

WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL



APPROVED MEETING MINUTES I

October 18, 2018

Meeting Title	WV Broadband Enhancement Council Meeting		
Chairperson	Robert Hinton		
Date	10.18.2018	Location	WV Capitol Complex Bldg. 3, Suite 800 Conference Room
Time	10:00 am		
Audio Connection	304.957.6999 Conf. ID: 935-9172#		P = Present; TC = Teleconference; VC = Videoconference; _ = Absent

	Council Member	Representing		Council Member	Representing
P	Robert Hinton, Chairman	Rural Business User Congressional Dist. 2	-	W. Clayton Burch	WV Dept. of Commerce, Interim Cabinet Secretary
TC	Robert Morris, Vice Chairman	Urban Residential User	P	Jeff Proctor	Representing W. Clayton Burch
TC	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	-	Dr. Steven L. Paine	Dept. of Education, State Superintendent
-	Ric Cavender	Urban Business User	P	Brenda Morris	Representing Dr. Steven L. Paine
P	Robert Cole	Rural Residential User Congressional Dist. 1	P	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
-	John Dunlap	Office of Technology, Chief Technology Officer	-	The Honorable Craig Blair	WV Senate (R) (Ex-Officio/Advisory Member)
TC	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	-	The Honorable Roger Hanshaw	WV House (R) (Ex-Officio/Advisory Member)
-	John Reasbeck	Rural Business User Congressional Dist. 1	-	The Honorable Kenneth Hicks	WV House (D) (Ex-Officio/Advisory Member)
-	Matt Turner	Higher Education Policy Comm., Exec. Vice Chancellor	-	Vacant	Business User Large Amounts of Broadband
TC	Dr. Mary Stewart	Representing Matt Turner	-	Vacant	Rural Residential User Congressional Dist. 2
	Representative	Agency		Representative	Agency
-	Mitch Blake	Director, WV Geological and Economic Survey	-	Tony Simental	WV GES, Office of GIS Coordination
P	Mark Debruyne	WVOT Infrastructure Manager, CTO Proxy	P	Kelli Talbott	WV Attorney General's Office Legal Counsel
-	Peter Markham	Bowles Rice Legal Counsel	P	Wes White	WV Development Office Legal Counsel
P	Alexandra Shulz	Bowles Rice Legal Counsel	P	Kelly Workman	WV Development Office Development Manager
P	Tony O'Leary	WV Development Office Project Manager			

Agenda Item	Details/Minutes
1. Call to Order, Opening Remarks and Roll Call	Chair Rob Hinton called the meeting to order at 10:04 and conducted roll call.

2. Approval of 9/13/2018 Council Meeting Minutes and Financial Statement	Pete Hobbs made a motion to accept September 2018 minutes; Bob Cole second; and minutes were approved unanimously. Jeff Proctor made a motion to accept the Financial Statement; Mr. Cole second; and statement was approved unanimously.
3. Tilson Technology ROW Policy Analysis Update	Chair Hinton asked for comments on the updated ROW Policy Analysis as presented by Tilson Technology. Mr. Hinton said the report can be released per the Council's vote in September to do so once requested updates were added to the report, directing staff to release it on the Council website and anyone who requests it.
4. ROW Policy/Status of Permits 4447: Dig Once Policy	<p>Alexandra Shulz, Legal Counsel, Bowles Rice, reported on a DOH Utility Conference which was to include Dig Once legislation and rules and policies. Ms. Shulz said the telecommunication carriers expressed concern over legislation as it does not provide for minimums and amount of lengths for ROWs that will trigger Dig Once policy requirements, noting the question was asked would Dig Once policy need followed for a 10-foot dig. Another concern from carriers, she said, was how much information is going to be shared with competing carriers under this policy and once it is shared, how will it be secured by the Division of Highways and the Broadband Council. Ms. Shulz said she thinks the policy will alleviate concerns over the amount of information carriers need to share and that the security question did not have any readily-available answers. Chair Hinton said concerns should be addressed regarding potential carriers who have long builds schedules and various other carriers would want to be a party to the build in limited sections.</p> <p>Senator Plymale added that such questions should be addressed first in policy but that legislation should be a consideration going forward as would-be investors would be more confident if their investments were solidified in rule, compared to policy. The policy is to be put out for comment with responses being directed to the WV Council email address.</p>
5. ARC POWER Grant Award	<p>Kelly Workman of the WV Development Office discussed the Appalachian Regional Commission awarding a grant for the creation of a Broadband Development HUB. The Hub will be a partnership between WV GES (the lead applicant), WV Department of Commerce, WV Division of Highways and the Broadband Council. Ms. Workman said the grant enables several broadband initiatives to move forward, beginning the ARC 'distressed' counties of Boone, Clay, Lincoln, Logan, Mingo, McDowell, Nicholas, Wayne, Webster and Wyoming. The initiatives include updates to mapping broadband infrastructure assets; identifying sites within each county that can be marketed to investors with digital infrastructure; collating collected information and relevant policies and rules from partner agencies into a 'one-stop' guide to broadband development resource on the Council website; and use collected information as a basis for additional broadband policy development.</p> <p>Jeff Proctor made a motion to authorize the Council chair or vice chair to execute the MOU on behalf of the Council with the WVGES and WVDOH upon agreement by electronic communication method through the rest of the Council; Bob Cole second; motion passed unanimously.</p>

<p>6. Speed Test Server Expansion</p>	<p>A written report from Tony Simental, State GIS Coordinator, was shared with the Council detailing the Speed Test server conversion to WVNET servers. Mr. Cole suggested adding a question to the Speed Test survey questionnaire which asks respondents to comment on 'service repair time' from carriers.</p> <p>Mr. Proctor made a motion to accept the MOU with WVNET as presented for signature from October 1, 2018 through June 30, 2019 for a cost of \$33,344.22; Mr. Cole second; motion passed unanimously.</p> <p>In a related matter, Sen. Plymale recounted a recent meeting he had with Pew Charitable Trust representatives and how they said West Virginia was a leading state in the country in validating speed test data as an alternative to FCC Form 477 data.</p>
<p>7. FCC Declaratory Ruling for 5G Connectivity</p>	<p>Chair Hinton discussed a recent FCC ruling for 5G connectivity and gave a high-level overview of the ruling dealing with making small cell and wireless infrastructure deployment. Chair Hinton said a Small Cell bill that didn't pass during the 2018 Legislative Session may be introduced again, and if any Council member would like to provide information and comments of what it would mean to West Virginia should bring those comments to the November meeting for further discussions with legislators in advance of the 2019 Legislative Session.</p>
<p>8. Executive Session to discuss potential legislation, pursuant to W. Va. Code § 6-9A-4(b)(12).</p>	<p>Chair Hinton announced that there would be no Executive Session. He said he wished to discuss legislative ideas but rather than do so in Executive Session, it would be done in the public forum. Chair Hinton said he would like to see the development and creation of a broadband office to maintain the continuity that has been established with the support staff from the WV Development Office. He added that the workload and demand for reports, information, and Community Development Block Grant administration of the Council and its staff continues to grow considerably and have something stronger because of the growth of opportunities. Mark DeBruyn concurred, noting that whatever direction the Council wishes to pursue, it needs to include the Development Office and its ability to reach out to political entities, notably county commissions, to be a liaison between communities and broadband development initiatives.</p> <p>Mr. Proctor also agreed, stating that with the notable increase in federal funding programs for broadband, the demands to understand and shepherd would-be applicants through the complex process needs attention from a dedicated broadband staff.</p> <p>Sen. Plymale said the top issue for economic opportunity in the state, and country as well, is the development of broadband connectivity and a structure to bolster broadband development is needed. Chair Hinton said ideas could be formulated and presented at the November meeting to make this topic an official review.</p> <p>Mr. Holstine asked if interstate agreements with out of state providers should be considered to entice those providers who come close to West Virginia borders to be incentivized to continue to do so. Chair Hinton said recent new policy would be a reason to reach out to carriers who are close to West Virginia to learn what it would take for them to continue expansion into the state.</p>

9. Related Broadband Events:	<p>Ms. Workman said the Council would be represented at the Virginia Broadband Summit to be held in Roanoke, VA on October 30. The event is sponsored by NTIA Broadband USA.</p> <p>Chair Hinton noted he did a presentation about the Council and broadband at the West Virginia Energy Summit.</p>			
10. Public Comments	<p>Don Smith, executive director of the West Virginia Press Association, said he was grateful that the Council conducted its business in open forum and did not go into executive session. He also said he is grateful for the Council's work in the expansion of broadband which is critical to the Press Association members and their readers.</p> <p>Charlie Dennie of Alpha Technologies said Alpha Technology is willing to donate hosting services on its servers at its data center for the Council Speed Test if the need ever arises for the Council.</p>			
11. Next Meeting Date	November 8, 2018; 10:00 a.m.; Building 3, First Floor Conf. Room 124			
12. Adjournment	Meeting was adjourned at 11:12 a.m.			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Consultation with WV DOH-ROW Policy/Dig Once Policy	Council, WVDO, WVOT	May	Ongoing
2.	Cooperative Toolkit and Training	Workman, O'Leary, Generation WV, WVU Law	June 2017	Near completion. May be expanded to include legal toolkit in Fall 2018, contingent upon grant funding.