

# **Virginia Broadband Advisory Council**

**2022 Annual Report  
October 1, 2021 – September 30, 2022**

## 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, 2021 and September 30, 2022.

## 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 § 2.2-2699.3 of the 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 end date of this report, council members are:

Senator Jennifer Boysko (Chair) - Senate  
Delegate Kathy Byron (Vice Chair) - House of Delegates  
Delegate James Leftwich - House of Delegates  
Delegate Thomas Wright, Jr. - House of Delegates  
Delegate David Reid - House of Delegates  
Senator Ghazala Hashmi - Senate  
Senator Lynwood Lewis – Senate  
Secretary of Commerce and Trade, Caren Merrick  
Secretary of Agriculture and Forestry, Matthew Lohr  
Kristie Helmick Proctor - Center for Rural Virginia  
Steve Sandy – Local Government Representative (Franklin County)  
Ray LaMura - Virginia Cable Telecommunications Association (VCTA)  
Casey Logan - Virginia, Maryland and Delaware Association of Electric Cooperatives (VMDAEC)  
Richard Schollman - Virginia Telecommunications Industry Association (VTIA)  
James Carr - Virginia Wireless Internet Service Providers Association (WISPA)  
Mike Culp - Wireless Service Authority Representative

## 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 2022 Session of the Virginia General Assembly.

### 2022 General Assembly Session

The following bills relating to broadband were passed in the 2022 General Assembly Session.

#### **HB30 Item 115. L.** – Budget Bill

*Summary:* \$49,725,000 was appropriated by the General Assembly for FY23 and FY24 funding for the Virginia Telecommunication Initiative (VATI). A key new VATI provision in budget language establishes that 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 a fiscal year.

**HB112** – Commercial mobile radio or cellular telephone service providers; Lifeline service.

*Patron:* Del. Kilgore

*Summary:* Grants authority to the State Corporation Commission to designate any commercial mobile radio or cellular telephone service provider as an eligible telecommunications carrier for purposes of providing Lifeline service, in addition to any such provider designated under federal law, without requiring such provider to obtain a certificate otherwise required by the Commission prior to furnishing exchange telephone service in the Commonwealth.

**HB 445 & SB 446** - Broadband service; new residential and commercial development; stakeholder advisory group.

*Patrons:* Del. Murphy & Sen. Boysko

*Summary:* Provides that the Department of Housing and Community Development shall convene a stakeholder advisory group for the purpose of evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development. The stakeholder advisory group shall be composed of representatives from the commercial and residential land development and construction industry, local government, high-speed broadband providers, and other stakeholders as determined by the Department and shall report its findings and recommendations to the Broadband Advisory Council no later than September 30, 2022.

**HB 1265 & SB716** - Department of Housing and Community Development; broadband affordability plan.

*Patrons:* Del. Subramanyam & Sen. Petersen

*Summary:* Directs the Department of Housing and Community Development to develop a plan, to be known as the Commonwealth Digital Affordability and Cost Effectiveness Plan, to access federal funding under the federal Infrastructure Investment and Jobs Act. The bill requires that the Plan include (i) an overview of options for affordable broadband connectivity in the Commonwealth; (ii) recommendations on how best to leverage federal grants addressing broadband affordability; (iii) best practices for establishing a broadband affordability program, taking into account existing federal funds and programs; and (iv) recommendations for public outreach, with consideration of the report submitted by the Department of Social Services as required in Item 359 L of Chapter 552 of the Acts of Assembly of 2021, Special Session I. The bill requires the Department to report the Plan to the Governor and the General Assembly by December 1, 2022.

**SB 724** - School boards; student home broadband access; annual report.

*Patron:* Sen. Pillion

*Summary:* Requires, beginning in the 2022 school year and in each school year thereafter through the 2025 school year, each school board to submit an annual report to the Virginia Department of Education and the Virginia Department of Housing and Community Development listing each student's 9-1-1 address that does not have broadband access, as defined by the broadband guidelines set out by the Virginia Department of Housing and Community Development for its Virginia Telecommunication Initiative.

**HB 1155 & SB 683** - Sales and use tax; media-related exemptions.

*Patrons:* Del. Byron & Sen. Marsden

*Summary:* Makes changes to the sales and use tax exemption for amplification, transmission, and distribution equipment used to provide Internet services. Under the bill, the exemption would apply to network equipment used to provide Internet service, regardless of whether the provider of such service is also a telephone common carrier or whether such network is also used to provide services other than Internet services.

**HB1019 & SB444** - Telecommunications companies; conveyance of easement and appurtenances

*Patrons:* Del. Brewer & Sen. Boysko

*Summary:* Adds telecommunications companies to the list of entities to which a state department, agency, or institution may grant an easement.

## Meeting Minutes

Between October 1, 2021 and September 30, 2022 the Council met three (3) times (January 21<sup>st</sup>, April 28<sup>th</sup>, and May 19<sup>th</sup>) to discuss, deliberate, learn, and report on broadband issues and public policy as it relates to the broadband deployment interests of the Commonwealth. A Council meeting was held on September 30, 2022, the minutes of which will be included in the 2023 Broadband Advisory Council Annual report. Minutes of each meeting are provided below:

### January 21, 2022 Meeting Minutes

**BROADBAND ADVISORY COUNCIL  
APPROVED MINUTES  
January 21, 2022  
2:00 PM  
Virginia State Capitol Building  
1000 Bank Street, Richmond, VA, 23218  
Virtual Option provided via Google Meet**

Members Present

Senator Jennifer Boysko, Chair  
James Carr  
Mike Culp  
Senator Ghazala Hashmi  
Kristie Helmick Proctor  
Mike Keyser  
Delegate Paul E. Krizek  
Ray LaMura  
Senator Lynwood W. Lewis, Jr.  
Steve Sandy  
Richard Schollman  
Senator Lynwood W. Lewis

Members Absent

None

Call to Order	Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 2:10 p.m.
Roll Call	Mr. Chandler Vaughan, Broadband Policy Analyst at the Office of Broadband, called the roll and stated that a quorum was present.
Introduction of Guests	Senator Boysko introduced guests in attendance at the meeting, including U.S. Senator Mark Warner, Caren Merrick, Secretary of Commerce and Trade, Bryan Horn, Director of the Department of Housing and Community Development (DHCD), Todd Weinstein, the Deputy Director of DHCD and Delegate Suhas Subramanyam. A summary of the comments of each guest which spoke at the meeting is provided below.

Remarks from U.S. Senator Mark Warner	Senator Warner provided remarks regarding the Infrastructure Investment and Jobs Act (IIJA), including eligible uses of IIJA to address access to broadband infrastructure and affordability of broadband service in the Commonwealth.
Remarks from Secretary of Commerce and Trade Caren Merrick	Secretary Merrick provided remarks on administration priorities, including broadband access and affordability and economic development and workforce development.
Remarks from Director of DHCD, Bryan Horn	Director Horn provided remarks about the need for ubiquitous access to broadband, citing the example of rural electrification in the early 1900s. Director Horn cited Virginia's nationwide leadership on deploying broadband infrastructure to unserved areas and the need to continue to lead in these efforts.
Remarks from Delegate Suhas Subramanyam	Delegate Subramanyam provided information regarding his proposed legislation and budget language during the 2022 General Assembly Session, including House Bill 1265 and budget amendments: 115 #11h and 115#12h
Approval of Minutes: May 14, 2021 meeting	A motion was made by Delegate Paul E. Krizek and properly seconded by Mr. Mike Culp to approve the minutes of the May 14, 2021 meeting of the Broadband Advisory Council. The motion passed by voice vote, with all members voting in favor.
Office of Broadband Updates	<p>Dr. Tamarah Holmes, Director of the Office of Broadband, presented updates from the Office of Broadband at the Department of Housing and Community Development (DHCD), including the Office's responsibilities and staffing structure. Dr. Holmes also presented on the recent success of the last round of the Virginia Telecommunication Initiative (VATI) and the framework of the Line Extension Customer Assistance Program (LECAP).</p> <p>Mrs. Tammy Breski, VATI Program Manager with the Office of Broadband, presented on the grants management process of VATI awards, including the reporting process of grantees and internal practices within DHCD to monitor and ensure project compliance.</p>
Statewide Broadband Availability Map Updates	Brandon Herndon, Director of the Center For Geospatial Information Technology at Virginia Tech, presented updates on the data submission process and preliminary maps of the Statewide Broadband Availability Map.
Public Comment	No public comment was provided at the meeting.
New Business	Mr. Culp discussed challenges with legacy telephone companies' maintenance of wireline telephone networks, discussing that maintenance of these networks is key, especially through the use of emergency services through '911.' Mr. Culp called for the Broadband Advisory Council to seek solutions to address these issues.
Adjournment	Upon a motion made by Mr. Ray LaMura and seconded by Mr. Casey Logan, the meeting was adjourned.

April 28, 2022 Meeting Minutes

**BROADBAND ADVISORY COUNCIL  
APPROVED MINUTES  
April 28, 2022  
1:00 PM  
Virginia State Capitol Building  
1000 Bank Street, Richmond, VA, 23218  
Virtual Option provided via Google Meet**

Members Present

Senator Jennifer Boysko, Chair  
Delegate Kathy Byron, Vice Chair  
Senator Ghazala Hashmi  
Senator Lynwood W. Lewis  
Delegate James Leftwich  
Delegate Thomas Wright, Jr.  
Delegate David Reid  
Secretary Caren Merrick  
Secretary Matt Lohr  
James Carr  
Mike Culp  
Kristie Helmick Proctor  
Casey Logan  
Ray LaMura  
Steve Sandy  
Richard Schollman

Members Absent

None

Call to Order	Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 1:05 p.m.
Roll Call	Mrs. Deserae Saunders-Austin, Administrative Assistant at the Office of Broadband, called the roll and stated that a quorum was present.
Election of Chairman and Vice Chairman	<p>Dr. Tamarah Holmes, Ph.D., Director of the Office of Broadband, opened the floor for nominations for Chair to the Council.</p> <p>A motion was made and properly seconded to nominate Senator Jennifer Boysko as Chair. Senator Boysko accepted the nomination.</p> <p>Hearing no further discussion, Dr. Holmes closed the floor to nominations. Senator Boysko was elected Chair (Votes for: Byron, Hashmi, Lewis, Leftwich, Wright, Jr., Reid, Carr, Culp, Proctor, Logan, LaMura, Sandy, and Schollman; Abstained: Boysko, Merrick, Lohr).</p>



	<p>Chair Boysko opened the floor for nominations for Vice Chair to the Council.</p> <p>A motion was made properly seconded to nominate Delegate Kathy Byron as Vice Chair.</p> <p>Hearing no further discussion, Chair Boysko closed the floor to nominations. Delegate Byron was elected Vice Chair. (Votes for: Boysko, Byron, Hashmi, Lewis, Leftwich, Wright, Jr., Reid, Carr, Culp, Proctor, Logan, LaMura, Sandy, and Schollman; Abstained: Merrick, Lohr).</p>
Approval of Minutes: January 21, 2022 Meeting	A motion was made and properly seconded to approve the minutes of the January 21, 2022 meeting of the Broadband Advisory Council. (Votes for: Boysko, Hashmi, Lewis, Leftwich, Carr, Culp, Proctor, Logan, LaMura, Sandy, and Schollman, Merrick, Lohr. Abstained: Byron, Reid, Wright, Jr.).
FY 2023 VATI Proposed Guidelines	Dr. Holmes and Mrs. Tammy Breski, Program Manager at the Office of Broadband presented the summary of changes to the FY 2023 VATI proposed guidelines. The presentation served as the consultation with the Broadband Advisory Council to designate the unserved areas to receive funds as directed by budget legislation concerning the Virginia Telecommunication Initiative within Section L. 4. of Item 114 of Chapter 552, 2021 Acts of Assembly, 2021 Special Session I, commonly known as the Budget Bill.
Office of Broadband Updates	Dr. Holmes presented an overview of the Office of Broadband's activities and programs, including relevant legislation pertaining to broadband related topics passed in the 2022 General Assembly Session. Ms. Grace Wheaton, Senior Policy Analyst at the Department of Housing and Community Development, presented information regarding House Bill 445 and Senate Bill 446, which establishes a stakeholder advisory group to study evaluating local and state policies, procedures, or ordinances to facilitate the expansion of high-speed broadband service and associated infrastructure in new residential and commercial development.
Commonwealth Connection: Virginia's New Broadband Availability Map Presentation	Mr. Brandon Herndon, Director of the Center for Geospatial Information Technology at Virginia Tech presented the Commonwealth Connection: Virginia's New Broadband Availability Map developed through a partnership with the Department of Housing and Community Development. The presentation featured an in-depth discussion of the map's data, analysis tools, and practicality for stakeholders.
Remarks from Secretary Caren Merrick, Virginia Secretary of Commerce and Trade	Secretary Merrick praised DHCD and Virginia Tech's Center for Geospatial Information Technology for the development of the Commonwealth Connection, Virginia's Broadband Availability Map. Secretary Merrick also noted Governor Youngkin's commitment to providing affordable, reliable, high-speed broadband universally across the Commonwealth, citing improved broadband infrastructure will play

	a crucial role in jumpstarting Virginia’s economy, ensuring opportunities across the Commonwealth, and giving all Virginians the resources they need to learn, work and conduct business.
Public Comment	No public comment was provided at the meeting.
New Business	Senator Ghazala Hashmi requested more information on how DHCD keeps legislators and stakeholders informed of Virginia Telecommunication Initiative investments and project development
Adjournment	Upon a motion made and properly seconded, the meeting was adjourned.

May 14, 2022 Meeting Minutes

**BROADBAND ADVISORY COUNCIL  
UNAPPROVED MINUTES  
May 19, 2022  
1:30 PM  
Broadband Together Conference  
12042 W Broad St, Richmond, VA 23233  
Virtual Option provided via Google Meet**

Members Present

Senator Jennifer Boysko, Chair  
 Delegate Kathy Byron, Vice Chair  
 Senator Ghazala Hashmi  
 Delegate James Leftwich  
 Delegate Thomas Wright, Jr.  
 Delegate David Reid  
 Secretary Caren Merrick (Representative)  
 Secretary Matt Lohr (Representative)  
 James Carr  
 Mike Culp  
 Kristie Helmick Proctor  
 Ray LaMura  
 Steve Sandy  
 Richard Schollman

Members Absent

Senator Lynwood W. Lewis  
 Casey Logan

Call to Order	Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 1:32 p.m.
Roll Call	Mr. Chandler Vaughan, Broadband Policy Analyst at the Office of Broadband, called the roll and stated that a quorum was present.

Approval of Minutes: January 21, 2022 Meeting	A motion was made and properly seconded to approve the minutes of the April 28, 2022 meeting of the Broadband Advisory Council. (Votes for: Boysko, Byron, Hashimi, Leftwich, Wright, Jr., Reid, Merrick, Lohr, Carr, Culp, Proctor, LaMura, Sandy, Schollman)
Office of Broadband Updates	Dr. Holmes presented a brief update of the Office of Broadband's recent activities, including: a summary of open Virginia Telecommunication Initiative (VATI) award contracts, an update on the FY22 award contracts, the announcement of the launch of the Line Extension Customer Assistance Program, and the announcement of new features in the Commonwealth Connection: Virginia's Broadband Availability Map.
Albemarle County Broadband Access and Affordability Initiatives Overview	Mr. Jason Inofuentes, Program Manager at the Albemarle County Broadband Access and Affordability Office presented an overview of broadband initiatives in Albemarle County. Specific initiatives included the active construction of several VATI projects and communication efforts to keep citizens and other stakeholders informed of project progress. The presentation also featured the office's new efforts to address broadband affordability by adding an additional subsidy to households participating in the Affordable Connectivity Program. In the presentation, Mr. Inofuentes noted the county is seeking legislative authority to enact a supplement to the ACP, or any other broadband subsidy.
Line Extension Customer Assistance Program	Kevin Barr, Line Extension Customer Assistance Program (LECAP) Administrator, presented an overview of the recently launched line extension program. The presentation featured final program guidelines, including income eligibility criteria, as well as a how-to overview on how individuals can apply and internet service providers can participate in the program.
Public Comment	No public comment was provided at the meeting.
New Business	Several councilmembers noted the success and value of the recent Broadband Together Conference, which was hosted by the Broadband Association of Virginia, the Virginia Municipal League, and the Virginia Association of Counties to discuss relevant broadband matters around access, affordability, and adoption.
Adjournment	Upon a motion made and properly seconded, the meeting was adjourned.