



West Virginia Broadband Enhancement Council Draft Meeting Minutes | August 10, 2017



Meeting Title	WV Broadband Enhancement Council Meeting		
Chairperson	Robert Hinton		
Date	8/10/1017	Location	WV Capitol Complex Bldg. 3, Suite 800 Conference Room
Time	9:00 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	-	Woody Thrasher	Dept. of Commerce, Cabinet Secretary
P	Robert Morris, Vice Chairman	Urban Residential User	P	Jeff Proctor	Representing Woody Thrasher
-	Michael L. 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
-	Robert Cole	Rural Residential User Congressional Dist. 1	P	The Honorable Glenn Jeffries	WV Senate (Dem. Party) (ex-officio/non-voting member)
P	John Dunlap	Office of Technology, Chief Technology Officer	TC	The Honorable Craig Blair	WV Senate (Rep. Party) (ex-officio/non-voting member)
P	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	-	Vacant	WV House (Dem. Party) (ex-officio/non-voting member)
TC	John Reasbeck	Rural Business User Congressional Dist. 1	-	Vacant	WV House (Rep. Party) (ex-officio/non-voting member)
P	Matt Turner	Higher Education Policy Comm., Exec. Vice Chancellor	-	Brittany Carns	Business User of Large Amounts of Broadband
P	Dr. Jack Smith	Representing Matt Turner	-	Michael Shaffer	Rural Residential User Congressional Dist. 2
	Representative	Agency		Representative	Agency
-	Brooks Crislip	WV Attorney General's Office, Legal Counsel	P	Tony Simental	WV Geological and Economic Survey, Office of GIS Coordination
P	Josh Jarrell	WV Dept. of Commerce, Deputy Sec., Legal Counsel	P	Will Valentino	WV Attorney General's Office, Legal Counsel
P	Tony O'Leary	WVDO Staff Liaison	P	Kelly Workman	WVDO Staff Liaison
P	Mark Debruyn	WV Office of Technology	P	Michael Hohn	WV Geological and Economic Survey

Agenda Item	Details/Minutes
1. Call to Order	Chair Hinton called the meeting to order at 9:05 a.m.
2. Opening Remarks and Roll Call	Roll was taken and the presence of a quorum was confirmed.

<p>3. Approval of Minutes: 07/13/2017 Council Meeting, Financial Statement</p>	<p>Minutes from the July 13, 2017 Council meeting were presented for approval, along with a current financial statement. Member Dunlap moved that both documents be approved and Member Hobbs provided a second. Motion carried.</p>
<p>4. Draft Broadband Cooperative FAQs</p>	<p>Draft Cooperative FAQs presented for review and discussion. Member Morris noted that the formation of broadband cooperatives is a very complex topic and that details are needed to assist communities in moving through the process. Chair Hinton noted that the Council is providing a FAQ document that must include a disclaimer and a recommendation that interested parties seek legal counsel, due to the complex nature of cooperatives. Mr. Valentino stated that legal counsel would assist in fielding questions and would address any issues.</p> <p>Member Proctor moved that the FAQ document be accepted and disseminated throughout the State. Member Morris provided a second and the motion carried. It is noted that the FAQ is the first component of a Cooperative toolkit that will be further developed.</p>
<p>5. Draft WVBE- WVEDA Broadband Infrastructure Loan Insurance Program Guide</p>	<p>The Council and the WVEDA will coordinate a \$50 million Broadband Infrastructure Loan Program to expand service throughout West Virginia. A draft guide presented for review and discussion. Chair Hinton noted that the Council will assist the WVEDA in identifying eligible applicants. Applications will be submitted to the Council first, via the Department of Commerce. The Chairman reviewed the concept and composition of the Technical Review Committee, which will evaluate applications and provide a summary report to the full Council for review and action. The Technical Review Committee will evaluate the preliminary engineering reports, mapping data, rate structures and other factors.</p> <p>The Chairman noted that the Council will require a quarterly performance report for all projects to monitor progress and measure program outcomes in terms of the actual numbers of residents and businesses served because of the investment. This information is needed to accurately determine the effectiveness of the program and measure performance.</p> <p>Member Morris asked if legal counsel would assist with Ch29A administrative procedures.</p> <p>Member Turner stated the WVNET would be available to assist with the review. Member Dunlap agreed that WVOT and WVNET would coordinate this activity; however, WVNET could serve an advisory role, rather than an official role.</p> <p>Member Reasbeck reminded the Council to consider adoption strategies as part of the review. This should include consideration of market research, adoption campaigns, and other methods of encouraging adoption. Member Reasbeck will provide information to Ms. Workman for incorporation into the program documents.</p> <p>Member Proctor asked if first-year goal is middle-mile build, and how those projects would be rated. Member Reasbeck stated that both types of projects would be considered and all would need to show cash flow for business feasibility. Applicants should demonstrate how they will work with local groups to speed up the adoption process. Member Morris asked if the Council should request a business plan and pro forma. The Chairman noted that the Council role is to determine eligibility and the WVEDA will take the Council recommendation under advisement during its review of loan applications. Member Dunlap noted that the Council will review long term viability, but should not overstep its authority into review of financial data.</p>

	<p>Mr. Valentino explained that the Council has technical expertise that the WVEDA does not have. The WVEDA will vet projects financially. The Council will determine whether projects meet program eligibility; while WVEDA is not lending funds, it will provide a loan guarantee. The interplay and coordination of each activity may be modified as necessary.</p> <p>Member Morris and Member Dunlap discussed areas that may have existing infrastructure that can be utilized for new projects. The Chairman stated that the Council will address deficiencies in applications that are not feasible long-term due to legacy technology, or other factors that do not contribute to project viability. Member Turner asked if this review would include a summary of concerns presented to the Council and if applications are deemed insufficient, the Council would vote to return the application.</p> <p>The Chairman noted that the technical review committee will provide a summary and recommendations to the Council for review and discussion. The Council may also offer recommend technology where appropriate. The Chairman also noted that adoption procedures would be integrated into the application.</p> <p>Mr. Valentino stated that the WV Code is silent on many requirements. However, the Council will need to work through these procedures.</p> <p>Member Dunlap noted that procedures would be adjusted as necessary and moved that the Council proceed with a final version of the draft as presented. Member Morris provided a second. Motion carried.</p> <p>Related to this discussion, Sen. Jeffries stated later in the meeting that he and Sen. Blair would also be willing to be part of the Technical Review Committee. The Chairman thanked the Senators for their interest and stated that their involvement is valued, indicating that they would be added to the committee.</p>
<p>6. WVBECC-WVGES MOU for Interactive Broadband Mapping System</p>	<p>The WVGES presented two main components of the Interactive Broadband Mapping System: (1) Speed Test Portal, and (2) Statewide Broadband Map. The Speed Test Portal will provide the data needed generate the Statewide Broadband Coverage Map, to accurately identify the presence/level of broadband service in the State, and associated infrastructure.</p> <p>The timeline for this project was reduced from 90 days to 45 days. An appendix was added to detail technical requirements, database managements and server platform. A budget of \$41,650.50 and cost allocation was presented. Member Morris noted the value of partnerships within the Dept. of Commerce and the reduction of cost. Member Proctor moved that the MOU for this project be executed between the Council and the WVGES. Member Hobbs provided a second, and the motion carried.</p>
<p>7. Speed Test Portal Demo</p>	<p>John Bocan, Program Manager for WVGES, presented the production model to the Council. Mr. Bocan noted that WV will utilize new ESRI software, noting that ESRI is to mapping and Microsoft is to computers. The WV system runs like the NC system whereby the user must enter upload and download speeds. This may be corrected through the purchase of a customized test site. The system will generate graphics for measurement, charts and points on the map which will convert to charts and percentages.</p> <p>Mr. Simental noted that the Council will need to determine segregation and use of data. No PII will be released. Email addresses will remain private, and will only be seen by WVGES as needed for development. Mr. Hohn noted that the feature for protected access was outside of the existing MOU.</p>

	<p>Chair Hinton noted the goal of creating an easy, simple system and asked if there was a way to license with Ookla to auto-populate speed fields. Mr. Simental stated that conversations with Ookla indicate that this is possible with required programming. Mr. Hohn noted that this would be an additional expense, and Chair Hinton stated that this modification should be included.</p> <p>Chair Hinton stated that the Council will consider enhancements, such as a how-to video. Member Morris requested that the system differentiate access v. no access; involving changing indicators for “no” to red, and “yes” to green.</p> <p>Member Proctor thanked the WVGES team for their work and requested a function for the user to see results and to share the test.</p> <p>The Chairman requested that Council members detail their recommendations and submit to Ms. Workman within one week.</p>
<p>8. FCC Notice of Proposed Rulemaking</p>	<p>FCC Proposes Improvements to Broadband & Voice Services Data Collection and FCC CAFII Funding; public comment. Chair Hinton reviewed the Council’s May 2017 comment on previous FCC proposed rulemaking related to pole attachments. The Chairman noted that the Council will continue to submit comments on federal proceedings, including:</p> <ol style="list-style-type: none"> 1. FCC CAFII Public Notice for Competitive Bidding Procedures, and Certain Program Requirements for the Connect America Fund Phase II Auction (Auction 903), WC Docket No. 10-90; Document Number 2017-18041. Comments are due <u>September 18, 2017</u>. 2. Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10; Document Number 2017-17901. Comments due <u>September 25, 2017</u>. <p>Member Morris stated that the Council has a duty and responsibility to comment and represent the interests of the State in these matters. Member Proctor stated that comments also need to be submitted to WV Legislature. Senator Blair stated that the Council needs to develop additional policy recommendations as necessary for Legislative consideration. The Senator noted that HB3093 was intentionally written in broad terms so that the Council could recommend procedures and modifications as needed. The Council should prepare recommendations by <u>November 2017</u> for any policies to advance the Council’s mission or provide more freedom and clarity.</p> <p>Note: Policy and/or legislative recommendations should be presented to the Joint Committee on Government Organization in <u>November 2017</u>.</p> <p>Mr. Valentino stated that he is well-versed in bill drafting and the Council needs to begin this work to meet the November deadline.</p> <p>The Chairman stated that the Council should develop a list of legislative priorities prior to the September meeting. The Council will act as a body and would need to vote on any policy or legislative initiatives.</p> <p>Relative to the FCC open comment for CAF II Funding, which will allocate nearly \$2 billion nationwide, \$200 million per year, through reverse auction. The Council will provide comment regarding the FCC process for accepting and approving bids. Additional comments will be related to the need to identify discrepancies in broadband between the standard definition of 25:3 and the definition used for underserved areas of 10:1. The Council will</p>

	<p>consider a methodology that incorporates a percentage of the broadband definition to provide a factor for adjustments when the standard definition is updated. The Chairman noted that there are thousands of census blocks in WV that could potentially be eligible under the FCC definitions.</p> <p>Member Morris voiced support for the Council’s plan to comment on the proposed FCC procedures. The Chairman indicated that letters would be drafted and presented to the Council for review at the September 14, 2017 meeting.</p>
9. WV FirstNet	<p>West Virginia is 7th state in the nation to opt-in to FirstNet. In PPP with FirstNet, AT&T to build secure wireless/mobile broadband communications network for State’s public safety community at no cost for next 25 years. Mark DeBryun of WVOT provided a basic overview.</p>
10. Grant Funding / Project Update	<p>Ms. Workman provided a review of CDBG Public Hearings for broadband funding. As anticipated, there is a great deal of interest; however, the State lacks capacity for developing projects. Additional training is needed, so the Council and the WVDO will partner to conduct broadband specific training on September 15, 2017, at Stonewall Resort as part of the WVDO Impact Summit. Council members are invited to attend, being mindful of the Council’s limited budget for travel expenses.</p> <p>Related to CDBG, Jason Roberts, Executive Director, Region 1 PDC; and John Tuggle, Executive Director, Region 4 PDC were present to discuss their planned approach to a regional broadband development plan that could potentially be jointly funded by CDBG and U.S. EDA.</p> <p>Other Regional Council representatives present were: Terry Martin of the Region 3 Intergovernmental Council and Fred Rader of Region 5/Mid-Ohio Valley Regional Council.</p> <p>Mr. Rader provided information from Roane County and indicated that Roane County may be interested in participating in the State’s pilot program, as provided under HB3093. Mr. Valentino stated that guidelines for this program need to be developed.</p> <p>Mr. Tuggle requested that the Council establish a forum for the exchange of ideas on its website, to include a compilation of best practices, FAQs and other resources. The Chairman indicated that these components will be developed.</p>
11. Marketing Update	<p>Ms. Workman provided a marketing update which includes development of a e-newsletter planned to begin September 2017. Estimates for the following services have been requested from Commerce Communications: branding and logo design; e-newsletter templates and design services. In this regard, Ms. Workman explained that the Council, as part of the Department of Commerce, is also subject to Commerce Communications policies regarding media inquiries, press releases and social media. A draft marketing and media policy was presented for review.</p> <p>A draft of the first newsletter will be provided at the September Council meeting, along with an estimate from Commerce Communications for the services outlined above, and for additional enhancements to the Council website, which may be necessary upon the integration of the Speed Test and Mapping projects.</p>

12. U.S. Dept. of Commerce BroadbandUSA Technical Assistance Planning and Funding Workshop	The National Telecommunications and Information Agency will conduct a technical assistance workshop in Charleston on Tuesday, September 19, 2017 8:30 a.m. – 12:30 p.m., at the offices of Jackson Kelly PLLC 500 Lee Street Charleston, WV 25301 Registration: NTIA Event Registration Event is Free Seating is Limited
13. Committee Reports	Chair Hinton requested committee reports on September 14, 2017 . The Education Committee is scheduled to meet on August 23, 2017 ; and the Adoption Committee will meet following the August 10, 2017 Council meeting. All committee meetings are posted to the Secretary of State website as they are scheduled.
14. Public Comments	There were no public comments.
15. Next Meeting Date and Proposed Agenda	September 14, 2017
Adjournment	The meeting was adjourned at 11:20 a.m.

Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Review of resources for easement acquisition.	Adoption Committee, Hobbs	May	September
2.	Consultation with WV DOH	Council, WVDO, WVOT, WVDOT	May	Underway
3.	Website – Marketing	WVOT, WVDO	May	Underway, First Newsletter September 2017
4.	Council requested that committee work to address requirements of HB3093.	All Committees	June	August - September
5.	Review of MOU for interactive mapping portal and system.	Council, WVGES, WVOT	June	Final MOU Presented August 10
6.	WVEDA loan guarantee program	Council, WVEDA, WVDO, AG	May	Draft Presented August 10
7.	Review of cooperatives in WV for Agriculture; and existing WV telecom cooperative(s).	Will Valentino	June	Draft Guide Presented August 10

Others Present (in order of sign-in sheet):

- 1. Jason Roberts, Region I Planning and Development Council**
- 2. Chris Dalzell, Roane County Broadband Committee**
- 3. Jim Bostic, Roane County Broadband Committee**
- 4. Fred Rader, Mid-Ohio Valley Regional Council**
- 5. Mark Polen, WV Cable Telecom Association**
- 6. Billy Jack Greg, Frontier Communications**
- 7. John Tuggle, Region 4 Planning and Development Council**
- 8. Marlene Hackett, The Hackett Praxis, LLC**
- 9. John Bocan, WV Geological and Economic Survey**
- 10. Terry Martin, Region 3 Planning and Development Council**
- 11. Jack Smith, Higher Education Policy Commission**

- 12. Charlie Dennie, Alpha Technologies**
- 13. Max Garland, WV Gazette**
- 14. Aaron Spork, Office of Sen. Shelley Moore Capito**
- 15. Ron Pearson, Citizen User**

**Meeting Minutes prepared by:
Kelly Workman, WVDO**