

Virginia Broadband Advisory Council

**2021 Annual Report
October 1, 2020 – September 30, 2021**

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 § 2.2-100 Code of Virginia, 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, 2020 and September 30, 2021.

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. The Broadband Advisory Council is comprised of 17 members. The Council consists of: four members of the House of Delegates, three members of the Senate, six non-legislative citizen members appointed by the Governor, one representative of the Virginia Cable Telecommunications Association, one representative of the Virginia Telecommunications Industry Association, one representative from local government recommended by the Virginia Municipal League and Virginia Association of Counties, one representative of the Virginia Wireless Internet Service Providers Association, one representative of a wireless service authority, one 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 Va. Code § 2.2-200 to be appointed by the Governor shall serve ex officio members.

At the date of this report, council members are:

- 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 goals of the Council. Below is a summary of broadband-related legislation passed in the 2021 Session of the Virginia General Assembly.

2021 General Assembly Special Session I

The following bills relating to broadband were passed in the 2021 General Assembly Session.

HB1800 Item 114. L. – Budget Bill

Summary: \$49,725,000 was appropriated by the General Assembly for FY22 funding for the Virginia Telecommunication Initiative (VATI). A key new VATI requirement in budget language included the establishment of a one-year pilot program in which public broadband authorities may apply directly for Virginia Telecommunications Initiative funds without investment from the private sector. Such awards shall not exceed 10 percent of total available VATI funds in fiscal year 2022.

HB1800 Item 114. P. – Budget Bill

Summary: \$424,000 was appropriated by the General Assembly for FY22 funding for the creation of a statewide broadband availability map indicating broadband coverage, including maximum broadband speeds available in service territories in the Commonwealth.

HB 1800 Item 359. L. – Budget Bill

Summary: The Department of Social Services shall design, for consideration by the 2022 General Assembly, a program that provides a fixed reimbursement, which shall not exceed \$15 monthly, for broadband service costs for select households currently participating in the Supplemental Nutrition Assistance Program. The reimbursement payments under the program shall be structured as a direct payment to a broadband provider selected by the qualifying program participant household, provided that the selected broadband provider offers a low-cost broadband service for low-income households within its service area in the Commonwealth. The department shall develop program guidelines in coordination with the Commonwealth Broadband Chief Advisor to govern eligibility for participation in the program and disbursement of program funds. The department shall report on the program design and structure, administrative cost estimates, program guidelines, and other relevant information related to implementing the program to the Chairs of the House Appropriations and Senate Finance and Appropriations Committees by November 1, 2021.

SB1225 – Broadband services; education.

Patron: Sen. Boysko

Summary: Authorizes school boards to appropriate funds for the purposes of promoting, facilitating, and encouraging the expansion and operation of broadband services for educational purposes. The bill authorizes school boards to partner with private broadband service providers to promote, implement, and subsidize broadband for educational purposes to the households of students who would qualify for (i) a child nutrition program or (ii) any other program recognized or adopted by the local school board as a measuring standard to identify at-risk students.

SB1413 & HB2304 - Provision of broadband capacity by Phase I or Phase II electric utilities.

Patrons: Sen. Boysko & Del. Tyler

Summary: Makes permanent the pilot program under which a Phase I or Phase II electric utility is permitted to petition the State Corporation Commission to provide broadband capacity to unserved areas of the Commonwealth. The bill expands the program to allow for the participation of municipalities and government-owned broadband authorities. The bill provides that investor-owned electric utilities may recover costs of and revenue generated from providing broadband capacity that serves as an electric grid transformation project in areas unserved by broadband, as defined in the bill. The bill also consolidates the State Corporation Commission petition approval process into one hearing.

2021 General Assembly Special Session II

HB 7001 Item 2. B. 2. – Appropriation of Federal American Rescue Plan Act of 2021

Summary: \$700 million in American Rescue Plan funding allocated by the General Assembly to support broadband access managed and awarded through the Virginia Telecommunication Initiative grant making process. The \$700 million allocation included \$479 million through the Coronavirus State Fiscal Recovery Fund and an additional approximate \$221 million via the Coronavirus Capital Projects Fund.

HB 7001 Item 2. B. 3. – Appropriation of Federal American Rescue Plan Act of 2021

Summary: \$8 million in American Rescue Plan funding allocated for the Line Extension Customer Assistance Program to support the extension of existing broadband networks for low to moderate income residents.

HB 7001 Item 2. B. 4. – Appropriation of Federal American Rescue Plan Act of 2021

Summary: The Department of Housing and Community Development shall develop a public facing dashboard to be updated quarterly that contains key performance information by grant recipient and year, and includes (1) Number of passings; (2) Grant dollars expended by fund source (State and Local Recovery Fund, Capital Project Fund, general fund state grants and match); (3) Contract performance period, and on-time progress towards project delivery; (4) Maximum advertised project speeds available; and, (5) Achievement of key project milestones.

Meeting Minutes

Between October 1, 2020 and September 30, 2021 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:

November 13, 2020 Meeting Minutes

BROADBAND ADVISORY COUNCIL
November 13, 2020
APPROVED MINUTES
2:00 PM
Digital Meeting via Google Meets

Members Present

The Honorable Brian Ball (Proxy by Evan
Feinman)
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
Delegate James A. Leftwich, Jr.
Senator Lynwood W. Lewis, Jr.
Steve Sandy
Richard Schollman
The Honorable Bettina K. Ring
Delegate Roslyn C. Tyler, Vice Chair

Members Absent

Senator Lynwood W. Lewis

Call to Order

Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 2:04 p.m.

Mr. Chandler Vaughan, Policy Analyst for the Office of Broadband at the Virginia Department of Housing and Community Development (DHCD), 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

Mr. Vaughan called the roll and stated that a quorum was present.

Approval of Minutes

A motion was made by Mr. Feinman and properly seconded by Mr. Krizek to approve the minutes of the August 14, 2020 meeting of the Broadband Advisory Council. The motion passed (Yea: Boysko, Carr, Culp, Feinman, Helmick Proctor, Hurst, Keyser, Krizek, LaMura, Sandy, Shollman, Ring, Tyler; Nay: None)

Virginia
Telecommunications
Initiative Budget
Overview (VATI)

Dr. Tamarah Holmes, Director of the Office of Broadband at DHCD provided the Council with an update on the VATI application process. She noted that 45 applications representing 53 different localities were submitted for a combined amount of \$105M. The VATI team is working with applicants to determine the validity of 14 challenges to applications and is also working to re-scope projects with valid challenges.

Budget Discussion

Mr. Erik Johnston, Director of DHCD and Mr. Feinman provided an overview of budget language directing the Broadband Advisory Council to evaluate a possible policy change to allow public broadband authorities to apply directly for VATI funds without investment from the private sector.

Presentations

Mike Culp, Frank Smith, and Jason Grey provided overviews of the services provided and future broadband plans of Albemarle Broadband Authority, Roanoke Valley Broadband Authority, and Danville Utilities, respectively.

Public Comment Period

Dawn Meyer, Executive Director of the Loudoun Education Foundation, spoke in support of the BAC evaluating any possible flexibilities that the VATI program may be able to utilize in order to bridge the digital divide for the sake of limiting disparities in educational opportunities statewide.

Michael McEvoy, Chair of the Roanoke Valley Broadband Authority, spoke in support of expanding broadband coverage as well as addressing affordability problems for broadband access.

Mr. Vaughan read a letter addressed to the Council from Steve Trivett, Mayor of Ashland, in support of revisions to the VATI program that would allow greater return on investment for taxpayers.

Kevin McNulty spoke on behalf of Cox Communications to explain steps Cox Communications is taking in Roanoke to help combat access and affordability issues.

Ray LaMura stated the importance and success of VATI's efforts to expand access to broadband.

Sherri Neil spoke on behalf of Portsmouth in support of VATI program revisions that would allow municipal authorities to apply for funding.

Jennifer Eddy, speaking on behalf of herself, spoke in support of evaluating any and all options that would help to bolster broadband access across the state as quickly as possible.

Councilmember
Comments

Evan Feinman spoke to clarify the division of thinking on the access versus affordability issues presented in broadband expansions. Mr. Feinman stated VATI is designed to address the access problem, not the affordability program.

Mike Keyser noted the upcoming Rural Digital Opportunity Fund Auction (RDOF) and asked staff if this upcoming auction presented implications to allowing public broadband authorities to directly apply for VATI funding. Mr. Feinman stated the complexity the RDOF auction adds to broadband expansion efforts, but reinstated the difference between federal and state broadband funding sources, noting the nature of each.

Delegate Hurst called for the Broadband Advisory Council to define underserved in regards to broadband access to guide discussions around broadband access and broadband affordability.

Delegate Krizek provided suggestions for agenda items at the December meeting, including: an evaluation of provider models, an evaluation of the cost-benefit analysis, an overview of the progress VATI has made and study of failures VATI has experienced.

Ray LaMura stated his favor for maintaining VATI's focus on the unserved populations around Virginia.

Delegate Roslyn Tyler reinforced comments from Mr. LaMura, stating large unserved areas exist in her district in Southside Virginia and the focus for VATI should remain on providing access to unserved areas.

Delegate Tyler asked if a statewide mapping tool was available to identify unserved areas. Dr. Holmes stated DHCD staff are working with Virginia Tech to update the broadband mapping tool to provide a more user friendly experience and provide VATI applicants a way to identify unserved areas in their communities.

Jimmy Carr requested staff provide financial information of public broadband authorities prior to the December meeting of the Broadband Advisory Council to inform discussion.

Adjournment

Upon a motion duly made and seconded, the meeting was adjourned.

**BROADBAND ADVISORY COUNCIL
APPROVED MINUTES
December 4, 2020
2:00 PM
Digital Meeting via Google Meets**

Members Present

The Honorable Brian Ball (Proxy by Evan
Feinman)
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
Delegate James A. Leftwich, Jr.
Senator Lynwood W. Lewis, Jr.
Steve Sandy
Richard Schollman
The Honorable Bettina K. Ring
Delegate Roslyn C. Tyler, Vice Chair
Senator Lynwood W. Lewis

Members Absent

Call to Order

Senator Jennifer Boysko, Chair of the Broadband Advisory Council,
called the meeting to order at 2:02 p.m.

COVID-19 Virtual
Meeting Statement

Mr. Chandler Vaughan, Policy Analyst for the Office of Broadband at the Virginia Department of Housing and Community Development (DHCD), 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 Commission on Local Government 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 Commission on Local Government 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

Mr. Vaughan called the roll and stated that a quorum was present.

Public Comment

Catharine Rice, Chair of the City of Alexandria's IT Commission, spoke in favor of allowing broadband authorities to apply directly to the Virginia Telecommunications Initiative (VATI) without investment from the private sector.

Sherri Neil, Intergovernmental Affairs Manager for the City of Portsmouth, noting the need for broadband access, supported the options of the Broadband Advisory Council that would allow broadband authorities to apply directly to VATI funds without a private sector partner.

Pat Coady, resident of the Eastern Shore, noting his experience in broadband infrastructure expansion, spoke in support of allowing broadband authorities to apply for VATI funds without investment from the private sector.

David Ludwig, resident of Albemarle County, regarding the items likely to be considered in the 2021 General Assembly Session, spoke in favor of a Dig Once Policy, requiring applicable parties to deploy broadband infrastructure when actively working on their right-of-way.

Approval of Minutes

A motion was made by Mr. Feinman, Chief Broadband Advisor, and properly seconded by Delegate Hurst to approve the minutes of the August 14, 2020 meeting of the Broadband Advisory Council. The motion passed (Yea: Hurst, Leftwich, Krizek, Tyler, Hashmi, Boysko, Lewis, Carr, Proctor, Keyser, LaMura, Sandy, Culp, Schollman, Ring, Feinman; Nay: None)

Overview of Options to Recommend to House Appropriations and Senate Finance and Appropriation Committee Chairs

Mr. Feinman provided an overview of budget language directing the Broadband Advisory Council to evaluate a possible policy change to allow public broadband authorities to apply directly for VATI funds without investment from the private sector. Mr. Feinman also presented potential options to the Broadband Advisory Council concerning the budget language directive.

Budget Language Recommendation

After discussion and several motions that were withdrawn, a motion was made by Delegate Krizek and properly seconded by Steve Sandy

to recommend to the House Appropriations and Senate Finance and Appropriation Committee Chairs that they direct the Department of Housing and Community Development to create a pilot program within VATI, with awards not to exceed 10% of total available VATI funds in FY22, to which public broadband authorities may apply without investment from the private sector. The motion passed (Yea: Hurst, Leftwich, Krizek, Tyler, Hashmi, Boysko, Lewis, Carr, Proctor, LaMura, Sandy, Culp, Schollman, Ring, Feinman; Nay: Keyser)

Items likely to be considered in the 2021 Session

Mr. Feinman provided an overview of potential items to be considered in the 2021 legislative session, including:

- Rail crossings
- Municipal broadband
- Broadband authorities
- Pole attachments
- Unserved/Underserved definitions
- Mapping

Adjournment

Upon a motion made by Delegate Krizek and seconded by Delegate Leftwich, the meeting was adjourned.

**BROADBAND ADVISORY COUNCIL
UNAPPROVED MINUTES**

May 17, 2021

10:00 AM

Digital Meeting via Google Meets

Members Present

The Honorable Brian Ball (Proxy by Evan
Feinman)
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
Senator Lynwood W. Lewis, Jr.
Steve Sandy
Richard Schollman
The Honorable Bettina K. Ring
Delegate Roslyn C. Tyler, Vice Chair
Senator Lynwood W. Lewis

Members Absent

Delegate James A. Leftwich, Jr.

Call to Order

Senator Jennifer Boysko, Chair of the Broadband Advisory Council,
called the meeting to order at 10:02 a.m.

COVID-19 Virtual
Meeting Statement

Mr. Chandler Vaughan, Policy Analyst for the Office of Broadband at the Virginia Department of Housing and Community Development (DHCD), 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 Commission on Local Government 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 Commission on Local Government 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

Mr. Vaughan called the roll and stated that a quorum was present.

Approval of Minutes:
December 4, 2020
meeting

A motion was made by Mr. Sandy, Chief Broadband Advisor, and properly seconded by Mr. LaMura to approve the minutes of the December 4, 2020 meeting of the Broadband Advisory Council. The motion passed (Yea: Hurst, Krizek, Tyler, Hashmi, Boysko, Lewis, Proctor, Keyser, LaMura, Sandy, Culp, Schollman, Ring, Feinman; Nay: None)

Commonwealth Connect
Update

Mr. Evan Feinman, Chief Broadband Advisor to the Governor, gave an overview of the achievements, goals, and challenges facing the Commonwealth's goal of providing universal affordable broadband access statewide.

Virginia
Telecommunication
Initiative (VATI) Update

Dr. Tamarah Holmes, Director of the Office of Broadband, provided an overview of the last round of the Virginia Telecommunication Initiative, which awarded \$49.2 million to connect 24,615 Virginia homes and businesses connected. Dr. Holmes presentation served as a report to the Broadband Advisory Council on the progress made by the private sector on the designated projects.

FY 2022 VATI Proposed
Guidelines

Dr. Holmes, Mr. Vaughan, and Mr. Ammar Al Omari presented the summary changes for the FY 2022 VATI proposed guidelines. The presentation served to consult with the Broadband Advisory Council to designate the unserved areas to receive funds.

Overview of Satellite
Internet Broadband

Mr. Steven Hill, President of the Satellite Broadcast and Communication Association provided an in-depth overview of satellite internet broadband and explained the current capabilities and future of the technology.

Public Comment

No public comment was provided at the meeting.

Mr. Pat Coady provided written comment that identified long-term, low-cost bonds as an alternative solution to grant making to achieve the Commonwealth's goal of universal broadband coverage. In written comment, Mr. Coady also argued the Commonwealth should fund the Virginia Resource Authority's broadband fund with federal stimulus monies.

Adjournment

Upon a motion made by Delegate Tyler and seconded by Delegate Hurst, the meeting was adjourned.

