inclusive external engagement as a central part of its process to develop the BEAD Five-Year Action Plan. The State has been intentional in crafting an equitable engagement and outreach process, which has been designed to engage all segments of Vermont's population. This comprehensive effort includes various forms of direct engagement with stakeholder organizations, including non-profits, local government officials, and broadband service providers, as well as extensive outreach efforts to the general public. Principles utilized during the development of this plan were:

- ▶ Conduct inclusive stakeholder engagement with intentional outreach to Underrepresented Communities.
- ▶ Build on prior work analyzing the State's broadband needs, lessons learned, and existing policies related to broadband and digital equity.
- ▶ Be data-driven: Use data and evidence to guide prioritization and decision-making.
- ▶ Ensure accessibility: The stakeholder engagement plan as well as subsequent materials and surveys were crafted in consultation with a Disability and Accessibility Strategist.

These efforts are described in detail below.

### Process

*Initial Planning and Establishment of the Digital Equity Core Planning Team*



The idea that the content of Internet for All plans should be guided and informed by public feedback has been central to the VCBB's strategy since these programs were announced. Prior to commencing the plan development process, the VCBB assembled an advisory working group called the Digital Equity Core Planning Team. This team was designed to include groups working with all of NTIA's Underrepresented Communities (as well as some particularly relevant to Vermont). Participants were selected based on their experience working directly on digital equity and broadband issues and their engagement with Underrepresented Communities statewide. Many of the representatives to the Digital Equity Core Planning Team are also members of the Underrepresented Communities that they work with, further underscoring their deep understanding of the experiences of these segments of Vermont's population. This group has been meeting on a biweekly basis since January 2023, and advised on the development of the external engagement process to ensure that it was equitable and would be effective in reaching all segments of Vermont's population. The group also has played a crucial role in the implementation of that process and in reaching members of Underrepresented Communities. Members of the Digital Equity Core Planning Team include:

- ▶ **The Adult Education and Literacy Network** provides free basic literacy and math instruction, high school diploma and General Educational Development completion, and English Language Learning classes.
- ▶ **The Association of Area Agencies on Aging** represents five non-profits across the State that help aging individuals access caregiver support, meal programs, transportation, and other services.
- ▶ **The Association of Planning and Development Commissions** represents Vermont's 11 regional planning commissions, which act as a link between municipal affairs and state government.
- ▶ **The Community Action Partnership** is a network of five non-profit organizations that provides programs and services to low-income Vermonters.
- ▶ **The Department of Corrections** is a government agency that oversees six prisons across the State and 12 probation and patrol offices.
- ▶ **The Department of Disabilities, Aging, and Independent Living** is a government agency that offers services for Vermonters over 60 and individuals with physical or developmental disabilities.
- ▶ **The Department of Libraries** provides services to public and school libraries and houses the Audio, Braille, Large-print, and Electronic-books and Vermont State Libraries.
- ▶ **The Vermont Office of Racial Equity** partners with non-profits and local, state, and federal government to advance equity and social justice.





- ▶ **The U.S. Committee on Refugees and Immigrants** provides education, workforce development, translation, resettlement, and integration services to Vermont's newcomers.
- ▶ **The U.S. Department of Housing and Urban Development** administers programs to ensure fair and equal housing opportunity for all.
- ▶ **The Vermont Center for Independent Living** supports individuals with disabilities so that they can live in their own homes and make their own decisions.
- ▶ **The Vermont Communications Union District Association** serves to unite the interests of Vermont's growing municipal Internet networks, devising ways to share resources and voicing CUD consensus on critical policy issues.
- ▶ **The Vermont Council on Rural Development** is a partnership of national, state, and local non-profit, government, and business leaders that works to address issues facing rural communities.
- ▶ **The Vermont Veterans and Family Outreach Program** is part of the Office of Veterans Affairs and helps veterans and their families obtain the benefits they have earned through their service.

Once this team was established and the VCBB selected a consulting team that would support plan development and drafting, the VCBB developed its comprehensive external outreach plan. Digital Equity Core Planning Team members were involved in the development of the external engagement plan in the form of a brainstorm which was held prior to the development of the external engagement plan and provided feedback on the draft of the plan prior to finalization. This helped maximize the effectiveness of the outreach strategy, particularly in reaching Underrepresented Communities, and ensured the buy-in of the Core Planning Team as they assisted in implementing these plans.

#### *Identification of Stakeholders*

The VCBB made an exhaustive effort to identify all applicable stakeholders and bring them into this plan development process. The VCBB started by identifying stakeholders to participate in the Digital Equity Core Planning Team. Once the Digital Equity Core Planning Team was established and the VCBB's broadband consultant was selected, the collective group brainstormed an extensive list of relevant organizations to target for outreach. Vermont also worked to identify particularly relevant Underrepresented Communities that should be targeted for outreach beyond those suggested in the BEAD and Digital Equity Act (DEA) NOFOs. Vermont reached out extensively to groups working directly with the following populations:

- ▶ Low-income households
- ▶ Aging individuals (60 and above)



- ▶ Incarcerated individuals (formerly and currently)
- ▶ Veterans
- ▶ Individuals with disabilities
- ▶ Individuals who have a language barrier, including individuals who are English learners and those who have low levels of literacy
- ▶ Individuals who are members of a racial or ethnic minority group
- ▶ Religious minorities
- ▶ Individuals who primarily reside in a rural area
- ▶ Members of state-recognized Abenaki Tribes (Vermont does not have any federally recognized tribes, but the VCBB has still sought input and engagement from local Tribal organizations within Vermont)
- ▶ Individuals who are LGBTQIA+
- ▶ Organized labor
- ▶ Unhoused individuals
- ▶ Migrant farmworkers
- ▶ Children and youth

Outreach to these groups included arranging individual meetings to discuss the experience of the organization and the populations they serve related to the digital divide, as well as collaborating with these organizations to distribute the survey the VCBB developed (described below). These groups were also encouraged to respond to the Request for Input issued by the State of Vermont to inform this plan, which is also discussed in detail below.

#### *Public Awareness*

Vermont leveraged traditional and social media to ensure that there was widespread awareness of the development of Internet for All plans, as well as opportunities for the public to provide feedback. The Internet for All planning process received media coverage from television, radio, print, and online news outlets. Several members of the public, including those who attended virtual and in-person listening sessions, noted that they were made aware of the feedback opportunities through media coverage.

Vermont also leveraged two networks that are unique to Vermont: Front Porch Forum and the Vital Communities Listservs. Front Porch Forum is a network of individual community message boards which residents can join for updates from businesses, elected officials, and fellow community members. The Listservs predate the Forum and are popular in the Upper Valley towns of East-Central Vermont, which has prevented Front Porch Forum from gaining traction in that area. The VCBB ensured that public engagement events (described in detail below) were shared on Front Porch Forum and the Listservs in the communities relevant to the event. This was accomplished by



contacting individuals within the VCBB's network who were members of relevant communities to post information. Vermont also purchased an advertisement which appeared on Front Porch Forum pages across the state, publicizing the public feedback process and providing a link individuals could visit to learn about in-person listening sessions and ongoing opportunities to provide feedback.

### *Survey*

The VCBB developed and released a voluntary survey to collect feedback from Vermonters, particularly those who were unable or unwilling to attend public events. The survey was developed in close concert with the Digital Equity Core Planning Team and included 18 questions on Vermonters' experience with the digital divide along with eight demographic questions to understand which Vermonters were providing feedback. A copy of the survey is available as Appendix II: Public Survey Questions.

Questions for the survey were developed and reviewed by the entire project team to ensure that the feedback collected through the survey would be useful in developing the plan and that the survey provided a comprehensive overview of respondent Vermonters' experience with Internet connectivity. The survey was reviewed for accessibility by Converge Accessibility (a disability and accessibility strategy firm) and for plain language and readability by Green Mountain Self Advocates, a Vermont-based group that advocates for individuals with intellectual and developmental disabilities and has members of that community on staff. It was also made and distributed on an accessible platform (Microsoft Forms). A Spanish language version of the survey was also developed, as this was of particular importance to the migrant farmworker community.

The survey was distributed extensively through a variety of channels. Digital Equity Core Team members distributed the survey widely throughout their own networks and posted on social media channels. The VCBB made exhaustive efforts to distribute the survey; it was included in all press releases that were issued after its publication and was posted on all the VCBB social media channels. The VCBB sent the survey to members of the Vermont Senate and General Assembly, Vermont's Regional Planning Commissions, Communications Union Districts, school superintendents, town clerks, and submitted it to various organizations for inclusion in newsletters. The VCBB also worked with the Vermont Department of Corrections to have the survey distributed to currently incarcerated Vermonters during educational programming. It was always sent with a request to recipients to distribute it to their networks. Members of the project team also distributed the survey to various organizations throughout the State as identified through the stakeholder identification process described above. Members of the project team, including Digital Equity Core Planning Team members, consulting staff, and Vermont staff members, also shared the survey on their personal social media channels. In total, Vermont received over 2,048 survey responses (as of August 8, 2023).



### *Events*

In addition to the survey, Vermont offered real-time opportunities for the public to provide feedback and ask questions about the BEAD and Digital Equity planning process. Vermont hosted two virtual listening sessions via Zoom, and six in-person listening sessions in communities across Vermont. Based on current broadband availability and adoption data for the State of Vermont, event locations were chosen proximate to areas with the lowest rates of broadband availability and adoption, while also balancing with the need to have geographic breadth across the state. When possible, event locations were also chosen to ensure easy access to major roads and highways to increase the likelihood of participation for those not from the immediately surrounding region. The events were held most frequently in the evenings, to avoid conflicting with work commitments, with one virtual listening session occurring at noon on a weekday (during popular lunch times), and one in-person event occurring on a weekend. Activities for children were made available for any attendees who could not secure childcare.

Events were planned in close consultation with the Disability and Accessibility Specialist to ensure they would be accessible. In-person events were held exclusively in ADA-accessible locations, with a particular focus on existing gathering places and trusted locations like libraries (where most events were held) and town halls. At virtual events, American Sign Language Interpreters were engaged through the entire event providing real-time interpretation services. Accessibility accommodations were also available for all in-person events by request.

In total, 145 Vermonters attended these real-time listening sessions. Attendees included several small business owners and representatives of relevant stakeholder organizations. The presentation delivered by the VCBB at the start of these events is attached as Appendix III: Listening Session Introductory Presentation.

The VCBB also identified events where Vermonters, and particularly Vermonters who were members of Underrepresented Communities, were already gathering, and, where appropriate, established a presence at these events. Events attended included the Vermont Veterans Summit, a VTRID Barbecue (for members of the deaf, hard of hearing, late deafened, DeafBlind, and DeafDisabled community), a World Refugee Day celebration, and an ACP enrollment and outreach event hosted by the Department of Housing and Urban Development and the Barre Housing Authority. At these events, members of the project team distributed the public feedback survey, assisted individuals in completing the survey, and answered questions about the Internet for All planning process.

### *Coordination with Ongoing Efforts*

Throughout the implementation of Vermont's BEAD program, the VCBB will continue to provide updates to interested stakeholder organizations. This will involve close engagement with subgrantees to work with them through the subgrantee application



and project deployment processes and monitor and ensure accountability for achieving the intended program objectives. As subgrantees are selected and project areas are further refined, the VCBB will also engage relevant municipalities and Regional Planning Commissions (agencies that support and regulate local land and community development in Vermont). The Association of Regional Planning Commissions is already a member of the Digital Equity Core Planning Team and has been regularly updated on Internet for All planning efforts.

The VCBB will also continue to collect data and track broadband availability across the state as well as new funding resources that ISPs could leverage to complement BEAD-funded networks and enhance the availability and resiliency of broadband services for Vermonters. The VCBB will continue to convene the Digital Equity Core Planning Team and BEAD and Digital Equity Plans, maintain local coordination, and identify opportunities for further collaboration.

The VCBB also plans to continue to provide updates to members of the public on progress of the Internet for All programs, and work with its subgrantees to ensure the public is informed of new service availability. It will leverage partnerships with other state agencies, local government, and community organizations to spread the word.

There are several information gathering and public outreach efforts currently ongoing in Vermont. To minimize duplication and confusion and to avoid overburdening the public with requests for feedback on similar topics, the VCBB felt it was important to combine outreach efforts to the extent possible throughout this process.

- ▶ **Vermont Veterans Outreach:** Vermont Veterans Outreach is attending a variety of outreach events throughout the summer that are specifically tailored to the veterans community. On Saturday June 24, for example, Vermont Veterans Outreach attended an outreach event hosted by the Department of Veterans Affairs. Vermont Veterans Outreach is distributing the survey and assisting with completion at these events.
- ▶ **Housing and Urban Development:** The Department of Housing and Urban Development is hosting ACP enrollment events throughout the state. As described above, members of the project team attended the first of three outreach events, hosted in Barre, and used it as an opportunity to collect survey feedback. Survey distribution will continue at future events.
- ▶ **Northeast Kingdom Community Action (NEKCA):** NEKCA recently received an ACP Outreach Grant from the FCC. The project team coordinated with NEKCA staff to ensure that they would distribute the Internet for All survey during their outreach efforts (when appropriate) and to coordinate stakeholder outreach events.
- ▶ **Vermont's Ten-Year Telecommunications Plan:** The PSD is beginning an update to its Ten-Year Telecom Plan. The VCBB and the PSD coordinated on



the timing of outreach and identified opportunities to share data and information.

- ▶ **Affordable Connectivity Program (ACP) Outreach Coordination:** Given the similar work being performed by three of these groups (in addition to a planned focus on increasing ACP uptake in Vermont's forthcoming Digital Equity Plan), the VCBB convened a meeting of all groups working on ACP outreach in the State. This allowed the groups to synchronize strategies, identify gaps in outreach to and support for ACP-eligible households, and coordinate future efforts.

**Internet Service Provider (ISP) Planning:** To understand how to most effectively make use of available funds, the VCBB has sought to understand what grant funding as well as private build plans ISPs and CUDs already have and for which geographic locations. Vermont continues to coordinate extensively with these organizations to develop that understanding, which will inform the BEAD deduplication of funding process.

#### *Request for Input*

At the end of May, the VCBB released a Request for Input (RFI) on the BEAD Program. The purpose was to solicit feedback and suggestions to inform grant funding, eligibility, and compliance for funds distributed by the State as part of the BEAD Program. Vermonters have put a lot of thought and effort into increasing broadband access, and the VCBB felt it was crucial to give them several opportunities to voice their ideas on how to best continue that work. The RFI was distributed via the VCBB's website, LinkedIn, and distributed via email to stakeholders including those at ISPs and CUDs. Vermont received 44 responses to its Request for Input. A description of the responses is attached as Appendix IV.

#### *Individual Engagement with Stakeholder Organizations*

In addition to the RFI, Vermont augmented this extensive public feedback with direct outreach to a multitude of stakeholder organizations. Outside of the Digital Equity Core Planning Team, the VCBB undertook multiple levels of direct engagement with ISPs, non-profits and community-based organizations, and other government officials and agencies.

For organizations that will be most directly impacted by the BEAD program, particularly ISPs and CUDs, the VCBB provided multiple avenues for engagement. The project team met with ISPs and CUDs individually, in addition to meetings and conversations with the VCUDA. These groups were also given an opportunity to schedule time to ask questions during weekly "office hours," where representatives of both the VCBB and the broadband consulting team were in attendance. Gathering feedback from these groups, which represent the likely subgrantees of Vermont's BEAD funds, is especially crucial in developing a subgrantee selection process that is practical and workable while adhering to Vermont's vision and goals.



The VCBB also engaged the Digital Equity Core Planning Team members, statewide non-profits and government agencies, and local community organizations that work closely with Underrepresented Communities to discuss their and their community's experience with the digital divide. These groups also contributed suggestions for how to make this plan as successful as possible for everyone in Vermont. Examples of such organizations include Working Fields, a workforce development organization for the formerly incarcerated, Migrant Justice, an organization that supports migrant farmworkers and their families, and Vermont Council on Rural Development, an economic development organization that has worked specifically on digital equity issues in the past. These organizations provided feedback that was used to inform the plans and were also particularly important in expanding the reach of the VCBB's survey into Underrepresented Communities.

If organizations were not receptive to scheduling or too busy with other priorities to schedule an individual meeting, the VCBB continued to reach out via email to those groups to pass along information on public feedback opportunities. Those organizations could then forward the information along to their various email lists.

#### *Public Comment Period*

A draft of Vermont's BEAD Five-Year Action Plan was released for 18 days of public comment. Vermont's Initial Proposal Volume 1 was released for 30 days of public comment, and a draft of Volume 2 will be released for the same duration. Vermont worked proactively with those who submitted feedback to address any concerns and further refined the Five-Year Action Plan prior to its finalization and submission.

The VCBB undertook a public awareness campaign to ensure interested parties were aware of the public comment period. This included outreach to television, print, online, and radio outlets, outreach to stakeholder organizations who have already participated in the external engagement process during the plan development phase, and a public briefing where Vermont officials provided a summary of the draft plan and an overview of how to submit comments.

In summary, this extensive external engagement process, which included outreach to government agencies, ISPs, CUDs, nonprofits, community organizations, elected officials, and the Vermont public, resulted in:

- ▶ Bi-weekly meetings of the Digital Equity Core Planning Team
- ▶ Six regional in-person events
- ▶ Two statewide virtual events
- ▶ 22 virtual "roundtables"— convening group conversations, as well as individual meetings with relevant stakeholder groups as identified by the VCBB



- ▶ 13 one-on-one interviews with members of the Digital Equity Core Planning Team, CUDs, and several ISPs
- ▶ Five community-based events specifically targeting Covered Populations
- ▶ 44 responses to the request for public input on the BEAD Five-Year Action Plan and Initial Proposal
- ▶ 2,048 responses to the community survey (as of August 8, 2023)
- ▶ 150 emails and phone calls received containing feedback from Vermonters (as of August 8, 2023)
- ▶ Public comment periods for each of the draft BEAD Five-Year Action Plan, draft Initial Proposal Volume 1, and draft Initial Proposal Volume 2.

### *Results*

Vermonters provided extensive feedback on a variety of aspects of the digital divide.

### *Accountability to the public*

Vermont has a history of unfulfilled broadband network deployment commitments. As a result, Vermonters consistently cite accountability as a top priority for the BEAD program. Dozens of written comments (collected through qualitative survey response and through email) referenced this history and mistrust of large privately-owned ISPs. This issue was also mentioned at four of the listening sessions where comments were met with widespread agreement. Several attendees at multiple in-person events voiced a preference for municipally owned and operated broadband providers considering this accountability concern, a sentiment that was echoed in 45 written public comments.<sup>4</sup>

Another area stakeholders focused on was accountability of providers to existing customers. 27 percent of those surveyed reported poor customer service by ISPs (albeit without distinguishing between those publicly- or privately-owned).<sup>5</sup> This was supplemented by significant qualitative feedback related to ISP service. An attendee at the Newport listening session (who is a disabled, 74-year-old female Veteran currently pursuing her master's degree at the University of Vermont) reported that she spent the past 18 months being told by her provider that issues with her Internet connectivity were related to the computing device she was using. She purchased a new computer, at

---

<sup>4</sup> The VCBB acknowledges that the IIJA and BEAD programs require States to consider “all provider types” in a fair and competitive process. The NTIA BEAD NOFO states that “[t]he Eligible Entity may not exclude, as a class, cooperatives, nonprofit organizations, public-private partnerships, private companies, public or private utilities, public utility districts, or local governments from eligibility as a subgrantee.” For additional information on these requirements see the BEAD NOFO at p. 37.

<sup>5</sup> It is not clear from survey responses whether this means that the remaining 69% of survey respondents are satisfied with ISP customer service.





significant personal cost, had the same connectivity issues, and was again told by the provider that the problem was her computing device. She again spent significant time working with the device manufacturer, who eventually determined that the bandwidth of her home connection was at issue. Multiple other attendees at listening sessions across the state reported being unable to reach customer service lines for their provider and unsatisfactory resolution to issues. This is coupled with reported consistent rate increases despite no improvements in service and existing service which infrequently reaches advertised speeds, which are already well below the BEAD program's 100/20 Mbps benchmark for high-speed broadband service.

It is important to note that attendance at stakeholder events, formal comments, and responses to surveys was voluntary. In addition, given the goals of the BEAD Program, stakeholder events were intentionally held in parts of the State with lower rates of broadband availability and adoption. It is possible that those who attended these events or responded to the RFI or survey are not representative of all Vermonters. Nonetheless, they do represent a vocal and largely dissatisfied group.

Robust accountability measures in the administration of BEAD subgrants, therefore, will be of immense importance in securing the buy-in of the Vermont public and to avoid the pervasive and negative experience that has proven widespread in the State. Many Vermonters' preference for municipally-owned broadband networks, and CUDs in particular, reflects their desire to have more direct and timely access to their providers and a mechanism for ensuring accountability.

#### *Affordability*

Affordability was consistently raised as the number one barrier for many Vermonters in accessing the Internet. 50% of Vermonters surveyed described the cost of Internet service as too high, and 28% of respondents who do not have a home Internet connection indicated that high costs were at least one of the reasons why. It will be crucial that Vermont ensures that low-cost, high-speed plans are available to all low-income and middle-class households using a BEAD-funded network.<sup>6</sup>

Vermont stakeholder organizations that work with low-income communities consistently raised the point that while the ACP is helpful, a \$30 per month discount is not enough of a subsidy to make Internet affordable for many Vermont families, due to the high overall cost of service. While maintaining funding for the ACP is crucial, these organizations believe that Vermont should consider a supplemental program to further subsidize the cost of service for families. This feedback was echoed by event attendees at multiple listening sessions. In one case, an attendee (a 35-year-old Black man with disabilities living in a rural area) described the challenges he has affording his \$80/month Internet service. The burdensome application process, coupled with customer service issues with his provider in getting the ACP benefit applied, have meant that he continues to

---

<sup>6</sup> BEAD NOFO, p.66.



pay \$80/month for inadequate service. He expressed the importance of not just making the ACP sign up process easier, but of also taking further measures to ensure affordability.

An additional concern among Vermonters is lack of price competition. Many Vermonters express concerns about being served by a single provider of broadband services. Indeed, only 48 percent of Vermonters have access to at least two providers of 100/20 Mbps broadband services. Without any or many competitive options, this means consumers have limited options if and when their service provider raises prices. During public listening sessions, many Vermonters alleged price increases of 50 percent or more every two years, while speeds and service quality have continued to degrade. The Vermont public finds such actions totally unacceptable.

Particularly given the subsidy amounts that BEAD subgrantees will be receiving to build out broadband infrastructure, Vermonters are concerned that ISPs will fall into the same practice of regular rate increases, despite no improvement in service. Accountability measures and/or limits on price increases will be important to ensure that service is not only affordable now but remains affordable into the future.

#### *Availability*

Availability of high-speed Internet service has been central to feedback received from Vermonters. Many virtual listening session participants complained about the lack of available high-speed Internet connectivity where they live. 46% of survey respondents described available Internet connectivity as too slow.

The negative implications of this lack of availability are multi-layered and profound. Particularly for an elderly and rural population, the Internet can be the only place to keep up with one's friends and family.

Coupled with a lack of cellular coverage, available high-speed home broadband is also a safety issue. At Vermont's Burke listening session, one of the attendees, who works in Outpatient Services for the region's main mental healthcare facility, described a total inability to connect with patients in crisis during COVID due to the unavailability of service that could support something as basic as a Zoom call at his home. For people in crisis, the inability to connect to services can be a life-or-death hurdle. Another attendee at the Newport listening session, a woman in her 70s recovering from cancer, who has an extremely slow connection and significant reliability issues, lives alone and was ill during her cancer treatment. She was unable to reach out to any of her friends or her care team for multiple days due to an extended outage of her connection and was forced to wait until a friend who lives internationally contacted law enforcement for a welfare check before she was able to seek help.



### *Reliability*

Service reliability has proven to be a major challenge for Vermonters. 40 percent of survey respondents cited reliability issues as being one of their chief complaints about their Internet experience, and 22 percent of survey respondents (as of August 8, 2023) indicated that they experience Internet outages, inability to place or take video calls, at least twice a week (with 22 percent indicating they experience those issues at least once a day). Issues of service reliability were also brought up during every listening session held by VCBB related to this project.

One of the attendees at Vermont's Rutland- based listening session shared that she lives at the end of a dirt road with no reliable connectivity options. She is the caretaker for her husband, who has advancing Alzheimer's Disease, and with no family nearby, is his only support. To regain some independence and ability to leave the house, she purchased livestreaming cameras to place throughout the house to monitor her husband when she's running errands. Her Internet connection at home is so unreliable that the livestream fails almost every time she is out of her house, which has resulted in her being confined to her home again. She is also unable to make tele-health appointments for her husband due to their unreliable Internet connection, greatly increasing the burden of her caregiving.

While the BEAD NOFO requires that all BEAD- funded network deployments satisfy network reliability requirements, it is essential that service reliability is scrutinized in the selection of any non-fiber technologies considered for BEAD funded network deployments. Vermont is a location with both a challenging topography and an extreme climate. The ability of technology to navigate dense trees and mountainous topography in all four seasons is critical. Reliability of technology in extreme cold, snow, and heavy rainfall will also be essential.

### *Technology*

Most Vermonters who provided input declared a strong preference for fiber-optic broadband. At all but one of the events hosted by the VCBB related to this project, most residents expressed the belief that fiber is the only technology that can reliably serve Vermonters, particularly given the topography of the state. This feedback also reflects the feedback received from stakeholder organizations. During one stakeholder meeting, the founder of a non-profit based in Vermont expressed the implications of the lack of fiber availability on Vermont's economy and workforce. He noted that:

"Fiber is the future. From a worker retention and attraction perspective, we are finding it challenging to attract the type of talent that we want to our organization without high-speed, affordable, and reliable Internet access being consistently available. We frequently see UVM graduates forced to leave the state not because they want to, but because the types of high-paying, computer-based jobs are uncommon in Vermont. One of the main reasons for that is the lack of high-speed Wi-Fi (and particularly fiber)



availability. For Vermont to build a 21st century workforce, it needs 21st century connectivity.”

Additionally, there is a particular sensitivity among some Vermonters of treating those in rural areas as “second-class,” and receiving a less reliable and less future-proof connectivity option. It is the VCBB’s expressed goal to connect as many Vermont households to fiber as possible. However, in situations where connecting an address would exceed the VCBB’s extremely high cost per location threshold and alternative lower-cost technologies are being proposed, it will be important to reassure Vermonters of the reliability and speed capabilities of alternative technologies being deployed.

#### *Community Anchor Institutions*

Vermont is a state of small cities and towns, where many communities do not have many of the CAIs that people living in more developed areas of the country would consider a given. Therefore, it was particularly important to get feedback from the public on locations that serve as central gathering points within the community, including for Underrepresented Communities and where individuals may go to access services.

The statutory definition of a “Community Anchor Institution”, as provided by Section 60102(a)(2)(E) of the Infrastructure Act, is an entity such as a school, library, health clinic, health center, hospital or other medical provider, public safety entity, institution of higher education, public housing organization, or community support organization that facilitates greater use of broadband service by vulnerable populations. These populations include, but are not limited to, low-income individuals, unemployed individuals, children, the incarcerated, and aged individuals. The categories that are provided in the NTIA definition adequately capture some, but not all, of the types of organizations that are facilitating the use of broadband service by vulnerable populations in Vermont.

The VCBB asked members of the public and stakeholder organizations what important community locations were missing from this list. Feedback highlighted how many community hubs are different in each town and region of Vermont, and often they are private businesses. The suggestions provided valuable input for understanding how to get the word out about proposed broadband networks, new services available, and digital equity resources.

Therefore, Vermont has proposed to expand the definitions of community support organizations and institutions of higher education, as well as add five additional categories to the existing CAI list provided in the BEAD NOFO. Vermont’s list of CAI types is:

- ▶ PreK-12 schools
- ▶ Higher education institutions (such as University of Vermont, and Community College of Vermont)



- ▶ Workforce development organizations (such as VT Department of Labor locations, Working Fields, and Pathways VT)
- ▶ Adult education agencies (such as VT Adult Education, and Central Vermont Adult Basic Education)
- ▶ Libraries
- ▶ Health clinics, health centers, hospitals, and other medical providers
- ▶ Public safety entities (such as police departments, fire departments, and EMS headquarters, Red Cross emergency shelter locations)
- ▶ Public housing (such as housing and urban development-assisted housing)
- ▶ Neighborhood organizations and community centers, including community centers and neighborhood gathering spaces located on Tribal lands
- ▶ Houses of worship (such as churches, synagogues, mosques, and temples)
- ▶ Local and/or state government buildings (such as town halls, city halls, town clerk offices, and courthouses)
- ▶ Housing shelters (such as COTS)
- ▶ Social service agencies (such as Age Well)
- ▶ Correctional facilities and juvenile detention centers
- ▶ Public outdoor spaces (such as community gardens and park and rides)
- ▶ Community media centers
- ▶ General stores

### **Continued Coordination During Remaining Plan Development and Plan Implementation**

External engagement will continue throughout the development and implementation of Vermont's BEAD Program. For the next several months, the VCBB will continue to reach out extensively to stakeholder organizations in the context of the development of the Digital Equity Plan and the BEAD Initial and Final Proposals. This outreach will include continued direct outreach to stakeholder organizations, and particularly those organizations that are working in the digital equity space and/or well-positioned to play a role in the implementation of the Digital Equity Plan.

Throughout the implementation of Vermont's BEAD program, the Vermont project team will continue to provide updates to interested stakeholder organizations. This will naturally include extensive coordination and engagement with subgrantees to work with them through the subgrantee application and project deployment processes. It will also be particularly important to be aware of additional broadband infrastructure grant funding that is coming into the State through programs like ReConnect, and to have an



up-to-date map and understanding of the current state of access in Vermont. This will also include providing continued updates to organizations who have participated in the plan development process. The Digital Equity Core Planning Team will continue to advise the VCBB throughout the implementation of the BEAD and Digital Equity Plans.

The VCBB will also continue to coordinate with organizations doing complementary outreach, including the organizations described above. This will also include identifying additional related initiatives that commence during the plan implementation process. ACP outreach coordination meetings will continue monthly for the foreseeable future, and additional groups will be added if additional ACP outreach programs are initiated in Vermont.

The VCBB will pursue the following strategies to ensure informed and coordinated stakeholder engagement and collaboration:

- ▶ **Public comment periods on draft plans:** All Vermont's drafts under the Internet for All Plans are being released for public comment before the VCBB finalizes the documents.
- ▶ **Ongoing convening of the Digital Equity Core Planning Team and Workforce Development Team:** The VCBB will continue to convene these working groups to advise the VCBB throughout the implementation of the BEAD and Digital Equity Plans, maintain local coordination, and identify opportunities for further collaboration.
- ▶ **Ensure alignment with the Digital Equity Plan:** The same staff and consulting team for the VCBB are developing the BEAD and the Digital Equity Plans—a deliberate approach to ensure alignment between the two programs.
- ▶ **Local government coordination:** The VCBB will continue to maintain close contact and coordination with local government structures such as CUDs and Regional Planning Commissions. An important component of the mandate of the VCBB as a state office is to support CUDs with shaping universal service plans for broadband access across the state.
- ▶ **Coordination with potential subgrantees:** The VCBB will continue to maintain close contact and coordination with private ISPs and CUDs as potential subgrantees to ensure a transparent and fair competitive process for subgrantee selection and program deployment. The VCBB does this through hosting meetings with these entities both individually and as groups.
- ▶ **Coordination with complementary efforts:** The VCBB will continue to coordinate with organizations doing complementary outreach, including the organizations described above. This will also include identifying additional related initiatives that commence during the plan implementation process. ACP outreach coordination meetings will continue monthly for the foreseeable future, and additional groups will be added if additional ACP outreach programs are initiated in Vermont.



- ▶ Tracking broadband deployment: The VCBB will continue to collect data and track broadband infrastructure and access across the state, as well as new funding resources that ISPs could leverage to complement BEAD-funded networks and enhance the availability and resiliency of broadband services for Vermonters.

The VCBB will provide oversight for the entire timeframe of the BEAD program. The VCBB will continue to provide updates to interested stakeholder organizations. This will involve close engagement with subgrantees to work with them through the subgrantee application and project deployment processes and monitor and ensure accountability for achieving the intended program objectives.

The VCBB plans to continue to provide updates to members of the public on the progress of the Internet for All programs, and work with its subgrantees to ensure the public is informed of new service availability. It will leverage partnerships with other state agencies, local government, and community organizations to get the word out.

---

**2.3.1.1 Attachment: As a required attachment, submit the Local Coordination Tracker Tool to certify that the Eligible Entity has conducted coordination, including with Tribal Governments, local community organizations, unions and work organizations, and other groups.**

The Local Coordination Tracker Tool as of August 1 can be viewed by the public at: [Local Coordination Tracker for BEAD Volume 2 | Department of Public Service \(vermont.gov\)](https://www.vermont.gov/public-service/local-coordination-tracker-for-bead-volume-2). Please note that the submission to the NTIA will include additional local coordination that takes place after the publication of the Volume 2 draft and prior to submission to the NTIA.

---

**2.3.2 Text Box: Describe the formal Tribal consultation process conducted with federally recognized Tribes, to the extent that the Eligible Entity encompasses federally recognized Tribes. If the Eligible Entity does not encompass federally recognized Tribes, note “Not applicable.”**

This requirement is not applicable to Vermont, which has no federally recognized Tribes. However, in the spirit of ensuring that BEAD plans were formulated with the input of all Underrepresented Communities, the VCBB has intentionally reached out to the state-recognized Abenaki Tribes. The VCBB considers them important stakeholders as part of the State’s Underrepresented Communities.



The VCBB is working with Tribal leaders to understand the lived experience of community members regarding broadband access and digital equity. Over 65 members of state-recognized Abenaki Tribes responded to the survey as of July 31, 2023. Several in-person events were also attended by members of state-recognized tribes, who were able to provide real-time feedback through those events.

---

**2.3.2.1 Optional Attachment: As a required attachment only if the Eligible Entity encompasses federally recognized Tribes, provide evidence that a formal Tribal consultation process was conducted, such as meeting agendas and participation lists.**

Not applicable.

## Requirement #8 Deployment Subgrantee Selection

---

**2.4.1 Text Box: Describe a detailed plan to competitively award subgrants to last-mile broadband deployment projects through a fair, open, and competitive process.**

The VCBB's Subgrantee Selection Process will be structured to offer funding opportunities for subgrantees that commit to making 100/100 Mbps or better broadband connections available in 100 percent of currently unserved and underserved on-grid locations and to making 100/20 Mbps or better broadband connections available to 100 percent of currently unserved and underserved off-grid locations. This is consistent with Vermont Act 71 (2021), in which the Vermont Legislature defined the State's universal service plan to mean that each on-grid unserved and underserved location in a CUD or in a municipality that was not part of a CUD should have access to broadband service capable of speeds of at least 100 Mbps download and 100 Mbps upload.<sup>7</sup>

Growing from that definition, the VCBB will define coverage areas as the boundaries of a CUD and subgrantees will need to include all unserved and underserved locations within a CUD in their proposals. Separate bids will be submitted for on-grid and off-grid locations. Outside of the CUDs, subgrantee bids must be structured to include all locations within the boundaries of the municipality that is not included in the service

---

<sup>7</sup> Act 71, p.8.





area of a CUD.<sup>8</sup> Where existing network infrastructure is such that a town boundary is split between wire centers, the VCBB will accept proposals that offer to serve the entirety of such towns, but will consider plans that cover all areas within a town that are within the wire center if the subgrantee can demonstrate that its proposal will further advance universal service for the town, while not jeopardizing any VCBB-approved universal service plan that covers the area. For all project areas, whether in a CUD or town, the prospective subgrantees may include up to 20 percent of served locations in their proposals. In general, all proposals must be accompanied by a VCBB-approved Universal Service Plan or include a Universal Service Plan for the VCBB to consider as it reviews the proposal.

The State of Vermont has in place policies and procedures that govern the issuance and monitoring of grants made by the State.<sup>9</sup> The VCBB, as the Grantor, intends to comply with the requirements of Bulletin 5 and will require subgrantees to comply with the requirements in Bulletin 5 that pertain to grantees. These policies and procedures include requirements to outline specific performance benchmarks for grantees, terms and conditions associated with the award of the grant, monitoring and reporting obligations, and other requirements that the VCBB will require subgrantees to agree to as part of their proposal. The VCBB notes that Bulletin 5 does refer to the Federal Uniform Guidance and, where that guidance is altered by NTIA, those alterations will preempt the requirements in Bulletin 5.

The VCBB is committed to ensuring that all locations in Vermont are served. As such, the process will be open to the CUDs, private companies, nonprofit organizations, and partnerships between entities.

As outlined in Text Box 2.4.2, the VCBB intends to use a scoring process that is consistent with the guidance provided by NTIA in terms of weighting subgrantee applications. The VCBB is taking steps to minimize BEAD funding outlays by incentivizing prospective subgrantees to reduce project costs and to maximize matches, such as placing a primary weighting on the minimal BEAD program outlay primary scoring criteria. Consistent with the BEAD NOFO, the VCBB's goal is to minimize BEAD program outlays and maximize subgrantee matches in areas where expected operational costs and revenues are likely to justify greater investment by the subgrantee.

At the same time, the VCBB is concerned that a 25 percent minimum match requirement will place too great a burden on subgrant applications to extend broadband networks in higher cost locations in the State of Vermont. Specifically, the VCBB is

---

<sup>8</sup> A "municipality" is defined as a city, town, incorporated village, or unorganized town or gore. Act 71, p.7.

<sup>9</sup> See State of Vermont Agency of Administration's Bulletin No. 5, available at [https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin\\_5\\_eff12-26-14.pdf](https://aoa.vermont.gov/sites/aoa/files/Bulletins/Bulletin_5_eff12-26-14.pdf),



concerned that a 25 percent match minimum will undermine the commercial feasibility and sustainability of these projects and thus disincentivize investment in higher-cost rural areas, contrary to the stated goals of the IIJA and the BEAD NOFO. For example, Vermont has many locations where the cost of extending high-speed broadband will exceed \$20,000. In this example, a 25 percent match would be at least \$5,000, an amount that exceeds the total cost of per-location deployment in many lower cost portions of the State. In many areas of Vermont, the business case is weak or non-existent to serve rural areas if a full match is required, and Vermont is a very small state with limited tax revenue to incentivize providers.

The VCBB intends to request that the Assistant Secretary grant the State of Vermont a limited waiver of the 25 percent match requirement to give the VCBB the flexibility to permit matches that are below 25 percent in higher cost unserved and underserved locations. The VCBB would permit matches below 25 percent in those locations where the cost of extending end-to-end fiber is above a specified cost per location. The VCBB intends to limit this exception to higher-cost locations with low population densities and higher costs, where requiring a 25 percent match risks undermining the commercial sustainability of network deployment, making high-speed broadband services unaffordable for residents (especially those that are lower income), and discouraging participation in the BEAD project.

The VCBB also intends to focus on higher-cost areas that tend to be the most marginalized and lowest average income communities in the State. The VCBB has not determined the cost per location above which this exception would apply and will, after further analysis, identify a threshold in the coming weeks. Vermont's population density, which is 68 houses per square mile, is substantially lower than the New England region, which averages 236 houses per square mile. Vermont is second only to Maine in the New England area in terms of low population density. The Northeast of the United States, inclusive of New York, New Jersey, and Pennsylvania is 354. For example, if the VCBB set the high-cost threshold at \$10,000 per location, 41.15 percent of locations would be above that threshold, which would be a density of 16.42 houses per square mile.

Granting such a limited waiver will further the NTIA's goals of ensuring that BEAD funds are used to bring affordable broadband to all Americans. Granting of a limited waiver, therefore, will serve the public interest and effectuate the purposes of the BEAD Program.

In addition, the VCBB intends to use infrastructure built using ARPA funding as well as ARPA funds that are obligated and the subject of an existing state grant agreement for future deployment projects as matching funds, in the instances where this infrastructure or future deployment project is allowable, allocable, necessary, and reasonable to be used as match. This means that ARPA-funded infrastructure or future deployment must fall within a BEAD project area or be middle mile infrastructure necessary to reach the BEAD project area. Prospective subgrantees will need to certify that this infrastructure or funding has not



and will not be used as match for another federal project. For infrastructure that is already built, the value of the match will be determined based on the current market value of the asset, which may be greater or lesser than the original cost to the applicant of building the infrastructure. The VCBB is actively discussing this proposed use of ARPA funds with the NTIA.

With regards to the procedural steps the VCBB intends to implement in its selection process, the VCBB intends to initiate a mandatory pre-proposal application for a to-be-determined window following completion of the challenge process in which prospective subgrantees will be required to notify the VCBB of their intention to participate in the BEAD funding opportunity and their intended project area(s). This will not create a firm commitment to submit a proposal. Instead, this is to assist the VCBB in planning for opening the filing window and understanding where there may be gaps. Prospective subgrantees should identify the project areas in which they intend to potentially bid. If a prospective subgrantee identifies locations within an intended project area(s) that it cannot serve due to extenuating circumstances, the prospective subgrantee should provide a justification in its pre-application.

If there are project areas not covered in any pre-application, internet service providers may submit a full application for those areas whether or not they submitted a pre-application. If a prospective subgrantee requires assistance in developing their pre-application or full proposal, the VCBB may provide a limited amount of funding for assistance. Upon completion of the pre-application process, the VCBB may publish a list of organizations that submitted pre-applications as well as the intended project areas.

Following approval of the Initial Proposal Volume 2 by the NTIA, the VCBB will officially provide notice of the opening of the application window and provide prospective subgrantees a to-be-determined window of time to submit their proposal. Proposals will be submitted through an online grant portal administered by the VCBB. Once the submission window has opened, the VCBB will impose a “quiet period” in which communications regarding the specific nature of a prospective subgrantee’s participation may convey bids and bidding strategy and are therefore prohibited after the quiet period commences. Communications, whether direct or indirect, express or implied, are prohibited between prospective subgrantees or the public, but the VCBB can continue communications with prospective subgrantees. A prospective subgrantee that communicates details regarding its proposal may be disclosing its bids and bidding strategy, which would be a violation and disqualify the applicant from participating in the BEAD Program. The purpose of this quiet period is to ensure a fair process between prospective subgrantees.

Once the filing window closes and all proposals have been received, the VCBB will review the proposals to ensure that all unserved locations have received a bid in order to ensure that funding can be used to upgrade all underserved locations in the state as well. If the VCBB identifies locations where there remain unserved and underserved



locations that were not included in the proposals, the VCBB, as stated in response to 2.4.7, will create an inventory of locations and assess which variables, be it speed, funding match, or other programmatic requirement, were barriers to prospective subgrantees and will review ways the VCBB could modify requirements to ensure the locations are served. The VCBB will ensure by the time of submission of its Final Proposal, each unserved address that meets the FCC's definition of a "Broadband Serviceable Location:" within the state will have a plan for a funded solution in place, therefore justifying the use of funding for underserved locations as well.

In awarding BEAD grants, the VCBB envisions awarding grants in a single round to encourage prospective subgrantees to put their final, best offer forward for the project area as defined by the subgrantee in accordance with the VCBB's project area guidance above. Each proposal will be evaluated using the scoring criteria outlined in 2.4.2.1.

The VCBB staff will present the completed scoring rubric and a recommendation of proposals for awarding funds to the VCBB Board for approval or revision, prior to completing its Final Proposal for NTIA. Upon VCBB Board approval, the VCBB will notify all applicants of the results of the evaluation process. Those that are eligible for the initial 20 percent of funding may begin deployment activity. Other subgrantee may begin deployment activity upon approval of the VCBB's Final Proposal by NTIA.

---

### 2.4.2 Text Box: Describe how the prioritization and scoring process will be conducted and is consistent with the BEAD NOFO requirements on pages 42 – 46.

Consistent with the requirements outlined by NTIA in the NOFO regarding selection of Priority Broadband Projects<sup>10</sup> and Other Last-Mile Broadband Projects,<sup>11</sup> the VCBB will prioritize last mile projects that focus on 100/100 Mbps networks, deploying end-to-end fiber optics to all locations that are an "enhanced-911 business or residential address

---

<sup>10</sup> The BEAD NOFO defines "Priority Broadband Projects" as: "a project that will provision service via end-to-end fiber-optic facilities to each end-user premises. An Eligible Entity may disqualify any project that might otherwise qualify as a Priority Broadband Project from Priority Broadband Project status, with the approval of the Assistant Secretary, on the basis that the location surpasses the Eligible Entity's Extremely High Cost Per Location Threshold (as described in Section IV.B.7 in the NOFO), or for other valid reasons subject to approval by the Assistant Secretary." See page 14.

<sup>11</sup> The BEAD NOFO describes "Other Last-mile Broadband Projects" as "locations or sets of locations for which the Eligible Entity did not receive a proposal to deploy a Priority Broadband Project..." See page 44.



connected to the electric power grid.”<sup>12</sup> The cost of extending end-to-end fiber to most “on-grid” locations will fall below the Extremely High-Cost Per Location Threshold the VCBB intends to establish.<sup>13</sup>

These on-grid networks would also be required to offer less than 50 millisecond latency to ensure they can meet the needs of users and can support efforts Vermont is undertaking to promote greater resiliency in its broadband and electric grid. As noted below, Vermont is pursuing advanced metering and real-time usage and rate availability in its approach to Infrastructure Investment and Jobs Act Grid Resilience funding.

For “off-grid” locations, subgrantees will be required to provide 100/20 Mbps or better throughput and latency of no more than 100 milliseconds and otherwise meet the NTIA BEAD NOFO’s reliability benchmarks. The VCBB will still encourage end-to-end fiber deployments to these locations, but potential subgrantees will have greater flexibility in demonstrating other technologies that may be capable of serving the location.<sup>14</sup>

In addition to speed and latency considerations, the VCBB will weigh each proposal based on the criteria outlined in the NOFO, including by giving the greatest weight to proposals that minimize BEAD funding requirements, offer meaningful affordability plans for the targeted speed for on-grid and off-grid locations, and a demonstrated record of and ongoing intent to comply with Federal labor and employment laws. The VCBB will also encourage potential subgrantees to accelerate their deployment to deliver their completed projects before the four-year deadline.<sup>15</sup>

---

<sup>12</sup> Act 71, p. 7.

<sup>13</sup> Act 71, p. 7.

<sup>15</sup> In no circumstance will a project be approved that does not show a clear path for finishing the deployment within the four year limit.



2.4.2.1 Attachment: As a required attachment, submit the scoring rubric to be used in the subgrantee selection process for deployment projects. Eligible Entities may use the template provided by NTIA or use their own format for the scoring rubric.

**Priority Broadband Projects**

Criteria	Maximum Points Allocation
<p><b>Constitutes Priority Broadband Projects</b></p> <ul style="list-style-type: none"> <li>Projects that use end-to-end fiber-optic architecture</li> <li>If No, go to “Other Last-Mile Broadband Projects” Table</li> </ul>	Yes/No
<p><b>Satisfies all other requirements set out with respect to subgrantees</b></p>	Yes/No
<p><b>Network deployed and service available within four years</b></p>	Yes/No
<p><b>[Primary Criteria] Minimal BEAD Program Outlay</b></p> <ul style="list-style-type: none"> <li>The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee’s proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In addition, points awarded will be increased to account for network designs that promote resiliency and reliability in the proposed network.</li> </ul>	25
<p><b>[Primary Criteria] Affordability</b></p> <ul style="list-style-type: none"> <li>The prospective subgrantee’s commitment to provide the most affordable total price to the</li> </ul>	40



customer for 1 Gigabit per second (Gbps)/1 Gbps service in the project area, both now and into the future. Points will be awarded for a demonstrated commitment to reinvest revenue into customer affordability. Additionally, points will be awarded for a provider outlining its proposed service tiers along with pricing that demonstrates its offering provides affordability for middle class and low-income residents as outlined in those sections of this Initial Proposal. Points will be deducted if the provider’s proposed project will have the impact of substantially increasing customer prices of a previously approved Universal Service Plan in the surrounding areas.

**[Primary Criteria] Fair Labor Standards**

- Demonstrated record of and plans to comply with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.

10

**[Secondary Criteria] Community Input and Engagement**

- Prospective subgrantees demonstrate that their proposed project reflects substantive input through community meetings and engagement with the residents in the area they propose to serve to ensure their service meets the needs of the community, as well as committing to conduct regular engagement into the future.

10

**[Additional Criteria] Local Coordination**

- Points will be awarded to prospective subgrantees that demonstrate that their

10



proposed project reflects coordination with local municipalities and regional planning commissions for the proposed project area and put forth a plan for ongoing local coordination into the future. Points will also be awarded for demonstrating how the proposal is consistent with state broadband planning efforts and will advance any VCBB-approved universal service plan.

**[Additional Criteria] Equitable Workforce Development**

- Points will be awarded to proposals that demonstrate how the approach will offer high-quality jobs, offer or leverage Vermont's apprenticeship programs, prioritize hiring local workers, and recruit from historically underrepresented populations facing labor market barriers and ensure that they have reasonable access to the job opportunities.

3

**[Additional Criteria] Sustainability and Climate**

Points will be awarded to proposals that demonstrate how the approach will adopt energy efficiency technologies and practices and utilize renewable energy sources wherever possible. Additional points will be awarded for projects that propose to build climate resilient infrastructure.

2

**Other Last-Mile Broadband Projects**

Criteria	Maximum Points Allocation
<p><b>Constitutes Other Last-Mile Broadband Projects</b></p> <ul style="list-style-type: none"> <li>• Projects that use technology other than end-to-end fiber-optics</li> </ul>	
<p><b>Satisfies all other requirements set out with respect to subgrantees</b></p>	<p>Yes/No</p>





Network deployed and service available within four years	Yes/No
<p><b>[Primary Criteria] Minimal BEAD Program Outlay</b></p> <ul style="list-style-type: none"> <li>The total BEAD funding that will be required to complete the project, accounting for both total projected cost and the prospective subgrantee's proposed match (which must, absent a waiver, cover no less than 25 percent of the project cost), with the specific points or credits awarded increasing as the BEAD outlay decreases. In addition, points awarded will be increased to account for network designs that promote resiliency and reliability in the proposed network.</li> </ul>	25
<p><b>[Primary Criteria] Affordability</b></p> <ul style="list-style-type: none"> <li>The prospective subgrantee's commitment to provide the most affordable total price to the customer for 100/20 Mbps service in the proposed service area, both now and into the future. Points will be awarded for a demonstrated commitment to reinvest revenue into customer affordability. Additionally, points will be awarded for a provider outlining its proposed service tiers along with pricing that demonstrates its offering provides affordability for middle class and low-income residents as outlined in those sections of this Initial Proposal. Points will be deducted if the provider's proposed project will have the impact of substantially increasing customer prices of a previously approved Universal Service Plan in the surrounding areas.</li> </ul>	40
<p><b>[Primary Criteria] Fair Labor Standards</b></p> <ul style="list-style-type: none"> <li>Demonstrated record of and plans to comply with Federal labor and employment laws. New entrants without a record of labor and employment law compliance must be</li> </ul>	10



<p>permitted to mitigate this fact by making specific, forward-looking commitments to strong labor and employment standards and protections with respect to BEAD-funded projects.</p>	
<p><b>[Secondary Criteria] Community Input and Engagement</b></p> <ul style="list-style-type: none"> <li>Points will be awarded to prospective subgrantees that set forth a plan for regular input from the residents, local municipalities and regional planning commissions for the proposed project area. (e.g. letters of support from community organizations/institutions). Points will also be awarded for demonstrating how the proposal will advance any VCBB-approved universal service plan.</li> </ul>	<p>10</p>
<p><b>[Additional Criteria] Local Coordination</b></p> <ul style="list-style-type: none"> <li>Points will be awarded to prospective subgrantees that demonstrate that their proposed project reflects coordination with local municipalities and regional planning commissions for the proposed project area and put forth a plan for ongoing local coordination into the future. Points will also be awarded for demonstrating how the proposal is consistent with state broadband planning efforts and will advance any VCBB-approved universal service plan.</li> <li></li> </ul>	<p>10</p>
<p><b>[Additional Criteria] Equitable Workforce Development</b></p> <ul style="list-style-type: none"> <li>Points will be awarded to proposals that demonstrate how the approach will offer high-quality jobs, offer or leverage Vermont's apprenticeship programs, prioritize hiring local workers and recruit from historically underrepresented populations facing labor market barriers and ensuring that they have reasonable access to the job opportunities.</li> </ul>	<p>3</p>



<b>[Additional Criteria] Sustainability and Climate</b>	2
<ul style="list-style-type: none"> <li>○ Points will be awarded to proposals that demonstrate how the approach will adopt energy efficiency technologies and practices and utilize renewable energy sources wherever possible. Additional points will be awarded for projects that propose to build climate resilient infrastructure.</li> </ul>	

**2.4.3 Text Box: Describe how the proposed subgrantee selection process will prioritize Unserved Service Projects in a manner that ensures complete coverage of all unserved locations prior to prioritizing Underserved Service Projects followed by prioritization of eligible CAIs.**

The VCBB believes that the funding it has been allocated along with other sources of funding provided through federal and state programs will be sufficient to ensure coverage of all unserved and underserved locations. To ensure full coverage of unserved locations, the VCBB has structured the subgrantee selection process to require prospective subgrantees to structure their bid to include all locations within a CUD boundary and all locations within a municipality. Also, the VCBB’s proposed use of the first 20% of Vermont’s allocated BEAD funding will prioritize high poverty areas that also have a high percentage of unserved locations. Moreover, as outlined below, the VCBB intends to use a sliding scale for funding matches, which will also help ensure the highest cost unserved and underserved locations receive bids. In the event there still remain locations that are not bid for, the VCBB will, consistent with the NOFO, engage with existing providers and/or other prospective subgrantees to find providers willing to expand their existing or proposed service areas. This will only take place once the solicitation for proposals is completed.

**2.4.4 Text Box: If proposing to use BEAD funds to prioritize non-deployment projects prior to, or in lieu of the deployment of services to eligible CAIs, provide a strong rationale for doing so. If not applicable to plans, note “Not applicable.”**

Not applicable.



**2.4.5 Text Box:** The proposed subgrantee selection process is expected to demonstrate to subgrantees how to comply with all applicable Environmental and Historic Preservation (EHP) and Build America, Buy America Act (BABA) requirements for their respective project or projects. Describe how the Eligible Entity will communicate EHP and BABA requirements to prospective subgrantees, and how EHP and BABA requirements will be incorporated into the subgrantee selection process.

The VCBB will make clear as part of its bid solicitation that each subgrantee must familiarize itself with the requirements of the National Environmental Policy Act (NEPA), NHPA and BABA and demonstrate in the proposal how they intend to comply.

In addition, the VCBB will coordinate with the Agency of Transportation (VTrans) to develop materials that provide subgrantees information on compliance with permitting requirements and will make it clear that it is the subgrantee's obligation to ensure its proposed project appropriately coordinate their infrastructure construction activities with VTrans and comply with state and federal environmental requirements.

The VCBB will also develop an approach to managing the review process, as well as sharing best practices for developing a project description to ensure it provides sufficient detail about the potential impacts to the environment to make a preliminary determination about the level of NEPA review required.

Regarding BABA, Vermont intends that subgrantees comply with these requirements and have taken steps to ensure some equipment that meets the requirements of BABA was purchased before supply chain issues became a problem. Even so, there may be supply chain issues that could potentially cause delays in the proposed projects. Should a subgrantee demonstrate that delays are being caused by the BABA requirements, the VCBB, working with the subgrantee and NTIA, will seek to resolve those issues to prevent such delay.

**2.4.6 Text Box:** Describe how the Eligible Entity will define project areas from which they will solicit proposals from prospective subgrantees. If prospective subgrantees will be given the option to define alternative proposed project areas, describe the mechanism for de-conflicting overlapping proposals to allow for like-to-like comparisons of competing proposals.



As stated above, the VCBB will define coverage areas as the boundaries of a CUD or where a CUD is not formed, the area will be a town. Prospective subgrantees will need to include all unserved and underserved locations, as well as CAIs lacking access to 100/20 Mbps connection, within the coverage area of their proposals. Separate bids will be provided for on-grid and off-grid locations. Outside of the CUDs, subgrantee bids must be structured to include all such locations within the boundaries of the municipality that is not included in the service area of a CUD.<sup>16</sup> Where existing network infrastructure is such that a town boundary is split between wire centers, the VCBB will accept proposals that offer to serve the entirety of such towns, but will also consider plans that cover all areas within a town that are within the wire center if the subgrantee can demonstrate that its proposal will further advance universal service for the town, while not jeopardizing any VCBB-approved universal service plan that covers the area. In general, all proposals must be accompanied by a VCBB-approved Universal Service Plan or include a Universal Service Plan for the VCBB to consider as it reviews the proposal.

---

**2.4.7 Text Box: If no proposals to serve a location or group of locations that are unserved, underserved, or a combination of both are received, describe how the Eligible Entity will engage with prospective subgrantees in subsequent funding rounds to find providers willing to expand their existing or proposed service areas or other actions that the Eligible Entity will take to ensure universal coverage.**

The VCBB intends to define areas such that all locations within the CUD or a municipality are included in the prospective subgrantee's proposal to serve a particular area. If there remain locations that do not receive a proposal for service, the VCBB will create an inventory of those locations and will work with prospective subgrantees seeking to serve areas adjacent to these locations, or other known providers in the area, to negotiate a plan to ensure these areas are served. Those negotiations will include assessment of which variables, be it speed, funding match, or other programmatic requirement, were barriers to the prospective subgrantee and a review of ways the VCBB could modify requirements to ensure the locations are served. In negotiating with prospective subgrantees for these locations, VCBB will abide by NTIA's direction to "seek out the most robust, affordable, and scalable technologies achievable under the circumstances particular to that location."<sup>17</sup>

---

<sup>16</sup> A "municipality" is defined as a city, town, incorporated village, or unorganized town or gore. Act 71, p.7.

<sup>17</sup> NOFO, p. 39.



**2.4.8 Text Box: Describe how the Eligible Entity intends to submit proof of Tribal Governments' consent to deployment if planned projects include any locations on Tribal Lands**

Vermont has no federally recognized Tribes, but it has four state-recognized Tribes.<sup>18</sup> As noted in Requirement 4, the VCBB has consulted with these Tribes.

**2.4.9 Text Box: Identify or outline a detailed process for identifying an Extremely High Cost Per Location Threshold to be utilized during the subgrantee selection process. The explanation must include a description of any cost models used and the parameters of those cost models, including whether they consider only capital expenditures or include the operational costs for the lifespan of the network.**

As the BEAD NOFO instructs, the objective in setting the Extremely High Cost Per Location Threshold is to help ensure that end-to-end fiber projects are deployed wherever feasible.<sup>19</sup> Consistent with the goals of the IJJA, Vermont's Act 71, and the State's BEAD Five-Year Action Plan, the VCBB intends to set its Extremely High Cost Per Location Threshold at a level which ensures Vermont does not exhaust all available federal and state broadband deployment funding before 100/100 Mbps or better broadband is available in 100 percent of currently unserved and underserved on-grid locations and 100/20 Mbps or better broadband is available in 100 percent of currently unserved and underserved off-grid locations.

To better understand whether these goals are achievable and to inform development of its Extremely High Cost Per Location Threshold, the VCBB commissioned Vernonburg Group to estimate the cost of delivering end-to-end fiber connectivity to each unserved and underserved location in Vermont. The modeling developed by Vernonburg Group relies on three statistical modelling data sets. The first was developed using previously funded fiber projects in areas with different building densities to calculate the cost to pass a home with fiber and aligns with other available estimates. That modeling was

---

<sup>18</sup> Under Act 107, Vermont established a means by which Vermonters that are direct descendants of the indigenous peoples that trace their ancestry to Vermont could be recognized. See Act 107, AN Act Relating to State Recognition of Native American Tribes in Vermont, available at <https://vcnaa.vermont.gov/recognition/act-107>. Under the process established in Act 107, Vermont extended state recognition to four Tribes in 2011 and 2012. See Vermont State Recognized Tribes, available at <https://vcnaa.vermont.gov/recognition/recognized-tribes>.

<sup>19</sup> BEAD NOFO p. 31.



combined with two additional data sets, which leverage data on end-to-end fiber project costs in lower population density locations. More details on the cost model are attached.

In addition, VCBB compared the data that was developed by Vernonburg Group against a model it had developed to estimate the cost of deploying fiber across the state in 2021 after adoption of Act 71 (2021). That model utilized road miles and location data. Once updated to reflect the FCC Broadband mapping location, this model rendered similar results to the model developed by Vernonburg Group.<sup>20</sup>

Both models focus on capital expenditures (CAPEX) required to deploy high-speed broadband networks to unserved and underserved locations, as Vermont only intends to use available BEAD funds to defray portions of subgrantees' network deployment costs. Vermont has not estimated and does not intend to fund subgrantees' operational costs, but the VCBB will require that prospective subgrantees demonstrate that they are able to maintain operations beyond their network deployment phase. As discussed below, subgrantees will be required to include in their projections a seven-year period covering the four years in the deployment phase and three years following deployment.

These models show that the cost to extend end-to-end fiber connectivity to each unserved and underserved location varies significantly across the state. While many unserved and underserved locations could cost less than \$2,000 to upgrade to fiber, there also are a small percentage of unserved and underserved locations in the state that could cost over \$20,000 per location to reach with end-to-end fiber infrastructure. The highest cost locations in the state tend to be in very remote, low-population density areas and the VCBB believes that many of these are off-grid locations.

In order to maximize the locations that will be served with end-to-end fiber using the BEAD funds, the VCBB will finalize an inventory of all funding that is available to the State, eliminate all locations funded by other federal or state funds (or otherwise already a part of planned network builds), and then apply cost models to these locations and estimate the total cost of extending high-speed connectivity to all unserved and underserved locations in the state. This information will help inform the VCBB's efforts to establish its Extremely High Cost Per Location Threshold, which will be set after all subgrantee bids are submitted (see response to 2.4.10). We expect that all on-grid locations and potentially some off-grid locations will fall below the Extremely High Cost Per Location Threshold. The VCBB continues to review cost data in determining its Extremely High Cost Per Location Threshold.

---

<sup>20</sup> See Vermont Department of Public Service, 10-Year Telecommunications Plan, June 2021, Prepared by Rural Innovation Strategies, Inc and CTC Technology & Energy, available at [https://publicservice.vermont.gov/about\\_us/plans-and-reports/department-state-plans/telecommunications-plan/10-year](https://publicservice.vermont.gov/about_us/plans-and-reports/department-state-plans/telecommunications-plan/10-year).



**2.4.10 Text Box: Outline a plan for how the Extremely High Cost Per Location Threshold will be utilized in the subgrantee selection process to maximize the use of the best available technology while ensuring that the program can meet the prioritization and scoring requirements set forth in Section IV.B.6.b of the BEAD NOFO.**

The VCBB intends to establish the Extremely High Cost Per Location Threshold to ensure that sufficient funding is available to extend high-speed broadband to every unserved and underserved location. In reviewing prospective subgrantee proposals, the VCBB intends to reject any Priority Broadband Project proposal with average costs that exceed the Extremely High Cost Per Location Threshold. As NTIA suggests, it is appropriate for an Eligible Entity to use average cost or costs for a given location.<sup>21</sup> VCBB intends to do a separate averaging for on-grid locations and off-grid locations. In response to specific process questions asked in the NTIA Guidance, VCBB offers the following explanation:

- ▶ NTIA Guidance: The plan for declining a proposal that requires a BEAD subsidy that exceeds the Extremely High Cost Per Location Threshold for any location to be served in the proposal if use of an alternative technology meeting the BEAD program's technical requirements for Reliable Broadband Service would be less expensive.
  - Response: The VCBB intends to average costs over the area covered by the prospective subgrantee's proposal. This should allow the VCBB to include more areas within the scope of the Priority Broadband Projects because it allows the VCBB to average costs across the totality of the proposed project area. In those proposed project areas with average costs that exceed the Extremely High Cost Per Location threshold, the VCBB will consider other proposals to use less costly Reliable Broadband Service technologies. The VCBB anticipates that this will primarily apply to proposed projects to extend service to off-grid locations.
- ▶ NTIA Guidance: The plan for engaging subgrantees to revise their proposals and ensure locations do not require a subsidy.
  - Response: The VCBB's cost models have demonstrated a clear path forward in providing all unserved and underserved locations in the State with broadband access. The VCBB intends to provide clarity in its submission criteria for proposals from prospective subgrantees that outline the anticipated locations that will be eligible. Per NTIA

<sup>21</sup> NOFO, p. 42, n.63.





requirements, the VCBB will make certain it is clear to all prospective subgrantees that no proposals with greater than 20 percent served locations will be approved.

- The VCBB has done and will continue to do outreach to prospective subgrantees to ensure they understand the objectives of Vermont in serving the maximum number of locations in the state with fiber technology. To further this objective, the VCBB intends to use a sliding scale for subgrantee match requirements. This will help VCBB reduce the available funding going to lower-cost unserved and underserved locations. Should a prospective subgrantee submit a proposal that includes locations that do not require a subsidy, the VCBB will provide additional guidance to the prospective Subgrantee to cure the proposal.<sup>22</sup>
- ▶ NTIA Guidance: The process for selecting a proposal that involves a less costly technology and may not meet the definition of Reliable Broadband.
  - Response: The VCBB will work to secure access to the most robust, affordable, scalable technology achievable.<sup>23</sup> The VCBB anticipates that very few projects will not be able to feasibly deploy Reliable Broadband Services for average costs below the Extremely High Cost Per Location Threshold. These will likely be projects focused on serving off-grid locations. As per the BEAD NOFO, a technology that does not meet the Reliable Broadband Service definition must still, at a minimum, be capable of providing service of 100/20 Mbps and latency less than or equal to 100 milliseconds at a lower cost. The VCBB intends to leave open the opportunity for competing proposals where this is the case and where no technology meeting the definition of Reliable Broadband Service would be deployable for an amount of subsidy that is less than the Extremely High Cost Per Location Threshold.<sup>24</sup> Should this circumstance arise, the VCBB will first consult with the prospective subgrantee to determine whether there might be changes or alternatives to the requirements for participation that could reduce costs to a point where the provider's proposal is below the Extremely High Cost Per Location Threshold. In addition, the VCBB will consult with the local community that would be served by the provider to determine whether the less costly technology is viable to meet their needs or if other technologies may better serve the particular area. In any event, the VCBB will ensure that the area receives broadband service.

---

<sup>22</sup> NOFO, p. 38.

<sup>23</sup> NOFO, p. 38.

<sup>24</sup> See Section I.C of this NOFO, p. 15.



2.4.11 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees deploying network facilities meet the minimum qualifications for financial capability as outlined on pages 72-73 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

The NTIA Guidance seeks information on the following specific areas:

- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to certify that they are qualified to meet the obligations associated with a Project, that prospective subgrantees will have available funds for all project costs that exceed the amount of the grant, and that prospective subgrantees will comply with all Program requirements, including service milestones. To the extent the Eligible Entity disburses funding to subgrantees only upon completion of the associated tasks, the Eligible Entity will require each prospective subgrantee to certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the Eligible Entity authorizes additional disbursements.
  - Response:
    - Consistent with the NOFO, the VCBB intends to require that all prospective subgrantees include with their proposals financial statements from the most recent fiscal year that are audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the normal course of business, VCBB will accept unaudited financial statements from the prior fiscal year but the prospective subgrantee must certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant if its proposal is selected. In addition, the VCBB will require the submission of information from the prospective subgrantees that demonstrates sufficient funds are available for ongoing coverage of project and ongoing operational/administrative costs. This can include bank statements, open lines of credit, or other financial means by which the prospective subgrantee can demonstrate sufficient funding available. As VCBB intends to disburse funding on a reimbursement basis, prospective subgrantees must certify that they will have sufficient financial resources to cover its eligible costs for the Project until such time as the VCBB authorizes additional disbursements.



- The VCBB intends to seek permission from NTIA to permit municipally operated prospective subgrantees to provide comparable evidence in support of their financial capabilities. An officer of the subgrantee with authority to legally bind the entity will be required to certify as to the truthfulness of the representations being made regarding the financial condition of the subgrantee.
  - An officer of the subgrantee with authority to legally bind the entity will be required to certify that it understands the performance obligations of the grant and that it intends to not only complete the project, but to comply with all service milestones.
  - The VCBB will operate its BEAD program on a reimbursement basis. As such, an officer of the subgrantee with authority to legally bind the entity will be required to further certify that it has and will continue to have sufficient financial resources to cover its eligible costs for the Project until such time as the VCBB authorizes additional disbursements.
  - Under Vermont Bulletin 5, reimbursement payments for Federal subawards must be made within 30 calendar days after receipt of the billing, unless the request is believed to be improper.<sup>25</sup> The VCBB intends to comply with this requirement.
  - Under Vermont Bulletin 5 and in accordance with Uniform Guidance §200.205(b) all subgrantees must undergo a pre-award risk assessment prior to issuance of new competitive grant awards. This risk assessment is inclusive of a review of compliance with requirements of prior grant awards, grantees prior experience with awards of a similar complexity, staffing levels and qualifications of staff and any additional concerns of which the Department is aware (for example: recently reported incidences of fraud, embezzlement, or mismanagement by the potential grantee). Each subgrantee is assessed a risk level based upon the results of the assessment. Subgrantees assessed as high-risk will require additional monitoring requirements as part of their grant monitoring procedures outlined in their grant award. The additional monitoring requirements may include more frequent programmatic review, more frequent financial reporting, site visits, etc.
- ▶ NTIA Guidance: Detail how the Eligible Entity plans to establish a model letter of credit substantially similar to the model letter of credit established by the FCC in connection with the Rural Digital Opportunity Fund (RDOF).

---

<sup>25</sup> Bulletin 5, p. 23.



- Response: The VCBB intends to seek a waiver of this requirement. The VCBB anticipates that the CUDs established by the Vermont Legislature will compete for the funding being made available through the BEAD program.<sup>26</sup> A CUD is an organization of two or more towns that join together as a municipal entity to build communication infrastructure; that infrastructure is then considered publicly owned. Like many municipally governed entities, some of Vermont's CUDs will face an insurmountable challenge in securing a letter of credit. To ensure an open and fair process for all providers, VCBB needs to seek this waiver from the requirement to ensure it can have a full slate of prospective subgrantees. The VCBB intends to file the waiver with the NTIA in the coming weeks. As noted above, the VCBB intends to disburse funding on a reimbursement basis, which other federal agencies distributing grant funding consider to be more than sufficient protection for program integrity. As such, VCBB will seek a waiver to permit it to disburse funding on a reimbursement basis as an alternative to requiring subgrantees to obtain a line of credit. Similarly, it may be that some prospective subgrantees are able to obtain a performance bond. VCBB would like to provide that option as well. A requirement that only allows prospective subgrantees to be eligible if they have a letter of credit has a demonstrated risk of precluding certain entities, like some of the CUDs in Vermont, from being able to participate.
- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to submit audited financial statements.
  - Response: As noted above, all prospective subgrantees will be required to include with their proposals financial statements from the most recent fiscal year that are audited by an independent certified public accountant. If the prospective subgrantee has not been audited during the normal course of business, VCBB will accept unaudited financial statements from the prior fiscal year but the prospective subgrantee must certify that it will provide financial statements from the prior fiscal year that are audited by an independent certified public accountant if its proposal is selected. The VCBB will require further that subgrantees, if selected, submit annual audited financial statements prepared by an independent certified public accountant to the VCBB within the earlier of 30 days of the subgrantee receiving their audited financial statements or nine months after the end of the audit period during the course of the project.

---

<sup>26</sup> 30 V.S.A. Chap. 82.



- ▶ Detail how the Eligible Entity will require prospective subgrantees to submit business plans and related analyses that substantiate the sustainability of the proposed project.
  - Pursuant to the NOFO, the VCBB will require prospective subgrantees to certify they have a compliant business plan that details the categories of information as well as including at least three years of operating cost and cash flow projections post targeted completion of project. The VCBB already conducts a process requiring subgrantees of its existing broadband construction grant program to submit business plans for review and approval by the VCBB.

---

**2.4.11.1 Optional Attachment: As an optional attachment, submit application materials related to the BEAD subgrantee selection process, such as drafts of the Requests for Proposals for deployment projects, and narrative to crosswalk against requirements in the Deployment Subgrantee Qualifications section.**

- ▶ NTIA Guidance: The Eligible Entity must articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for financial capability.
  - Response: The VCBB will take the totality of the information outlined in response to text box 2.4.11 and ensure that the certifications are complete, that the projections are consistent with the information provided in audited financial statements that must be produced with the proposal by the prospective subgrantee.
- ▶ NTIA Guidance: The Eligible Entity must explain the information it will require of subgrantees, how it will collect or require this information, and how it will assess this information during the subgrantee selection process.
  - Response: The VCBB will evaluate, based on the proposals offered by other prospective subgrantees, whether the assumptions underlying a proposal in a particular instance are like the assumptions offered by other proposals. Only projects that demonstrate an ability to cover expenses over the seven-year period for which information is being requested will be considered.
- ▶ NTIA Guidance: As a best practice, the Eligible Entity should also consider including information on how they will revise certifications/terms and conditions, as needed, due to a potential Special Award Conditions (SACs). For information on how to successfully create a plan to revise terms and conditions, please see Figure 5.



- Response: The VCBB will make clear to prospective subgrantees that there is a potential for specific award conditions to be included at a later date.<sup>27</sup> The VCBB will convey any changes to subgrantees and the reason for the change, including whether the VCBB is seeking the change or if NTIA is the entity seeking the change. The VCBB will also provide subgrantees with a specific timeframe in which the revised specific award conditions will take effect. This may vary as the cause that initiated the specific award conditions vary. The goal of this structure is to ensure the subgrantee has the information needed to understand the revision and the reason for it as well as how long the subgrantee has to come into compliance.
- ▶ NTIA Guidance: The Eligible Entity must detail how it is prepared to gather and assess prospective subgrantees' certifications that they are financially qualified to meet the obligations associated with a Project, letters of credit, audited financial statements, and sustainability/ pro forma analyses of a proposed Project.
  - Response: The VCBB will require submission of the prospective subgrantee proposals through the VCBB at an established email address or by mail. Once received, the VCBB staff along with a third party contractor will begin a review of the subgrantee proposals to ensure that the subgrantee has provided the required certifications. If a proposal is incomplete, the VCBB will identify the missing components in the application and provide the subgrantee an opportunity to cure the deficiencies before considering whether the proposal should not be accepted.
- ▶ NTIA Guidance: The Eligible Entity may refer to the RDOF sample letters of credit and other resources to help detail its plans for establishing a similar model letter of credit.
  - Response: The VCBB intends to seek a waiver of this requirement from the NTIA and will work with them to establish alternatives to the letter of credit requirement should the waiver be granted.

---

**2.4.12 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for managerial capability as outlined on pages 73 – 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the**

---

<sup>27</sup> See NOFO, p. 87, 95.



**Eligible Entity may reference those to outline alignment with requirements for this section.**

- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to submit resumes for key management personnel.
  - Response: Prospective subgrantees will need to include resumes from their key managerial staff, including leadership, operations, and network construction staff as part of the proposal. In addition, prospective subgrantees will need to provide organizational charts detailing any parent, subsidiary, or affiliated entities.
- ▶ NTIA Guidance: Detail how it will require prospective subgrantees to provide a narrative describing their readiness to manage their proposed project and ongoing services provided.
  - Response: Prospective subgrantees should draft a narrative of its current business, how that has prepared them for undertaking a project of the scale they are proposing, their workforce details that demonstrate they are capable of building, maintaining, and upgrading the network, lessons they have learned from past deployments, and any anticipated challenges they may face based on their prior experience. The narrative should include details on the experience of the leadership team, how long they have been with the company, how long the company has been in the business of providing broadband services and whether they have deployed fiber before. To the extent the subgrantee has done work pursuant to federal or state broadband funding, provide information detailing their successful completed of those projects or their progress to date on such projects. In addition, the subgrantee must include a statement in its narrative as to whether it has been the subject of any enforcement actions in relation to past projects.

---

**2.4.13 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for technical capability as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.**

- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to certify that they are technically qualified to complete and



operate the Project and that they are capable of carrying out the funded activities in a competent manner, including that they will use an appropriately skilled and credentialed workforce.

- Response: The VCBB will require certification that the prospective subgrantee is technically qualified to complete and operate the project and is capable of carrying out the funded activities. As stated in response to text box 2.4.12, the narrative submitted by prospective subgrantees must include information concerning the subgrantee's workforce and operating partners that shows it is capable of building and maintaining the project.
- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to submit a network design, diagram, project costs, build-out timeline and milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant, all certified by a licensed engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project.
  - Response: The VCBB will require that prospective subgrantees submit a network design, diagram, an outline of estimated project costs, build-out timeline and interim milestones for project implementation, and a capital investment schedule evidencing complete build-out and the initiation of service within four years of the date on which the entity receives the subgrant. In certain instances, prospective subgrantees network designs will pass served locations both inside the project area and outside the project area. To the extent that middle mile infrastructure outside the BEAD project area is needed, network design by prospective subgrantees will need to minimize BEAD outlays by taking the most efficient route to the project area. Prospective subgrantees should provide a map of these routes and a narrative explaining why they are necessary and the most efficient routes. For locations inside the project area, these served locations may be counted towards the 20 percent. These plans will need to be accompanied by a certification from a professional engineer, stating that the proposed network can deliver broadband service that meets the requisite performance requirements to all locations served by the Project and that the design meets the VCBB's Outside Plant Design standards. The VCBB will use an independent third party to confirm the designs.

---

#### 2.4.14 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network





facilities meets the minimum qualifications for compliance with applicable laws as outlined on page 74 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.

- ▶ NTIA Guidance: The Eligible Entity must clearly articulate how it will ensure prospective subgrantees deploying network facilities will meet the minimum qualifications for compliance with all applicable federal, state, territorial, and local laws.
  - Response: As noted earlier in this proposal, the VCBB intends to require compliance with all applicable federal and state laws, including laws related to labor and employment, environmental and historic preservation, and federal and state procurement policies and rules. Of note, the Vermont Occupational Safety and Health laws are more stringent than the federal laws, so VCBB will require compliance with the Vermont OSHA laws as well as federal laws. Similarly, the VCBB will require compliance to Vermont Bulletin 5, which is consistent with the Federal Uniform Guidance, and together they will provide subgrantees a clear understanding of their obligations.
- ▶ NTIA Guidance: The Eligible Entity must also detail how it will require prospective subgrantees to permit workers to create work-led health and safety committees.
  - Response: The VCBB will require a certification from each prospective subgrantee that it will permit workers to create work-led health and safety committees.

---

**2.4.15 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for operational capability as outlined on pages 74 – 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section. The response must:**

- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to certify that they possess the operational capability to qualify to complete and operate the Project.



- Response: As outlined above, the VCBB will require prospective subgrantees to detail their capabilities to complete and operate the project by submissions that cover workforce, finances, engineering, and past experience of the provider. This information accompanied by the certifications should be sufficient to provide the VCBB with the information necessary to make this evaluation.
- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to submit a certification that they have provided a voice, broadband, and/or electric transmission or distribution service for at least two (2) consecutive years prior to the date of its application submission or that it is a wholly owned subsidiary of such an entity, attests to and specify the number of years the prospective subgrantee or its parent company has been operating.
  - Response: The VCBB will require the submission of these certifications to accompany the proposals submitted by the prospective subgrantee. Note, however, consistent with the NOFO Operational Capabilities section, VCBB intends to allow new entrants that cannot submit this certification to submit evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities as outlined in the response below.
- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees that have provided a voice and/or broadband service, to certify that it has timely filed Commission Form 477s and the Broadband DATA Act submission, if applicable, as required during this time period, and otherwise has complied with the Commission's rules and regulations.
  - Response: The VCBB will require the submission of these certifications to accompany the proposals submitted by the prospective subgrantee. In addition, the VCBB will verify with the FCC's Office of Management and Budget that all prospective subgrantees are in good standing regarding their FCC obligations.
- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees, that have operated only an electric transmission or distribution service, to submit qualified operating or financial reports, that it has filed with the relevant financial institution for the relevant time period along with a certification that the submission is a true and accurate copy of the reports that were provided to the relevant financial institution.
  - Response: The VCBB will require the submission of these certifications to accompany the proposals submitted by the prospective subgrantee.
- ▶ NTIA Guidance: In reference to new entrants to the broadband market, detail how the Eligible Entity will require prospective subgrantees to provide evidence sufficient to demonstrate that the newly formed entity has obtained, through internal or external resources, sufficient operational capabilities.



- Response: The VCBB will require that new entrants submit evidence supporting their operational capabilities. New entrants should consider drafting their narrative outlined above in text box 2.4.12 to support their assertion that they have sufficient operational capabilities by including information beyond resumes from key personnel. They may consider including project descriptions and narratives from contractors, subcontractors, or other partners with relevant operational experience, or other comparable evidence. VCBB will weigh all these factors in considering proposals from new entrants.

---

**2.4.16 Text Box: Describe how the Eligible Entity will ensure that any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on ownership as outlined on page 75 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.**

- ▶ NTIA Guidance: Detail how the Eligible Entity will require prospective subgrantees to provide ownership information consistent with the requirements set forth in 47 C.F.R. § 1.2112(a)(1)-(7).
  - Response: The VCBB will require each prospective subgrantee to address each of the following in an attachment to its proposal:
    - List the real party or parties in interest in the applicant or application, including a complete disclosure of the identity and relationship of those persons or entities directly or indirectly owning or controlling (or both) the applicant.
    - List the name, address, and citizenship of any party holding 10 percent or more of stock in the applicant, whether voting or nonvoting, common, or preferred, including the specific amount of the interest or percentage held.
    - List, in the case of a limited partnership, the name, address and citizenship of each limited partner whose interest in the applicant is 10 percent or greater (as calculated according to the percentage of equity paid in or the percentage of distribution of profits and losses).
    - List, in the case of a general partnership, the name, address and citizenship of each partner, and the share or interest participation in the partnership.



- List, in the case of a limited liability company, the name, address, and citizenship of each of its members whose interest in the applicant is 10 percent or greater.
- List all parties holding indirect ownership interests in the applicant as determined by successive multiplication of the ownership percentages for each link in the vertical ownership chain, that equals 10 percent or more of the applicant, except that if the ownership percentage for an interest in any link in the chain exceeds 50 percent or represents actual control, it shall be treated and reported as if it were a 100 percent interest.
- List any FCC-regulated entity or applicant for an FCC license, in which the applicant or any of the parties identified in paragraphs (a)(1) through (a)(5) of this section, owns 10 percent or more of stock, whether voting or nonvoting, common, or preferred. This list must include a description of each such entity's principal business and a description of each such entity's relationship to the applicant (e.g., Company A owns 10 percent of Company B (the applicant) and 10 percent of Company C, then Companies A and C must be listed on Company B's application, where C is an FCC licensee and/or license applicant).

---

**2.4.17 Text Box: Describe how the Eligible Entity will ensure any prospective subgrantee deploying network facilities meets the minimum qualifications for providing information on other public funding as outlined on pages 75 – 76 of the BEAD NOFO. If the Eligible Entity opts to provide application materials related to the BEAD subgrantee selection process, the Eligible Entity may reference those to outline alignment with requirements for this section.**

- ▶ NTIA Guidance: Detail how it will require prospective subgrantees to disclose for itself and for its affiliates, any application the subgrantee or its affiliates have submitted or plan to submit, and every broadband deployment project that the subgrantee or its affiliates are undertaking or have committed to undertake at the time of the application using public funds.
  - Response: The VCBB will require each prospective subgrantee to disclose funds provided under: the Families First Coronavirus Response Act (Public Law 116- 127; 134 Stat. 178); the CARES Act (Public Law 116-136; 134 Stat. 281), the Consolidated Appropriations Act, 2021 (Public Law 116-260; 134 Stat. 1182); or the American Rescue Plan of 2021 (Public Law 117-2; 135 Stat. 4), any federal



Universal Service Fund high-cost program (e.g., RDOF, CAF), and any Vermont funding the prospective subgrantee has received for each broadband deployment project, including:

- The speeds and latency of the broadband service to be provided (as measured and/or reported under the applicable rules) and how to ensure that these parameters will be maintained and reported
- The geographic area to be covered.
- The number of unserved and underserved locations committed to serve (or, if the commitment is to serve a percentage of locations within the specified geographic area, the relevant percentage).
- The amount of public funding to be used.
- The cost of service to the consumer.
- The matching commitment, if any, provided by the subgrantee or its affiliates.



## Requirement #9 Non-Deployment Subgrantee Selection

2.5.1 Text Box: Describe a fair, open, and competitive subgrantee selection process for eligible non-deployment activities. Responses must include the objective means, or process by which objective means will be developed, for selecting subgrantees for eligible non-deployment activities. If the Eligible Entity does not intend to subgrant for non-deployment activities, indicate such.

Vermont anticipates that it will use most of its BEAD funding allocation for broadband deployment activities. For non-deployment activities such as digital equity initiatives, Vermont expects to rely on other resources, namely the Digital Equity Act's capacity-building and competitive grant programs and will provide additional details in the forthcoming Digital Equity Plan.

If Vermont does have BEAD funds remaining after it has met its deployment needs, including for community anchor institutions, the VCBB intends to use those funds to supplement activities it will undertake as part of its Digital Equity Act grant funding. As part of that grant, the VCBB intends to conduct a selection process for subgrantees to promote broadband affordability and adoption in their local communities through efforts including promoting broadband subsidies, computer skills training, enhancing digital literacy, and helping train users on best practices concerning online privacy and security. In addition, VCBB will use any remaining funds to promote stakeholder engagement efforts, including conducting outreach to local communities.

The VCBB is also working with other stakeholders to explore resources for initiatives focused on digital navigators, digital literacy, and workforce development. These initiatives would depend on partnerships and securing additional funding for implementation.

In selecting subgrantees to administer these programs, VCBB would intend to issue an RFP outlining the tasks it seeks to have undertaken and would allow prospective subgrantees seeking to undertake these tasks to bid on them, selecting to either pursue some or all of the tasks set forth in the RFP. VCBB would review the requests and determine which proposal best meets the overall objective of helping Vermont address its digital equity gap and in pursuing other programs designed to ensure Vermonters have the skills and ability to fully participate in the digital economy.



---

### 2.5.2 Text Box: Describe the Eligible Entity's plan for non-deployment initiatives.

As noted above, if Vermont does have BEAD funds that do not need to be allocated to deployment, including for community anchor institutions, the VCBB intends to use those funds to supplement activities it will undertake as part of its Digital Equity Act grant funding. As part of that grant, the VCBB intends to conduct a selection process for subgrantees to promote broadband affordability and adoption in their local communities through efforts including promoting broadband subsidies, computer skills training, enhancing digital literacy, and helping train users on best practices concerning online privacy and security. VCBB will use any remaining funds to promote stakeholder engagement efforts, including conducting outreach to local communities and the travel expenses associated with that outreach.

The VCBB is also working with other stakeholders to explore resources for initiatives focused on digital navigators, digital literacy, and workforce development. These initiatives would depend on partnerships and securing additional funding for implementation, and may include:

- ▶ Job training programs and apprenticeships: Building on and complementing work the VCBB has already done to establish job training programs, the VCBB would conduct a competitive grant program focused on job training and apprenticeship programs. This will be especially critical to ensure that BEAD projects are completed on schedule, and that Vermont has a trained workforce to support and maintain deployments statewide once they are completed.
- ▶ Programs to help Vermonters learn to recognize and avoid misinformation as access to and use of the Internet increases through BEAD and Digital Equity programs. This would include a competitive grant process for the development of a curriculum and resource materials, publicizing the availability of those materials, and working with trusted community partners to deploy and ensure uptake of these resources. For optimal success, these materials would be made available early in the BEAD deployment process, so that novice Internet users benefitting from buildout of reliable connectivity can build habits that reflect these best practices.

---

### 2.5.3 Text Box: Describe the Eligible Entity's plan to ensure coverage to all unserved and underserved locations prior to allocating funding to non-deployment activities.



See above. As noted in the Subgrantee Selection criteria, Vermont is focused on extending end-to-end fiber to as many locations within the state as possible. Once those are covered, Vermont intends to focus on ensuring symmetric gigabit service to its CAIs. Based on the VCBB's cost modelling, we do not anticipate having substantial additional funding available after completion of these activities. In the event there are remaining funds, VCBB intends to use them for the programs outlined in Text Box 2.5.2.

---

#### **2.5.4 Text Box: Describe how the Eligible Entity will ensure prospective subgrantees meet the general qualifications outlined on pages 71 – 72 of the NOFO.**

Consistent with Vermont's current Broadband Construction Grant program governed by Act 71, the VCBB will review proposals for non-deployment activities to "determine that the applicant has produced a viable business plan for its proposed broadband project" [VSA § 8086(d)]. The VCBB will require prospective subgrantees to outline the tasks they are seeking to pursue as part of their proposal, how they intend to pursue them with clearly defined objectives, and proposed timelines and milestones to ensure they are meeting those objectives for each task.

Included in the business plan, prospective subgrantees will need to include resumes from their key managerial staff, including leadership, operations, and field staff as part of the proposal. In addition, prospective subgrantees will need to provide organizational charts detailing any parent, subsidiary, or affiliated entities.

Prospective subgrantees will need to draft a narrative of its current business, how that has prepared them for undertaking a project of the scale they are proposing, their workforce details that demonstrate they are capable of achieving the tasks they are proposing to undertake, lessons they have learned from past projects, and any anticipated challenges they may face based on their prior experience. To the extent the subgrantee has done work pursuant to federal or state broadband funding, they will need to provide information detailing their successful completion of those projects or their progress to date on such projects. In addition, the subgrantee must include a statement in its narrative as to whether it has been the subject of any enforcement actions in relation to past projects.

The VCBB will require certification that the prospective subgrantee is technically qualified to complete and operate the project and is capable of carrying out the funded activities.





## Requirement #10 Eligible Entity Implementation Activities

**Text Box: Describe any initiatives the Eligible Entity proposes to implement as the recipient without making a subgrant, and why it proposes that approach.**

The VCBB's strategy for implementation is described in its BEAD Five-Year Action Plan. Key activities and initiatives the VCBB plans to implement without issuing a subgrant include:

- Administration and oversight of the BEAD subgrant application and implementation process.
- Ongoing stakeholder engagement.
- Supporting the design and implementation of job training and apprenticeship programs, including convening the workforce development working group and networking with employers (especially BEAD subgrantees).
- Ensuring alignment and coordination with the Digital Equity Program.

These activities are central to the role of the VCBB as Vermont's State Broadband Office, and will be covered by the two percent of total funding available for the BEAD program administration. In the event that deployment activities are completed, a portion of the remaining funds may be used for Eligible Entity implementation activities as well. With a state-wide purview and the responsibility to oversee the BEAD program, the VCBB is well-placed to serve as a convenor, connect the dots to maximize the reach and impact of broadband and digital equity initiatives, and ensure the BEAD program achieves its intended objectives with accountability to the public.



## Requirement #11 Labor Standards and Protection

2.7.1 Text Box: Describe the specific information that prospective subgrantees will be required to provide in their applications and how the Eligible Entity will weigh that information in its competitive subgrantee selection processes.

The VCBB will require prospective subgrantees to include the following information in their applications:

- ▶ Documentation of their past record of labor standards, protections, and violations (if applicable):
  - Narrative describing the prospective subgrantee's compliance with state and federal labor and employment laws on broadband deployment projects in the last five years (or since inception, if less than five years).
  - Certification from an Officer/Director-level employee (or equivalent) of the prospective subgrantee evidencing consistent past compliance with federal labor and employment laws by the subgrantee, as well as all contractors and subcontractors.
  - Disclosure of applicant and contractors' safety protocols and record for the past five years, including: record of fatal accidents, serious injuries, days between lost time injuries, workers compensation premiums, safety observations, safety training, and tailboard records and policies.
  - Disclosure of any instances in which the prospective subgrantee or its contractors or subcontractors have been found to have violated laws such as the State and Federal Occupational Safety and Health Act (OSHA), the Fair Labor Standards Act, or any other applicable labor and employment laws for the preceding five years (or since inception, if less than five years).
  - Disclosure by prospective subgrantee of any pending litigation related to alleged violations of state or federal labor and employment laws.
- ▶ Documentation of the prospective subgrantee's approach to ensure labor standards and protections during the BEAD Program:



- Narrative describing policies and standard operating procedures to ensure compliance with state and federal labor protection laws and regulations.
- Narrative describing applicable wage scales and wage and overtime payment practices for each class of employees expected to be involved directly in the physical construction of the broadband network.
- Narrative describing how the subgrantee will ensure the implementation of workplace safety committees that are authorized to raise health and safety concerns in connection with the delivery of deployment projects.

---

**2.7.2 Text Box: Describe in detail whether the Eligible Entity will make mandatory for all subgrantees (including contractors and subcontractors) any of the following and, if required, how it will incorporate them into binding legal commitments in the subgrants it makes.**

The VCBB will make the following mandatory of its BEAD subgrantees (including contractors and subcontractors) to commit to and will require them to include a description of their approach to ensuring the following:

- ▶ Paying prevailing wages and benefits to workers, including compliance with Davis-Bacon and Service Contract Act requirements, where applicable, and collecting the required certified payrolls.
- ▶ Using project labor agreements (i.e., pre-hire collective bargaining agreements between unions and contractors that govern terms and conditions of employment for all workers on a construction project).
- ▶ Using an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor-management training programs that serve all workers, particularly those underrepresented or historically excluded).
- ▶ Using an appropriately credentialed workforce (i.e., satisfying requirements for appropriate and relevant pre-existing occupational training, certification, and licensure).
- ▶ Recruiting and hiring a local and Vermont-based workforce, including for customer service, whenever possible.



## Requirement #12 Workforce Readiness

### 2.8.1 Text Box: Describe how the Eligible Entity and their subgrantees will advance equitable workforce development and job quality objectives to develop a skilled, diverse workforce.

The VCBB established a Workforce Development Team, which has been meeting weekly since February 2022 and includes representatives from ISPs, construction companies, the Fiber Broadband Association, and others.

The VCBB is setting up an apprenticeship program for fiber optic installers. The VCBB is working with the Vermont Department of Labor on a \$531,000 allocation from the Vermont Legislature to set up this apprenticeship program. The funding has been transferred to the VCBB and will ensure 50 new fiber optic apprentices in 2024. There is only one nationally recognized apprenticeship program (that is for fiber optic installers). The training program includes outside and inside fiber technicians, flaggers, and tree clearing. It is in development and expected to start this fall.

The VCBB will continue to collaborate with the Department of Labor and its network of worker and related community organizations to share information, opportunities to collaborate, and employment opportunities for diverse populations they serve.

The VCBB will support Career Technical Education Programs and encourage collaboration with ISPs for recruitment from these programs. This will include working with vocational and technical colleges and workforce development organizations as well as high schools and organizations serving formerly incarcerated individuals. This diverse partnership approach is designed to reach people early in their career exploration, as well as at pivotal points of transition, to open doors to opportunities to new, fulfilling career opportunities and to offer the support needed to qualify for them.

The VCBB will continue to engage with ISPs and CUDs regularly to understand their hiring and staffing needs and challenges to align employer needs with workforce preparedness and development initiatives and ensure a symbiotic relationship for employees and employers.

The VCBB will also work with the State Legislature to pass legislation regarding a state-wide student financing program that covers upfront training costs and critical support services for learners that is then repaid after job placement.

The VCBB will require BEAD subgrantees to make intentional efforts to recruit from diverse populations and apprenticeship and training programs. Vermont's BEAD subgrantees will be required to include in their regular reporting an update on how they



are ensuring a high-quality and safe work environment, including any recruitment from apprenticeship programs, training offered to workers, labor violations, etc. The VCBB will require subgrantees to conduct site visits to ensure labor standards and protections are adhered to.

As part of VCBB's grant management and oversight, it will monitor subgrantees' workforce and safety practices (including reviewing reports and conducting site visits) to ensure and foster high-quality jobs and careers fostered by the BEAD Program.

---

**2.8.2 Text Box: Describe the information that will be required of prospective subgrantees to demonstrate a plan for ensuring that the project workforce will be an appropriately skilled and credentialed workforce.**

The VCBB will require prospective subgrantees to provide the following information:

- ▶ Documentation of required skills, level of experience, and certifications for full-time positions.
- ▶ Description of the way in which the prospective subgrantee will ensure the use of an appropriately skilled workforce (e.g., through Registered Apprenticeships or other joint labor management training programs that serve all workers).
- ▶ The steps the prospective subgrantee will take to ensure that all members of the project workforce will have appropriate credentials (e.g., appropriate and relevant occupational training, certification, and licensure) and if it will require such credential for hiring or if it will support employees to attain such credentials.
- ▶ A commitment to participate in and recruit from the VCBB Apprenticeship Program.
- ▶ A written plan for workforce readiness, retention, and ensuring a quality work environment.
- ▶ A description of their customer service training program and accountability measures to ensure quality customer service.
- ▶ Whether the workforce is unionized.
- ▶ Whether the workforce will be directly employed or whether work will be performed by a subcontracted workforce.
- ▶ The entities that the proposed subgrantee plans to contract and subcontract with in carrying out the proposed work and their capabilities.
- ▶ The job titles and size of the workforce (full-time employment positions, including for contractors and subcontractors) required to carry out the



proposed work over the course of the project and the entity that will employ each portion of the workforce.

- ▶ For each job title required to carry out the proposed work (including contractors and subcontractors), a description of:
  - Safety training, certification, and/or licensure requirements (e.g., OSHA 10, OSHA 30, confined space, traffic control, or other training as relevant depending on title and work), including whether there is a robust in-house training program with established requirements tied to certifications and titles.
  - Information on the professional certifications and/or in-house training in place to ensure that deployment is done at a high standard.

## Requirement #13 Minority Business Enterprises (MBEs)/ Women’s Business Enterprises (WBEs)/ Labor Surplus Area Firms Inclusion

---

2.9.1 Text Box: Describe the process, strategy, and the data tracking method(s) the Eligible Entity will implement to ensure that minority businesses, women-owned business enterprises (WBEs), and labor surplus area firms are recruited, used, and retained when possible.

The VCBB’s strategy to ensure minority and women-owned business enterprises and labor surplus area firms are engaged, recruited, used, and retained, when possible, includes:

- ▶ Compiling and maintaining a list of relevant and qualified businesses and contacts for each, leveraging the [State of Vermont’s Minority and Women Owned Business Enterprises policy and database](#).
- ▶ Conducting outreach to this list of businesses regarding pertinent solicitations.
- ▶ Shaping scopes of work for solicitations in a way that allows for a potential vendor to propose to cover a discrete subset of the scope, not necessarily the entire scope. This makes it more feasible for smaller firms to successfully propose to do the work.



- ▶ Consult other Vermont State Agencies and the SBA's Small Business Development Centers and MBDA's State-Based Business Centers for more information and guidance.
- ▶ Incorporating the above steps into standard operating procedures for VCBB.
- ▶ Provide resources and guidance to BEAD subgrantees to facilitate their recruitment of MBE/WBE and labor surplus area firms for subcontracts.

---

**2.9.2 Check Box: Certify that the Eligible Entity will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible.**

The VCBB certifies that it will take all necessary affirmative steps to ensure minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

- ▶ Placing qualified small and minority businesses and women's business enterprises on solicitation lists.
- ▶ Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources.
- ▶ Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises.
- ▶ Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises.
- ▶ Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- ▶ Requiring subgrantees to take the affirmative steps listed above as it relates to subcontractors.



## Requirement #14 Cost and Barrier Reduction

### 2.10.1 Text Box: Identify steps that the Eligible Entity will take to reduce costs and barriers to deployment.

Responses may include but not be limited to the following:

In 2020, Vermont adopted changes to its Public Service Commission pole attachment Rule 3.700 and make-ready requirements to streamline the process for entities seeking to access poles and to clarify the right and responsibilities of the pole owner and the attaching entity.<sup>28</sup> Those requirements allow for attaching entities to overlash existing facilities on a pole, to do their own make-ready work in certain circumstances, and provide for specific timelines for the attaching process. These efforts are designed to provide clarity and accountability in the pole attachment process.

Vermont has also taken steps to promote a dig-once policy through the Department of Transportation, which manages the rights of ways along roads and highways.

Beyond streamlining, the VCBB is working to help ensure there is an increase in trained workers that are available to assist subgrantees with performing deployment project through workforce development training that is outlined in Requirement 12.

---

<sup>28</sup> PUC Rule 3.700





## Requirement #15 Climate Assessment

**2.11.1 Text Box: Describe the Eligible Entity's assessment of climate threats and proposed mitigation methods. If an Eligible Entity chooses to reference reports conducted within the past five years to meet this requirement, it may attach this report and must provide a crosswalk narrative, with reference to page numbers, to demonstrate that the report meets the five requirements below. If the report does not specifically address broadband infrastructure, provide additional narrative to address how the report relates to broadband infrastructure.**

The State of Vermont places great importance on climate considerations. The VCBB takes a data-driven, proactive approach to climate risk mitigation and crisis prevention.

### A. Initial Hazard Screening

In fall of 2022, as part of the VCBB's NTIA Middle Mile Grant Program application, the VCBB performed an initial hazard screening for current and future risks throughout the State of Vermont.<sup>29</sup> The VCBB used information from this initial hazard screening and added counties most impacted by Vermont's most recent climate-related flooding event in 2023 to come up with a list of geographic areas that might be at highest risk of future weather and climate-related hazards. Northern Vermont specifically is a region where exposure to extreme weather is compounded by lack of geographic redundancy, which creates difficulty accessing these areas by road. Throughout the State, many of Vermont's villages and downtowns were settled in locations to harness waterpower. Due to climate change, these communities are at higher risk of flooding from mountain weather patterns and rivers breaching their banks. Areas within the following counties may be identified as high-risk: Windham, Franklin, Lamoille, Addison, Orleans, Essex, Caledonia, Washington, Orange, and Rutland. These counties include areas that are most remote and difficult to access with lower population densities. It also includes those counties most impacted by Vermont's most recent climate-related flooding event in July 2023. Within these counties, areas along the spine of the Green Mountains are susceptible to heavier rainfall events, and areas in river valleys are particularly vulnerable to flooding. The VCBB will use data from Federal and State sources, as well as the [Broadband Climate Risk Mitigation Tool](#) developed by the Center on Rural

<sup>29</sup> <https://publicservice.vermont.gov/vt-community-broadband-board-vcbb/vermonts-middle-mile-proposal-ntia>



Innovation, to screen for hazards on an ongoing basis as the impacts of climate change continue to evolve.

## **B. Weather and Climate Hazards**

Temperatures in Vermont have risen about three degrees Fahrenheit since the beginning of the 20<sup>th</sup> century, and 2010-2020 was the warmest 11-year period on record. Under both higher and lower carbon emissions future scenarios, historically unprecedented warming is projected to continue through this century. Average annual precipitation in Vermont has increased by seven inches since the 1960s. Due to warming, precipitation is falling more frequently as rain, leading to more frequent and intense extreme rainfall events.<sup>30</sup> Increased quantities of rainfall can cause fluvial erosion, and in the colder months, this increased precipitation will cause wetter, and therefore heavier, snow, and a higher likelihood of icing events. Vermont flooding and power outages due to severe storms, hurricanes, and weather events caused by a changing climate are already a significant weather-related risk and will remain a hazard. As recently as July 2023, much of the State was impacted by a heavy rainfall event; the hardest hit areas are included in the VCBB list of high-risk counties.<sup>31</sup> Counties listed in the initial hazard screen are at higher risk of these hazards due to less geographic redundancy, lower population density, and towns and villages located in low-lying flood-prone river valleys.

## **C. Infrastructure Risk**

According to the 2022 Vermont State Hazard Mitigation Plan, the most probable hazards to infrastructure in Vermont include fluvial erosion, inundation flooding, and ice, and these are expected to be increasingly hazardous to new infrastructure deployed using BEAD funds. Historically, extreme heat has not been a major hazard in Vermont, but extreme heat and droughts are expected to become more common, and with this, the risk of wildfires will rise.<sup>32</sup> The Vermont Department of Public Health states that “the number of days per year with precipitation of 1 inch or more has nearly doubled” and “heavy rainfall events are expected to occur more often, which increases risk of flooding, damage to transportation infrastructure and buildings, water and crop

---

<sup>30</sup> NOAA National Centers for Environmental Information. “State Climate Summaries 2022: Vermont.” Available at: <https://statesummaries.ncics.org/chapter/vt/>

<sup>31</sup> Vermont Public. “Maps: Which Areas in Vermont Were Hit Hardest in the July Flooding?” July 24, 2023. Available at: <https://www.vermontpublic.org/2023-07-13/maps-which-areas-in-vermont-were-hit-hardest-in-this-weeks-flooding>

<sup>32</sup> Vermont Department of Public Safety. “Vermont Emergency Management Draft 2023 State Hazard Mitigation Plan.” August 2023. Available at: <https://vem.vermont.gov/draft-2023-state-hazard-mitigation-plan>



contamination, wind damage, and power outages.”<sup>33</sup> Fluvial erosion can cause instability in land where utility poles might be located, and stronger storms will increase the possibility of power outages and damage to fiber lines from strong winds, flooding, and trees falling on wires.

#### **D. Mitigation Plan**

The future of utility innovation and resiliency relies on the growth and funding of broadband infrastructure. This is emphasized by the State’s focus on advanced metering and real-time usage and rate availability in its approach to Infrastructure Investment and Jobs Act Grid Resilience funding. To help prepare for severe weather events, the VCBB will require all active elements in last-mile networks funded by BEAD to be backed up by both battery and generator power, with 72-hour backup required for hubs (OLTs, Central Office) and 24-hour backup for residential. Additionally, subgrantees are required to provide networks capable of 50 milliseconds or better latency for all on-grid projects. More details on this can be found in Text Box 2.4.2.

The VCBB has a strong preference for fiber as a future-proof, climate-resilient technology. As detailed in Text Box 2.4.2, VCBB will focus on projects that provide end-to-end fiber optics to all on-grid locations. The VCBB will encourage subgrantees to leverage existing private resources and assets to avoid further carbon emissions from unnecessary construction. Subgrantees will be encouraged to use energy efficient technologies and renewable energy sources wherever possible.

The Vermont Comprehensive Energy Plan “also recognizes the role that broadband services play in delivering transformative technologies to all Vermonters, together with the capability of managing those technologies to reduce costs.”<sup>34</sup> Expanded broadband access can enhance technologies such as smart meters to improve energy efficiency.

In the case of damage to broadband infrastructure due to flooding or other severe weather conditions, **Ongoing Climate Assessment** next section, Ongoing Climate Assessment, describes VCBB’s coordination with other utilities in Vermont on emergency management and response to enhance restoration speeds. According to the BEAD NOFO, each funded network’s outages should not exceed, on average, 48 hours over any 365-day period except in the case of natural disasters or other force majeure occurrence. In the case of natural disasters related to climate change, the VCBB will coordinate with appropriate partners to assess damage and restore service as quickly

---

<sup>33</sup> Vermont Department of Health. “Health & the Environment.” Available at: <https://www.healthvermont.gov/environment/climate/extreme-weather-events>

<sup>34</sup> Vermont Comprehensive Energy Plan. P. 13, 76. Available at: [https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan\\_0.pdf](https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan_0.pdf).



as possible. The VCBB will also prioritize geographic redundancy by ensuring all points of presence have at least two points of geographic redundancy.

### **E. Ongoing Climate Assessment**

The VCBB participates in the State of Vermont Emergency Management Plan: Recovery Plan (the Recovery Plan), working closely with other utilities in emergency management and response for Vermont. The Recovery Plan (revised and updated on a five-year rotation) instructs the various Vermont departments and utilities how to effectively coordinate to restore and mitigate the risk to essential services when a major event occurs and is currently managed by the Vermont Emergency Management division of the Department of Public Safety.

The VCBB is committed to continuing to work through the Department of Public Safety and with all electric and telecommunications utilities in the State to identify and address any existing or emerging issues.

These key partnerships will allow the VCBB to access highly qualified State personnel and up-to-date tools and information in support of the continued success of the BEAD Program. The VCBB will continue to assess the climate hazards on an ongoing basis, in cooperation with state departments and BEAD subgrantees. As part of grant agreements reached between the VCBB and providers, the VCBB will require real-time monitoring of all active points in last-mile networks funded by BEAD, including optical network terminals, and quarterly performance reports on active network elements.

---

**2.11.1.1 Optional Attachment: As an optional attachment, submit any relevant reports conducted within the past five years that may be relevant for this requirement and will be referenced in the text narrative above.**

Vermont Climate Action Plan - <https://outside.vermont.gov/agency/anr/climatecouncil/Shared%20Documents/Initial%20Climate%20Action%20Plan%20-%20Final%20-%202012-1-21.pdf>

Vermont Emergency Management Plan - <https://vem.vermont.gov/plans/state>

Vermont Comprehensive Energy Plan - [https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan\\_0.pdf](https://publicservice.vermont.gov/sites/dps/files/documents/2022VermontComprehensiveEnergyPlan_0.pdf)

Vermont State Hazard Mitigation Plan - <https://vem.vermont.gov/draft-2023-state-hazard-mitigation-plan>



DRAFT



## Requirement #16 Low-Cost Broadband Service Option

**2.12.1 Text Box: Describe the low-cost broadband service option(s) that must be offered by subgrantees as selected by the Eligible Entity, including why the outlined option(s) best services the needs of residents within the Eligible Entity's jurisdiction.**

The VCBB will require BEAD subgrantees to offer, at minimum, a low-cost broadband option for low-income residents of Vermont. The VCBB intends to treat as eligible those subscribers that meet the definition of "Eligible Subscribers" contained in the NOFO (NOFO at 12). As the NOFO states, in developing its low-cost service plan, each state is required to consult with the NTIA and prospective subgrantees regarding the proposed definition of the term "low-cost broadband service option" for development of a low-cost service plan that "best serves the residents of the state." (NOFO at 7, 66). The VCBB intends to consult with NTIA in the development of the low-cost service option to ensure its BEAD funding supports access and meets the needs of the low-income Vermont households.

As outlined in the NOFO, there are elements that must be in the low-cost service option. Those include participation in ACP; cost to consumer after application of available subsidies; performance characteristics (speed, latency, data caps, reliability commitments); and opportunities to upgrade to low-cost service plans with improved technical specifications. The low-cost service plan developed for Vermont's low-income residents and required from all prospective subgrantees will require:

- Cost to consumers: See discussion below
- Speed: 100/100 Mbps on-grid; 100/20 Mbps off-grid
- Latency: 100 milliseconds
- Data usage caps: Not permitted
- Additional service characteristics:
  - o Subgrantees will be required to accept the ACP subsidy to cover a portion of the cost of the low-cost option (as well as allowing this for all plans offered by the Subgrantee as set out below)
  - o Provide access to broadband service to each customer served by the project that desires broadband service on terms and conditions that are reasonable and non-discriminatory.



- o Provide consumers with services that adhere to values that have been identified by the State, like net neutrality, transparent pricing, and data privacy. Provide broadband service that complies with the consumer protection and net neutrality standards.
- o The low-cost broadband option must remain available for the useful life of the funded network assets.

Regarding the cost to consumers, the VCBB intends to consult with NTIA on how best to set the monthly costs of service for low-income Vermonters balancing the need for affordability and the need to ensure the viability of the networks. VCBB acknowledges that the BEAD NOFO Guidance “strongly encourages” states to follow the example set out in the NOFO, but the VCBB is concerned about ensuring the viability of the networks being constructed and the sustainability of the services being provided with BEAD funding if a \$30 per month price for the low-cost service option is required of all prospective subgrantees. VCBB has conducted preliminary research under the assumption that low-income households can generally afford to spend up to 1% of their monthly income on fixed broadband connectivity. That means a one-person household living at 100% of the poverty line could spend up to \$10.73 per month on fixed broadband. At 200% of the poverty line, a one-person household could spend up to \$21.47 per month on a fixed broadband connection. According to the 2021 Census data, approximately 10.4% of Vermonters have incomes below 100% of the poverty level and 14.1 percent have incomes between 101-200%.<sup>35</sup> These families would be eligible for ACP support of \$30 per month and some would be eligible for Lifeline support of up to \$9.25 per month. These factors need to be taken into account when establishing the cost of the low-cost service option. The VCBB intends to develop an approach, in further consultation with the NTIA, that when combined with the ACP and Lifeline subsidies enables all low-income families meaningful access to affordable, reliable, high-speed broadband.

It is important to the VCBB that all customers are informed of this option and do not face undue burden in selecting it. Subgrantees will be required to present their process for marketing this option as part of their proposal for the VCBB for review and feedback. The VCBB may provide guidelines or requirements to BEAD subgrantees to facilitate this process. Customer service staff must be trained in how to assist people with selecting this option.



**2.12.2 Checkbox: Certify that all subgrantees will be required to participate in the Affordable Connectivity Program or any successor program.**

The VCBB certifies that all subgrantees will be required to participate in the Affordable Connectivity Program (ACP). The VCBB also intends to require BEAD subgrantees to offer the ACP device subsidy program to its customers.

**Commented [RL5]:** The VCBB has not discussed this requirement with Vermont providers and welcomes comments on this inclusion during the Public Comment Period

## Requirement #17 Use of 20 Percent of Funding

**2.14.1 Text Box: Describe the Eligible Entity’s planned use of any funds being requested.**

Consistent with Section IV.B.8. of the BEAD NOFO, the State of Vermont intends to use the first 20 percent of its BEAD funding allocation for the deployment of last mile broadband infrastructure to unserved and underserved locations in areas that:

1. Consist of a least 80 percent unserved locations; and
2. Are in locations in which the percentage of individuals with a household income at or below 150 percent of the poverty level applicable to a family of the size involved (as determined under Section 673(2) of the Community Services Block Grant (42 U.S.C. 9902(2)) is higher than the national percentage of such individuals.

According to the Current Population Survey (CPS) Annual Social and Economic (ASEC) Supplement (a joint effort between the Bureau of Labor Statistics and the Census Bureau), approximately 19.4 percent of the United States population (64,764,000 out of 328,191,000 individuals) is living below 150 percent of the poverty level (this consists of all people living in primary families, living in unrelated families or unrelated individuals).<sup>35</sup>

As discussed in the VCBB’s response to Requirement 8, the State of Vermont intends to fund BEAD deployment projects at the CUD level or the town level for communities that are not members of a CUD. The VCBB has identified two CUDs which meet the requirement with more than 19.4 percent of the population living below 150 percent of

<sup>35</sup> Poverty Status POV-01. Age and Sex of All People, Family Members, and Unrelated Individuals, <https://www.census.gov/data/tables/time-series/demo/income-poverty/cps-pov/pov-01.html>





the poverty level: the Deerfield Valley CUD (served by DVFiber) and the NEK Broadband CUD (served by NEK Broadband).

CUD	Percentage of Individuals Living Below 150% Poverty Level
Deerfield Valley	23.64%
NEK Broadband	22.17%

There are several cities and towns (or parts of cities and towns) in Vermont which are not members of CUDs, and which have more than 19.4 percent of individuals living in households below the 150 percent of poverty level (i.e., Athens, Burlington, Cavendish, Chester, Colchester, Danby, Enosburgh, Hartland, Hinesburg, Ludlow, Mount Holly, Rockingham, Springfield, Saint Albans City, Tinmouth, Wallingford, Warren, and Winooski). However, all but one of these cities and towns have a small number of unserved locations and therefore are less likely produce a project with at least 80 percent of locations unserved. Only Warren has both with more than 19.4 percent of its individuals living in households below the 150% of poverty level and is likely to produce a project with more than 80 percent unserved locations.

Non-CUD Town	Percentage of Individuals Living Below 150% Poverty Level
Warren	50.30%

The VCBB estimates that the amount of BEAD funding necessary to extend high-speed broadband services to the unserved locations in these three areas—Deerfield Valley CUD, NEK Broadband CUD and Warren— could exceed 20 percent or \$44,782,604 of Vermont’s \$223,913,019 BEAD allocation. The VCBB projects that the cost to extend high-speed broadband to these three communities would be approximately \$40M to \$45M, assuming that at least 80 percent of locations are unserved.

To the extent that any portion of Vermont’s first 20 percent of BEAD allocation remains, the VCBB intends to use these funds to support deployment of last-mile broadband infrastructure in other unserved and underserved locations, which have similar, albeit slightly lower, poverty levels. Below are examples of CUD with slightly lower poverty levels and poverty levels, but significant unserved locations.



CUD	Percentage of Individuals Living Below 150% Poverty Level
Southern Vermont CUD	19.31%
Otter Creek CUD	19.20%
Lamoille FiberNet CUD	18.56%

In short, the VCBB is confident that it will be able to direct the first 20 percent of its BEAD allocation to communities with higher-than-average rates of poverty and with a large percentage of unserved locations.

**2.14.2 Financial Data Entry: Enter the amount of the Initial Proposal Funding Request. If not requesting initial funds, enter '\$0.00.'**

The VCBB requests \$44,782,604 or 20 percent of initial funds.

**2.14.3 Check Box: Certify that the Eligible Entity will adhere to BEAD Program requirements regarding Initial Proposal funds usage. If the Eligible Entity is not requesting funds in the Initial Proposal round and will not submit the Initial Funding Request, note "Not applicable."**

The VCBB will adhere to BEAD Program requirements regarding Initial Proposal funds usage.

## Requirement #18 Eligible Entity Regulatory Approach



2.15.1 Text Box: [Describe whether the Eligible Entity will waive any laws of the Eligible Entity concerning broadband, utility services, or similar subjects.]

The VCBB will not waive any State laws.

---

2.15.1.1 Optional Attachment: As a required attachment only if the Eligible Entity will not waive laws for BEAD Program project selection purposes, provide a list of the laws that the Eligible Entity will not waive for BEAD Program project selection purposes, using the Eligible Entity Regulatory Approach template provided.

Not applicable.

## Requirement #19 Certification of Compliance with BEAD Requirements

---

2.16.1 Check Box: Certify the Eligible Entity's intent to comply with all applicable requirements of the BEAD Program, including the reporting requirements

The VCBB certifies it intends to comply will all applicable requirements of the Program, including the reporting requirements. Future reporting requirements for the BEAD Program include those outlined in NOFO Section VII.E. I.

---

2.16.2 Text Box: Describe subgrantee accountability procedures.

In alignment with the BEAD NOFO and Vermont Act 71 (2021), the VCBB will apply the following policies and procedures to ensure accountability under its BEAD Program:

- ▶ Distribution of funding to subgrantees for, at a minimum, all deployment projects on a reimbursable basis (which would allow the VCBB to withhold



funds if the subgrantee fails to take the actions the funds are meant to subsidize).

- ▶ The Public Service Department shall retain a minimum of five percent of an award for two years after project completion to ensure continued compliance with contract terms.
- ▶ Subgrantees will be required to report failing to meet interim build-out milestones within 10 business days of missing the applicable milestone deadline. The PSD will withhold any funding associated with the percentage of missed milestone until such time as the subgrantee comes into compliance with the requirement.
- ▶ Failure to meet interim milestone obligations may result in the PSD assessing a penalty of up to two times the average amount of support received per location in the project area over the term of the funding for the relevant locations to that point.
- ▶ Upon notification that a subgrantee has not met a final milestone, the subgrantee must seek permission from the PSD to be authorized additional time to come into compliance. Such time cannot exceed six months and the subgrantee will be assessed a penalty equal to two times the average amount of support per location that that the subgrantee received in the project area over the term of the support for the relevant locations if it fails to meet the revised final milestone date.
- ▶ In the event that a subgrantee can no longer provide broadband service to the end user locations covered by the subgrant, Vermont, in consultation with NTIA, will require the subgrantee to sell the network capacity at a reasonable, wholesale rate on a nondiscriminatory basis to one or more other broadband service providers or public-sector entities or sell the network in its entirety to a new provider who commits to providing services under the terms of the BEAD Program, subject to approval by Vermont PSD, NTIA, and any other federal entity with authority to review the acquisition.
- ▶ In the case of the dissolution of a CUD, any such fiber assets shall become the property of the State to be managed by the PSD.
- ▶ Subgrantees will have an obligation to report quarterly on their progress to ensure that sufficient progress is being made towards each milestone in the deployment.
- ▶ Subgrantee monitoring will include regular meetings to discuss project progress as well as site visits of subgrantee deployment projects.

---

### 2.16.3 Check Box: Certify that the Eligible Entity will account for and satisfy authorities relating to civil



### rights and nondiscrimination in the selection of subgrantees.

VCBB will certify that its selection of subgrantees will account for and satisfy each of the following authorities:

- ▶ Parts II and III of Executive Order 11246, Equal Employment Opportunity
- ▶ Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency
- ▶ Executive Order 13798, Promoting Free Speech and Religious Liberty

The VCBB will require, prior to distribution of any funding, that each subgrantee agree, by binding commitment, to abide by the nondiscrimination requirements set forth in the following legal authorities, to the extent applicable, and to acknowledge that failure to do so may result in cancellation of any award and/or recoupment of funds already disbursed:

- ▶ Title VI of the Civil Rights Act
- ▶ Title IX of the Education Amendments of 1972
- ▶ The Americans with Disabilities Act of 1990
- ▶ Section 504 of the Rehabilitation Act of 1973
- ▶ The Age Discrimination Act of 1975
- ▶ Any other applicable non-discrimination law(s)

---

### 2.16.4 Check Box: Certify that the Eligible Entity will ensure subgrantee compliance with the cybersecurity and supply chain risk management requirements.

VCBB will require all subgrantees to certify their compliance with cybersecurity and supply chain risk management requirements.

To effectuate this, VCBB will require subgrantees to prepare a cybersecurity risk management plan and to have the plan in place prior to award of the grant if the subgrantee is providing service to the area already; or to demonstrate that it is ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award.

- ▶ The plan must reflect the latest version of the National Institute of Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (currently Version 1.1) and the standards and controls set forth in Executive Order 14028 and specifies the security and privacy controls being implemented.



- ▶ The plan will be reevaluated and updated on a periodic basis and as events warrant.
- ▶ The plan will be submitted to the VCBB prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted within 30 days.

The VCBB will also require subgrantees to submit a Supply Chain Risk Management (SCRM) plan. As with the cybersecurity risk management plan, the SCRM plans must be in place prior to award of the grant if the subgrantee is providing service to the area already; or to demonstrate that it is ready to be operationalized upon providing service, if the prospective subgrantee is not yet providing service prior to the grant award. The SCRM plans will be:

- ▶ Based upon the key practices discussed in the NIST publication NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry and related SCRM guidance from NIST, including NIST 800-161, Cybersecurity Supply Chain Risk Management Practices for Systems and Organizations and specifies the supply chain risk management controls being implemented.
- ▶ Reevaluated and updated on a periodic basis and as events warrant.
- ▶ Submitted to VCBB prior to the allocation of funds. If the subgrantee makes any substantive changes to the plan, a new version will be submitted within 30 days.

The VCBB will make both the Cybersecurity plan and the SCRM available to NTIA upon request.

## Requirement #20 Middle Class Affordability

---

**2.13.1 Text Box:** Describe a middle-class affordability plan that details how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices. This response must clearly provide a reasonable explanation of how high-quality broadband services will be made available to all middle-class families in the BEAD-funded network's service area at reasonable prices.



In evaluating how to structure a middle-class affordability plan for Vermont, the VCBB considered what it means to be middle class in Vermont. The Pew Charitable Trust Index, which relies on Census data, defines middle class as two-thirds to twice the U.S. median household income, adjusted for household size. The median income in Vermont, according to the latest Census data, is \$72,431. Using the Pew Index, that means a single middle class person in Vermont earns an income between \$26,511-\$79,533; a couple would be middle class earning \$37,492-\$112,476; and a family of four would be middle class with an income between \$53,022-\$159,065. Median income down to Census Block Group level can be determined for any area in Vermont using data from the US Census American Community Survey (available at B19013. Median Household Income in the Past 12 Months (In 2021 Inflation-Adjusted Dollars), [https://data.census.gov/table?q=Income+\(Households,+Families,+Individuals\)&g=040X00US50\\$150000&tid=ACSDT5Y2021.B19013](https://data.census.gov/table?q=Income+(Households,+Families,+Individuals)&g=040X00US50$150000&tid=ACSDT5Y2021.B19013)). Given this broad range, developing a specific price for a middle-class plan is more complicated than simply selecting a dollar amount. Therefore, VCBB intends to require BEAD prospective subgrantees to offer a range of service plans that vary based on speed and price, including a lower cost, lower speed tier that meets the definition of broadband that the prospective subgrantee identifies as its low-cost plan. The VCBB will require the prospective subgrantee to provide a basis for its conclusion that the low-cost plan is affordable for the project area based on demographic data for the area. In addition, all plans offered by the provider will be required to accept the ACP subsidy to cover a portion of the cost for eligible households. The VCBB intends to require annual reporting on the tiers of service each provider offers to ensure broadband connections remain affordable for middle class families throughout Vermont.

Designing affordable broadband service does not just relate to monthly fees but also the cost to initiate service. Vermont faces a few specific affordability challenges due to its geography, low population density, and legacy network deployments. The remaining unserved and underserved addresses are in areas where infrastructure has not been built by market forces alone, and are predominantly very rural. This drives up operating costs for ISPs, which can result in higher monthly customer prices.

Additionally, the customer expense of the drop that brings fiber from the pole to the house can be prohibitively high, especially for the many Vermonters who live at the end of long driveways, far from the nearest pole infrastructure, and those who live in areas where utilities (and therefore future fiber builds) are buried underground. Of note, utilities are nearly always buried underground in manufactured home communities, which house some of the lowest-income individuals in the state. These property-specific expenses must also be considered in the greater landscape of broadband affordability.

Vermont intends for providers who are using BEAD funds to keep their commitment to ensure middle class affordability over the life of the network. The VCBB will require that each prospective subgrantee provide a certification that it will continue to provide a range of service offerings, including a low cost option during the useful life of the network, as required by the NOFO. This is in addition to the reporting obligation noted



above. Prospective subgrantees should also outline their plans for reinvesting network revenues into the networks to help reduce customer rates.

DRAFT