



# WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

## APPROVED MINUTES | December 13, 2018

<b>Meeting Title</b>	WV Broadband Enhancement Council Meeting		
<b>Chairperson</b>	Robert Hinton		
<b>Date</b>	12.13.2018	<b>Location</b>	WV Capitol Complex Bldg. 3, 8 <sup>th</sup> Floor Conference Room
<b>Time</b>	10:00 am		
<b>Audio Connection</b>	<b>304.957.6999</b> <b>Conf. ID: 935-9172#</b>	P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	

	<b>Council Member</b>	<b>Representing</b>			<b>Council Member</b>	<b>Representing</b>
P	Robert Hinton, Chairman	Rural Business User Congressional Dist. 2		-	W. Clayton Burch	WV Dept. of Commerce, Interim Cabinet Secretary
-	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		-	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
P	Joshua D. Spence	Office of Technology, Chief Technology Officer		-	The Honorable Craig Blair	WV Senate (R) (Ex-Officio/Advisory Member)
P	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3		P	The Honorable Daniel Linville	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
P	Dr. Mary Stewart	Representing Matt Turner		-	Vacant	Rural Residential User Congressional Dist. 2
	<b>Representative</b>	<b>Agency</b>			<b>Representative</b>	<b>Agency</b>
-	Mitch Blake	Director, WV Geological and Economic Survey		P	Tony Simental	WV GES, Office of GIS Coordination
-	Peter Markham	Bowles Rice Legal Counsel		-	Kelli Talbott	WV Attorney General's Office Legal Counsel
P	Alexandra Shulz	Bowles Rice Legal Counsel		-	Wes White	WV Development Office Legal Counsel
P	Tony O'Leary	WV Development Office Project Manager		P	Kelly Workman	WV Development Office Development Manager

<b>Agenda Item</b>	<b>Details/Minutes</b>
1. Call to Order, Opening Remarks and Roll Call	Chairman Hinton called the meeting to order at 10:01 a.m.
2. Approval of 11/8/2018 Council Meeting Minutes and Financial Statement	Member Proctor moved to approve 11/8/2018 minutes; Robert Cole second; motion was passed unanimously. There were no questions or comments regarding the financial statement and they were accepted for audit.
3. Welcome Delegate Daniel Linville	Chair Hinton recognized the Honorable Daniel Linville who was recently appointed to the Council. Del. Linville said it was an honor to be named to the Council and considers broadband to be a transformational issue for the state's economy. Del. Linville said broadband will be a topic addressed in the 2019 and he welcomes feedback from Council members and others to be a conduit to the Legislature and the other Legislative reps to the Council. Chair Hinton recommended that Council staff and legal counsel draft recommendations to present to Del. Linville and the Legislature regarding the Dig Once Policy.

<p>4. Infrastructure Committee Dig Once Policy Update</p>	<p>Member Proctor, Committee Chairman, gave a report from 11/28 meeting. Mr. Proctor said questions from the last full Council about the Dig Once Policy was the basis for the Infrastructure meeting agenda. Mr. Proctor said WV Division of Highways and internet service provider representatives discussed various aspects of the Dig Once policy that need addressed from their respective perspectives. Discussion topics included legal advertising requirements in newspapers and potential exemptions to various aspects of the Code. Chair Proctor said there was great dialogue among all parties at the meeting and it was agreed that all will continue to work toward finding amicable solutions to take up with the Legislature.</p>
<p>5. WVU Land Use and Sustainable Development Law Clinic</p>	<p>Kelly Workman with Development Office spoke of an Appalachian Regional Commission (ARC) funding allocation made available for broadband development projects in five West Virginia counties (Clay, Lincoln, Mingo, McDowell Webster). One of the applications to this \$3.2 million ARC program was a broadband legal toolkit project proposed by the WVU Law Clinic, labeled TURBO (Tools for Understanding Rural Broadband Opportunities). Ms. Workman presented a timeline of activities and budget that the Law Clinic has proposed, utilizing McDowell County communities and local governments for its project area. Ms. Workman said the benefit of the project is that the tools and resources developed through the McDowell County project would readily be applicable to the whole state. Ms. Workman said a 20 percent match of non-federal funds (\$32,000) was required by ARC and she requested that the Council provide \$15,000 of the local match. By approving, Ms. Workman said the Council becomes a fully-vested partner in the project. The WVU Law Clinic would provide the \$17,000 balance of the match through in-kind services. Member Hobbs motioned that the Council provide the \$15,000 cash match for the TURBO project; second by Mr. Cole; motion passed unanimously.</p>
<p>6. NTIA Public Comment: Closing Dec. 24, 2018</p>	<p>Chair Hinton spoke of Request for Comment issued by the National Telecommunication and Information Administration (NTIA) regarding the collection of broadband data. Chair Hinton noted the Council regularly responds to such federal request for comments and the Council's technical consultant, Tilson Technology, would provide a draft for Council members to review and propose edits before submitting the final draft by the 12/24/2018 deadline. The NTIA intends to collect broadband availability data at a more granular level than the FCC Form 477 process and Chair Hinton said West Virginia's current data collection efforts need to be recognized as a viable alternative way to current FCC data collection.</p>
<p>7. Related Events:</p>	<p>Chair Hinton noted of some upcoming events, including,</p> <ol style="list-style-type: none"> <li>1. Legislative Interim Report made by Council scheduled for December 9, 2018</li> <li>2. Innovation &amp; Entrepreneurship Day at the Capitol scheduled for January 10, 2019</li> <li>3. GIS Day at the Capitol, scheduled for January 16, 2019</li> </ol>
<p>4. Public Comments</p>	<p>Prior to public comments, Dr. Mary Stewart made an announcement that Allen Daugherty, who was part of the original WVNET staff when it was formed 41 years ago, passed away two days prior. Dr. Stewart said Mr. Daugherty was "the architect" of WVNET and his passing was a profound loss for all at WVNET and all those who were served by his expertise and dedication. The Council expressed condolences to the WVNET organization and Mr. Daugherty family.</p> <p>State GIS Coordinator Tony Simental said letters from the WV Geological and Economic Survey office to internet service providers requesting their broadband infrastructure data are to be mailed this day with a January 30, 2019 deadline.</p> <p>There were no public comments by any of the attendees.</p>
<p>5. Next Meeting Date</p>	<p>January 10, 2019; 10:00 a.m.; Building 3, First Floor Conf. Room 124</p>

6. Adjournment		Meeting was adjourned at 10:35 a.m.		
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	Workman, O'Leary, Generation WV, WVU Law	June 2017	ARC grant funds pending

**Attendees:**

1. Mark Polen – WV Cable Telecom Association
2. Paula Humphreys – Citizen
3. Charlie Dennie – Alpha Technologies
4. Loarie H. Butcher – LHB Strategies
5. Marlene Hackett – The Hackett Praxis, LLC
6. Chris Campbell – Tilson Technologies (TC)