

Virginia Broadband Advisory Council

**2020 Annual Report
October 1, 2019 – September 30, 2020**

Introductory Background

In today's connected world, the societal importance and economic relevance of broadband is increasingly clear. Recognizing the need to provide all Virginians with broadband access, the Broadband Advisory Council ("the Council") was established pursuant to Va. Code § 2.2-100, within the executive branch of the Commonwealth. The Council's purpose is to advise the Governor on policy and funding priorities in order to expedite deployment and reduce the cost of broadband access in the Commonwealth. The Council was established due to a recommendation by the Broadband Roundtable, established by Governor Kaine in 2007, and was codified during the 2009 legislative session (Chapter 818, 2009 Acts of Assembly).

This overview will provide an outline of the Council's duties, Council membership, broadband legislation passed, and a summary of the Broadband Advisory Council meetings between October 1, 2019 and September 30, 2020.

Council Duties

The Broadband Advisory Council was established to determine the Commonwealth's broadband goals and how best to achieve them. The Council is charged with the following duties per § 2.2-2699.4 Code of Virginia:

- Monitor the broadband-based development efforts of other states and nations in areas such as business, education, and health;
- Consult with the Department of Housing and Community Development to designate the unserved areas to receive funds.
- Advise the Governor, the Secretary of Commerce and Trade, and the General Assembly on policies and strategies related to making affordable broadband services available to every Virginia home and business;
- Monitor broadband-related activities at the federal level;
- Encourage public-private partnerships to increase the deployment and adoption of broadband services and applications;
- Annually report to the Governor and the Joint Commission on Technology and Science on the progress towards the goal of universal access for businesses and on the assessment of Commonwealth broadband infrastructure investments and utilization of Council-supported resources to promote broadband access;
- Periodically review and comment on the quality, availability, and accessibility of state-maintained or funded broadband resources and programs, including but not limited to: Virginia Resources Authority Act funding of the "Online Community Toolkit"; the Center for Innovative Technology's mapping and outreach initiatives; investments made through programs administered by the Department of Education, Department of Housing and Community Development,

Department of Public Rail and Transportation, and the Tobacco Region Revitalization Commission; and

- Monitor regulatory and policy changes for potential impact on broadband deployment and sustainability in the Commonwealth.

Council Membership

As prescribed by the § 2.2-2699.3 Code of Virginia, the Council consists of members representing various stakeholders in the Virginia broadband industry and the state legislature. At the concluding date of this report, the Broadband Advisory Council was comprised of 17 members. The Council members are: four members of the House of Delegates; three members of the Senate; and six nonlegislative citizen members appointed by the Governor: a representative of the Virginia Cable Telecommunications Association, a representative of the Virginia Telecommunications Industry Association, a representative from local government recommended by the Virginia Municipal League and Virginia Association of Counties, a representative of the Virginia Wireless Internet Service Providers Association, a representative of a wireless service authority, a representative of the Virginia, Maryland and Delaware Association of Electric Cooperatives, the executive director of the Center for Rural Virginia and three Secretaries as defined in § 2.2-200 to be appointed by the Governor shall serve ex officio members.

At the end date of this report, council members include:

- Senator Jennifer Boysko (Chair)
- Delegate Roslyn Tyler (Vice Chair)
- Senator Ghazala Hashmi
- Senator Lynwood W. Lewis, Jr.
- Delegate Chris Hurst
- Delegate Paul Krizek
- Delegate James A. Leftwich, Jr.
- Secretary Bettina Ring
- Secretary Brian Ball
- Kristie Helmick Proctor, Center for Rural Virginia
- James Carr, All Points Broadband
- Michael Culp, Albemarle County
- Michael Keyser, BARC Electric Cooperative
- Ray LaMura, Virginia Cable Telecommunications Association

- Steve Sandy, Franklin County
- Rich Schollman, Virginia Telecommunications Industry Association

Accomplishments

Since its 2009 codification, the Council has played a key role in Virginia broadband advancement. Council members gain a broad understanding of the Commonwealth's broadband goals - and how best to achieve them – by listening to testimony and presentations from both private and public sector industry stakeholders and experts. A result of this process is legislation targeted at furthering the Commonwealth's goals related to connectivity. Below is a summary of broadband-related legislation passed in the 2020 Session of the Virginia General Assembly.

2020 General Assembly Session

The following bills relating to broadband were passed in the 2020 General Assembly Session.

HB 30/SB30 Item 114 – Budget Bill

Summary: \$70 million was appropriated by the General Assembly for FY21-22 funding for the Virginia Telecommunications Initiative (VATI). A key new VATI requirement in budget language included: “investment from the private sector partner in the project prior to making any award from the fund at an appropriate level determined by the Department.”

HB831/SB794 – Utility Easements; location of broadband and other communications facilities.

Patron(s): Del. Foy; Sen. Lewis

Summary: If an electric utility chooses to enter into a joint-use agreement with a broadband provider for use of an easement already deemed apportionable, the broadband provider: must follow the electric easement (above ground if the electric is above ground), cannot install new poles, & can only locate facilities underground if there is existing conduit or they locate them no deeper than 24 inches via low-impact clean cutting.

HB1280 – Electric utilities; broadband capacity.

Patron(s): Del. O'Quinn

Summary: Authorizes an electric utility to lease to any third party that is a wholesaler and that is not a government-owned broadband authority, for the purposes of providing broadband connectivity. The leases may extend in length beyond the end of the pilot program under which the utility provides broadband capacity to nongovernmental Internet service providers in areas of the Commonwealth unserved by broadband.

HB554 – Zoning for wireless communication infrastructure.

Patron(s): Del. VanValkenburg

Summary: Authorizes a locality to disapprove an application submitted for an administrative review-eligible project or for any zoning approval required for a standard process project that proposes to locate a new structure, or to co-locate a wireless facility, in an area where all cable and public utility facilities are required to be placed underground by

a date certain or encouraged to be undergrounded as part of a transportation improvement project or rezoning proceeding as set forth in objectives contained in a comprehensive plan, on grounds that an applicant has not given written notice to adjacent landowners at least 15 days before it applies to locate a new structure in the area.

HB1376/SB953

Patron(s): Del. Austin, Sen. Edwards

Summary: Provides that a board established under the Virginia Wireless Service Authority Act may contain either five or seven members, rather than five members as required under current law.

Meeting Minutes

Between October 1, 2019 and September 30, 2020 the Council met three (3) times to discuss, deliberate, learn, and report on broadband issues and public policy as it relates to the broadband deployment interests of the Commonwealth. Minutes of each meeting are provided below:

January 3, 2020

BROADBAND ADVISORY COUNCIL
January 3, 2020
12:00PM
Regular Meeting
Virginia Capital Building
1000 Bank St Richmond, VA 23218

Members Present

Delegate Kathy Byron (Chair)
Senator Frank Ruff (Vice Chair) (via phone)
Senator Ryan McDougle
Delegate Emily Brewer
Delegate Paul Krizek
Ray LaMura
Rosemary Wilson
James Carr
Kristie Helmick Proctor
Evan Feinman – representing Secretary Brian Ball
Brad Copenhaver – representing Secretary Bettina Ring

Staff Present:

Chuck Kirby
Caroline Luxhoj
Jeff Sharp

Establishment of a
Quorum

With 10 members of the council physically present, a Quorum was established.

Call To Order

The regular meeting was called to order at 12:10 PM.

Approval Of
the Minutes

The Council approved the minutes from the 9-18-19 meeting.

5G Fund for
Rural America

Evan Swarztrauber, Policy Advisor, FCC, briefed the council on the FCC's 5G Fund – a \$9 billion opportunity available to rural America. Swarztrauber said that the Notice of Proposed Rule Making will be released within the next month or two and will provide more details about the opportunity. Swarztrauber said that the funds will be administered to carriers and the receipt of Connect America Funding will not preclude an area from receiving support. The awards will have a 10-year timeframe.

Commonwealth Connect:
Year End Broadband
Review

Evan Feinman (Commonwealth Broadband Chief Advisor; Executive Director, Virginia Tobacco Region Revitalization Commission) presented on the progress made thus far towards the Governor's broadband goal. For a copy of this presentation, please contact Caroline Luxhoj at, caroline.luxhoj@dhcd.virginia.gov

VATI Update

Dr. Tamarah Holmes, Director, Office of Broadband, DHCD, presented on VATI awards and progress to date. For a copy of this presentation, please contact Caroline Luxhoj at, caroline.luxhoj@dhcd.virginia.gov

Broadband Items from
The Governor's Budget and
Broadband Bills
Discussion

Evan Feinman, Commonwealth Broadband Chief Advisor; Executive Director, Virginia Tobacco Region Revitalization Commission, spoke to the council regarding the Governor's budget and the allocation to VATI of \$35 million each year. Feinman also said that the only broadband-related legislative issue introduced at the time was a bill to improve the treatment of prescriptive easements.

Railroad Crossing
Update

Delegate Byron said that at this time there is no update regarding railroad crossing barriers.

Council Discussion

- The Council talked about programs offered by providers to low-income customers to help with affordability issues and the need to spread more awareness about these programs.
- Jimmy Carr made a motion that the Council formally support funding for the VATI program, all agreed, therefore the Broadband Advisory Council formally adopts a policy recommendation in which Commonwealth of Virginia broadband funding be provided primarily to the VATI Program *at a minimum* of \$35 million annually.

Adjournment

The council adjourned at 1:30pm.

July 27, 2020

BROADBAND ADVISORY COUNCIL
July 27, 2020
3:00 PM
APPROVED Minutes
Digital Meeting via Google Meets

Members Present

Senator Jennifer Boysko, Chair
Delegate Roslyn C. Tyler, Vice Chair
James Carr
Michael Culp
Senator Ghazala Hashmi
Kristie Helmick Proctor
Delegate Chris Hurst
Mike Keyser
Delegate Paul E. Krizek
Ray LaMura
Delegate James A. Leftwich, Jr.
Senator Lynwood W. Lewis, Jr.
The Honorable Bettina K. Ring
Evan Feinman representing The Honorable Brian Ball

Members Absent

Rosemary Wilson

Call to Order

Dr. Tamarah Holmes, Director of the Office of Broadband at the Virginia Department of Housing and Community Development (DHCD), called the meeting to order at 3:05 p.m.

Dr. Holmes announced that due to the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Commission on Local Government to assemble in a single location, so the commission meeting will be held electronically, by video conference and telephone options, pursuant to 2020 Amendments to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Broadband Advisory Council and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the link and phone number options made available by staff to attend the meeting electronically. DHCD will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3701.1 of the Code of Virginia.

Roll Call	Dr. Holmes, Director of the Office of Broadband for the Department of Housing and Community Development (DHCD), called the roll and stated that a quorum was present.
Welcome and Introduction	Mr. Erik Johnston, Director of DHCD welcomed the Council and members of the public to the Virginia Broadband Advisory Council meeting, introduced DHCD staff and provided an overview of DHCD's new role in staffing the council in partnership with the Division of Legislative Services.
Election of Chair and Vice Chair	<p>Mr. Johnston opened the floor for nominations for Chair to the Council.</p> <p>A motion was made by Mr. Lamura to nominate Senator Jennifer Boysko as Chair. Senator Boysko accepted the nomination.</p> <p>A motion was made by Delegate Krizek to nominate Delegate Roslyn C. Tyler as Chair. Delegate Tyler accepted the nomination.</p> <p>Hearing no further discussion, Mr. Johnston closed the floor to nominations. Senator Boysko was elected Chair (Votes for Boysko: Boysko, Carr, Culp, Hashmi, LaMura, Lewis; Votes for Tyler: Keyser, Krizek, Leftwich, Helmick Proctor, Tyler; Abstained: Feinman, Ring; No-Vote: Hurst).</p> <p>Chair Boysko opened the floor for nominations for Vice Chair to the Council.</p> <p>A motion was made by Chair Boysko and properly seconded by Mr. LaMura to nominate Delegate Tyler as Vice Chair.</p> <p>Hearing no further discussion, Chair Boysko closed the floor to nominations. Delegate Tyler was elected Vice Chair (Votes for Tyler: Boysko, Carr, Culp, Feinman, Hashmi, Helmick Proctor, Hurst, Keyser, Krizek, LaMura, Leftwich, Lewis, Ring, Tyler; Abstained: None; No-Vote: None).</p>
Adoption of Robert's Rules	On recommendation by staff, Chair Boysko entertained a motion to adopt Robert's Rules as the primary procedure of the Council. A motion was made and properly seconded to adopt Robert's Rules. The motion passed (Yea: Ball, Boysko, Carr, Culp, Hashmi, Helmick Proctor, Hurst Keyser, Krizek, LaMura, Leftwich, Lewis, Ring, Tyler; Nay: None; No-Vote: None).

Presentation on the Broadband Advisory Council	Dr. Holmes gave a brief presentation highlighting the powers and duties granted to the Broadband Advisory Council.
	Mr. Jeffrey Sharp, Senior Attorney at the Division of Legislative Services, provided the Council with a brief overview of the role of Legislative Services as relates to the Broadband Advisory Council as dictated by the enabling legislation.
Commonwealth Connect Plan	Mr. Evan Feinman, Chief Broadband Advisor to the Governor, provided for the Council a brief overview of the Commonwealth Connect branding, which is an interagency umbrella that covers all initiatives undertaken by the State to expand broadband coverage across the Commonwealth. Mr. Feinman gave an overview of the achievements, goals, and challenges facing the Commonwealth's goal of providing universal affordable broadband access statewide.
Office of Broadband and VATI	Dr. Holmes provided for the Council an overview of the Office of Broadband at DHCD, including the Virginia Telecommunications Initiative (VATI) program, which is the primary grant program utilized to expand broadband access to unserved and underserved communities across the Commonwealth.
Schedule of Regular Meetings	Dr. Holmes indicated to the Council that staff recommends scheduling a meeting for the Council in both November and May to review progress of expanding broadband access as relates to the VATI program.
	Delegate Krizek suggested that the Council may need to meet prior to the Special Session of the General Assembly in August. After discussion, the Council deferred making a decision on the suggestion until a later date.
Public Comment Period	No comments were made by the public; the public comment period was then closed.
Adjournment	Upon a motion duly made and seconded, the meeting was adjourned.

August 14, 2020

BROADBAND ADVISORY COUNCIL
August 14, 2020
3:00 PM
APPROVED MINUTES
Digital Meeting via Google Meets

Members Present

Senator Jennifer Boysko, Chair
James Carr
Mike Culp
Senator Ghazala Hashmi
Kristie Helmick Proctor
Delegate Chris Hurst
Mike Keyser
Delegate Paul E. Krizek
Ray LaMura
Richard Schollman
The Honorable Bettina K. Ring
Delegate Roslyn C. Tyler, Vice Chair
Rosemary Wilson
The Honorable Brian Ball (Proxy by Evan
Feinman)

Members Absent

Delegate James A. Leftwich, Jr.
Senator Lynwood W. Lewis, Jr.

Call to Order

Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 3:00 p.m.

Dr. Tamarah Holmes announced that due to the Governor's Declared State of Emergency due to COVID-19, it is impracticable and unsafe for the Broadband Advisory Council to assemble in a single location, so the Council meeting will be held electronically, by video conference and telephone options, pursuant to 2020 Amendments to the 2020 Appropriation Act. The purpose of the meeting is to discuss or transact the business statutorily required or necessary to continue operations of the Broadband Advisory Council and the discharge of its lawful purposes, duties, and responsibilities. The public is welcome to use the link and phone number options made available by staff to attend the meeting electronically. The Broadband Advisory Council will make available a recording or transcript of the meeting on its website in accordance with the timeframes established in Sections 2.2-3707 and 2.2-3701.1 of the Code of Virginia.

Roll Call	Dr. Tamarah Holmes, Director of the Office of Broadband for the Department of Housing and Community Development (DHCD), called the roll and stated that a quorum was present.
Approval of Minutes	A motion was made by Delegate Hurst and properly seconded by Delegate Krizek to approve the minutes of the July 27, 2020 meeting of the Broadband Advisory Council. The motion passed (Yea: Boysko, Carr, Culp, Feinman, Hashmi, Helmick Proctor, Hurst, Keyser, Krizek, LaMura, Lewis, Showman, Ring, Tyler, ; Nay: None; Abstain: Wilson; No-Vote: None)
Virginia Telecommunications Initiative Budget Overview (VATI)	<p>Dr. Tamarah Holmes provided the Council with a summary of the VATI application process and the results of the FY20 round of funding. She noted that the Office of Broadband had received 58 notices of application for the FY21 round of funding, which is \$19M in total. It was noted that the Governor’s recently released budget proposes \$85M to the VATI program over the FY21 and FY22 application cycles, which will result in an increase in available FY21 funds from \$19M to \$49M.</p> <p>After discussion, a motion was made by Delegate Krizek and properly seconded by Mr. Feinman to produce both a resolution of support from the Council and a letter of support from the Chair of the Council in support of the Governor’s proposed increase in VATI funding. The motion passed (Yea: Boysko, Carr, Culp, Feinman, Hashmi, Helmick Proctor, Hurst, Keyser, Krizek, LaMura, Lewis, Schollman, Ring, Tyler, Wilson; Nay: None; No-Vote: None)</p>
Update on CARES Act Funding	<p>Ms. Caroline Luxhoj, Telecommunication and Broadband Project Manager for the Office of Broadband at DHCD, gave a brief presentation on the CARES Act and how those funds may be utilized to support expansion of broadband in the Commonwealth. She noted that several counties across the state had already committed part of their CARES Act funding to broadband projects.</p> <p>Mr. Culp presented on how the Albemarle Broadband Authority (ABBA) plans to use CARES Act funds on broadband-related projects in the county. The county is pursuing two projects that will support rural area distance learning, telehealth and other vulnerable resident life needs due to the COVID-19 public health emergency.</p>
Virginia Department of Education Presentation	Dr. Myers from the Virginia Department of Education provided an overview of the ongoing challenges facing schools across the state in terms of providing adequate broadband coverage for students, including supply chain challenges when ordering various technologies.

VCTA, Hotspots, and Keep American's Connected Pledge Presentation	Mr. LaMura presented the Keep Americans Connected Pledge, which includes over 800 pledgees. He also relayed information on everything the VCTA is doing to help Virginian's with their broadband needs during the COVID-19 pandemic, including local government sponsorship programs to lower costs of families to access broadband.
VTIA Presentation	Mr. Schollman provided a brief update on VTIA's efforts to make broadband more accessible during the COVID-19 pandemic, including joining the Keep Americans Connected Pledge and providing free hotspots in service areas. VTIA members have also created payment plans to help families adversely affected by the pandemic.
Central Virginia Electric Cooperative and Firefly Presentation	Mr. Reece gave a brief update on what Central Virginia Electric Cooperative's broadband subsidiary, Firefly, is doing to help Virginians during the COVID-19 pandemic, including membership in the Keep Americans Connected Pledge, creating payment plans for families adversely affected by the pandemic, waiving connection fees, and providing free hotspots.
New Business	There was no new business.
Public Comment Period	No comments were made by the public; the public comment period was then closed.
Adjournment	Upon a motion duly made and seconded, the meeting was adjourned.

Conclusion

The Broadband Advisory Council is responsible for advising the Governor on policy and funding priorities in an effort to advance deployment and adoption, while diminishing barriers to broadband access in the Commonwealth. The Council recognizes that broadband access and adoption promotes economic development and social equity while providing health, safety, and educational opportunities for Virginians. By prioritizing access to the unserved and addressing barriers through a variety of stakeholder supported policy and funding recommendations to the Governor, the Council helps expedite the goal of bringing broadband to all Virginians.

All minutes can be found at the Broadband Advisory Council webpage.

