



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

APPROVED MINUTES | September 12, 2019

| | | | |
|----------------------|----------------------------------|-------------------|---|
| Meeting Title | WV Broadband Enhancement Council | Time | 10:00 a.m. |
| Chairperson | Robert Hinton | Location | Capitol Complex, Bldg. 3, First Floor |
| | | Attendance | P = Present; TC = Teleconference; VC = Videoconference; _ = Absent |

| | Council Member | Representing | | Council Member | Representing |
|----|--|---|----|--|--|
| P | Robert Hinton, Chairman | Rural Business User Congressional Dist. 2 | P | C. Edward Gauch | WV Dept. of Commerce, Cabinet Secretary |
| TC | Robert Morris, Vice Chairman | Urban Residential User | - | Jeff Proctor | Representing Secretary Gauch |
| TC | Michael J. Holstine Secretary-Treasurer | Rural Business User Congressional Dist. 3 | - | The Honorable Robert Plymale | WV Senate (D) (Ex-Officio/Advisory Member) |
| - | Robert Cole | Rural Residential User Congressional Dist. 1 | - | The Honorable Daniel Linville | WV House (R) (Ex-Officio/Advisory Member) |
| P | R.A. "Pete" Hobbs | Rural Residential User Congressional Dist. 3 | - | The Honorable Craig Blair | WV Senate (R) (Ex-Officio/Advisory Member) |
| - | Dr. Steven L. Paine | Dept. of Education, State Superintendent | - | The Honorable Kenneth Hicks | WV House (D) (Ex-Officio/Advisory Member) |
| P | Brenda Morris | Representing Dr. Paine | P | William D. "Bill" Bissett | Urban Business User |
| P | Joshua D. Spence | WV Office of Technology, Chief Technology Officer | TC | Dennis Lee | Business User, Large Scale Broadband |
| - | James Dixon | Representing Joshua Spence | P | Honorable Ronald G. Pearson | Rural Residential User Cong. Dist. 2 |
| P | Matt Turner | Higher Education Policy Commission Vice Chancellor | - | Vacancy: Rural Business User Congressional Dist. 1 | |
| - | Dr. Mary Stewart | Representing Matt Turner | - | | |
| | Representative | Agency | | Representative | Agency |
| - | Mitch Blake | Director, WVGES | P | Tony Simental | WV GES, Office of GIS Coordination |
| - | Chris Campbell | Tilson Technology Management | - | 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 | CarolAnn Williams | GIS Coordinator, Broadband Council/ WV Development Office |
| P | Tony O'Leary | WV Development Office Project Manager | P | Kelly Workman | WV Development Office Development Manager |

| Agenda Item | Details/Minutes |
|---|---|
| 1. Call to Order, Opening Remarks; Roll Call | Chair Robert Hinton called the meeting to order at 10:08 a.m. |
| 2. Approval of 7/11/2019 Council Meeting Minutes | Pete Hobbs motioned to approve the July meeting minutes [Note: No August 2019 meeting], Matt Turner second. Motion passed unanimously. |
| 3. Welcome New Council Appointees Appointed by Governor Justice, August 13, 2019 | Chair Hinton welcomed the newest appointees to the Council. They are: William D. (Bill) Bissett, representing the Urban Business User group; Dennis Lee, representing Business User, Large Scale Broadband; and the Honorable Ronald G. Pearson, representing Rural Residential User, Congressional Dist. 2 |
| 4. Welcome CarolAnn Williams | Chair Hinton recognized new hire to WV Development Office, CarolAnn Williams, who is a GIS Specialist and will be coordinating broadband and economic development GIS Projects for the Council and WVDO |

| | |
|--|---|
| 5. USDA ReConnect Training: September 30, Charleston, WV | Steve Collins, Community Programs Specialist with the USDA state office in Morgantown provided information about the September 30 Rural Broadband Workshop with a focus on the ReConnect funding program. |
| 6. Website Updates-Broadband Hub Enhanced Mapping | Pat Shrader, CEO of Digital Relativity, shared the latest designs to the Council website which will house enhanced broadband landing pages for residents and those involved in broadband development. This project is funded through an ARC grant. Mr. Strader demonstrated how the website will be developed to highlight the most important elements which includes mapping and the speed test. |
| 7. WV PSC Pole Attachment Rulemaking Order | Attorney Jim Kelsh with Bowles Rice provided an update on the WV PSC Pole Attachment Rulemaking Order which included comments from the Council and other parties. He said the PSC is now reviewing the comments with no exact timetable for next steps. Mr. Kelsh did say one next step could be a notice of proposed rules for a new set of pole attachment rules to be issued by the PSC. |
| 8. Rural Digital Opportunity Fund; Connect America Fund: Council Comment | <p>Mr. Kelsh prepared draft comments on behalf of the Council - based on discussions with Council members and industry partners – to submit to the FCC regarding the proposed next round of the Connect America Fund program. Chair Hinton said the emphasis is to offer comments that would improve the effectiveness of the program and create opportunities for applicants, notably smaller providers, to apply for funding.</p> <p>Mr. Kelsh explained that this FCC program will implement two programs, one \$14.6 billion fund for wholly unserved area applicants with a Phase 2 program allotting \$4.5 billion for partially served areas and areas eligible for Phase 1 but did not receive an award.</p> <p>Mr. Turner made a motion to delegate the Council chair to finalize the Council comments and send to the FCC by its Sept. 20 deadline. Mr. Pearson second the motion. Motion passed unanimously.</p> |
| 9. Digital Opportunity Data Collection: | Council discussed a new FCC initiative called the Digital Opportunity Data Collection which is a data collection program designed to improve the FCC’s ability to target support for broadband expansion through the agency’s Universal Service Fund programs like Connect America. The FCC is taking comments on this new program until September 27, 2019. Mr. Bissett made a motion for the Council to further investigate the new program and extend comments to the FCC if the Council thought comments were warranted; Mr. Pearson second the motion. Motion passed unanimously. |
| 10. Council Draft Request for Information (RFI) incorporating Utility Feasibility Study needs. | <p>Chris Campbell of Tilson Technology Management, Inc. explained the draft Request for Information the Council will issue to solicit partnerships with broadband service companies to advance middle mile and last mile services in the state. After discussion on several items, Member Mike Holstine motioned to formally adopt the RFI and go forward with putting it out for advertisement; Mr. Bissett second the motion. Motion passed unanimously.</p> <p>Chair Hinton discussed the Council’s statutory obligation to assist utility companies with their broadband feasibility studies as outlined in Senate Bill 3 which was passed during the 2019 Regular Legislative Session.</p> <p>Mr. Pearson made a motion to allocate a budget of \$50,000 to encompass the work needed by the Council for these feasibility studies; Mr. Bissett second the motion. Motion passed unanimously.</p> |

| | |
|--|---|
| 11. West Virginians for Broadband Presentation | Curtis Wilkerson of Orion Strategies, spoke to the Council about net neutrality. Mr. Wilkerson also represents “West Virginians for Broadband.” Mr. Wilkerson said net neutrality continues to be a “political football” between the two major political parties and this keeps the industry wary of how it invests. Mr. Wilkerson didn’t advocate for any one position but said a bi-partisan effort is underway on the federal level to regulate net neutrality. He said the Council would probably be looked to as subject matter experts and his presentation and the handouts provided to Council members were to serve as a high-level overview on the subject to become more informed. |
| 12. Public Comment | Mark Debruyn with Agile Networks requested that the Council consider researching or providing an opinion on whether county-owned infrastructure such as towers or water tanks could be utilized in a public-private partnership for broadband development. He said current state code allows counties to lend, lease or permit use of county properties such as buildings and land by non-profits but it is unclear if other types of infrastructure can be utilized. Chair Hinton said the Council could eventually look into researching the matter. |
| 13. Next Meeting Date | October 10, 2019; 10:00 a.m.; Building 3, First Floor Conf. Room 124 Additional Dates: <ul style="list-style-type: none"> • ARC Broadband Apps Due October 30, 2019 |
| 14. Adjournment | Chair Hinton adjourned the meeting at 11:47 a.m. |

Action Items

| No. | Description | Assigned To | Month Identified | Target Completion Date |
|-----|--|--------------------------------------|------------------|---|
| 1. | Legal and Cooperative Toolkit and Training | WVU Law | June 2017 | ARC grant funds approved. Meetings to begin 9/19. |
| 2. | Broadband Hub ARC Broadband Hub/Mapping Project | T. Simental, K. Workman, C. Williams | November 2018 | Meetings May-September |
| 3. | Website Updates-Speed test survey updates, map updates | Commerce, C. Williams | December 2018 | September 2019 |
| 4. | NTIA/National Broadband Availability Map | T. Simental, K. Workman, C. Williams | | 5/10/2019 Initial Data From Phase One States |
| 5. | Guide to Broadband Development | WVDO | | October 2019 |
| 6. | 2020-2025 State Broadband Plan | Steering Committee, Staff | | December 2019 |