



# West Virginia Broadband Enhancement Council July 13, 2017 Council Meeting Minutes



<b>Meeting Title</b>	WV Broadband Enhancement Council Meeting		
<b>Chairperson</b>	Robert Hinton		
<b>Date</b>	7/13/2017	<b>Location</b>	WV Capitol Complex Bldg. 3, Suite 800 Conference Room
<b>Time</b>	9:00 am		
<b>Audio Connection</b>	304.957.6999 Conf. ID: 935-9172#	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	-	Woody Thrasher	Dept. of Commerce, Cabinet Secretary
-	Robert Morris, Vice Chairman	Urban Residential User	P	Jeff Proctor	Representing Woody Thrasher
TC	Michael L. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	P	Josh Jarrell	Dept. of Commerce, Deputy Secretary/Legal Counsel
-	Ric Cavender	Urban Business User	-	Dr. Steven L. Paine	Dept. of Education, State Superintendent
P	Robert Cole	Rural Residential User Congressional Dist. 1	P	Brenda Morris	Representing Dr. Steven L. Paine
P	John Dunlap	Office of Technology, Chief Technology Officer	TC	The Honorable Glenn Jeffries	WV Senate (Dem. Party) (ex-officio/non-voting member)
P	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	P	The Honorable Craig Blair	WV Senate (Rep. Party) (ex-officio/non-voting member)
P	John Reasbeck	Rural Business User Congressional Dist. 1	-	Vacant	WV House (Dem. Party) (ex-officio/non-voting member)
P	Matt Turner	Higher Education Policy Comm., Exec. Vice Chancellor	-	Vacant	WV House (Rep. Party) (ex-officio/non-voting member)
-	Dr. Jack Smith	Representing Matt Turner	-	Brittany Carns	Business User of Large Amounts of Broadband
			-	Michael Shaffer	Rural Residential User Congressional Dist. 2
	<b>Representative</b>	<b>Agency</b>		<b>Representative</b>	<b>Agency</b>
P	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

<b>Agenda Item</b>	<b>Details/Minutes</b>
1. Call to Order	Chair Hinton called the meeting to order at approximately 9:05 a.m.

2. Opening Remarks and Roll Call	Roll was taken, and the presence of a quorum was confirmed.
3. Approval of Minutes: 06/8/2017 Council Meeting, Financial Statement	Minutes from the June 8, 2017 meeting were presented, along with an updated financial statement. Member Hobbs moved that the minutes and financial statement be approved, and Member Turner provided a second. Motion carried.
4. Welcome and Introduction of Senate Appointments to the Council	<p>Chair Hinton welcomed West Virginia Senate appointments to the Council. Senate appointees are: Senator Craig Blair, of Martinsburg, representing the 15<sup>th</sup> District; and Senator Glenn Jeffries of Red House, representing the 8<sup>th</sup> District.</p> <p>Senator Craig Blair expressed his support of the Council and added that he looks forward to helping the Council improve broadband services throughout the State. Senator Jeffries stated that the Council's work and the provision and expansion of broadband service is very important to the State and its residents.</p>
5. Continued Discussion of HB3093	Chair Hinton noted the July 7, 2017 filing of a lawsuit challenging the specific provision of HB 3093 which concerns pole attachments. It appears that this filing is specific to one area of the bill, and therefore, it is presumed that other provisions of the bill will move forward.
6. Announcement of USDA Grant	<p>Chair Hinton announced that a three-county area in West Virginia, consisting of Barbour, Randolph and Upshur counties, were awarded a \$3 million grant through the USDA Community Connect program in June 2017. This broadband expansion project will include upgrades to 9 existing towers and 26 new towers, with co-location facilities.</p> <p>This grant is the first of its kind in West Virginia and is a major step forward. The Chairman noted that West Virginia ranks 47<sup>th</sup> in the nation for broadband service, however the award of this grant, after a challenging application process, proves that other areas of the State can and should compete for funding.</p>

<p>7. WVEDA Loan Insurance Applications</p>	<p>The Chairman indicated that discussion with the WVEDA is ongoing and the development of procedures for the loan application process are proceeding. The WVEDA has indicated that these procedures will be finalized in the coming weeks, with a target date <u>prior to the August 10, 2017 Council meeting</u>. Eligibility for the loan program will be determined by the most recent FCC 477 data, released in May 2017. The WVEDA procedures for eligibility determination will guide funding to unserved areas, as defined by the FCC rule of 25:3Mbps. Mapping provided by the WVGES, Office of GIS Coordination, will be the resource used to determine eligibility.</p> <p>Member Holstine asked if eligibility for the loan program is confined to this interpretation of date, which extrapolates granular data to determine service for each census block. Member Holstine stated that if one person within the census block has broadband service, under the FCC definition of 25:3 Mbps, then the entire census block is assumed to have the same level of service.</p> <p>Chair Hinton indicated that the Council will actively seek alternative forms of data to develop a more accurate representation of service at the census block level.</p> <p>It is unclear whether the FCC would recognize alternate data; however, the Chairman indicated that there is interest on the part of the FCC in developing more accuracy. The Chairman discussed this matter with FCC Chairman, Ajit Pai, during his July 7, 2017, visit to West Virginia. During the Chairman Pai's visit to West Virginia, he toured Hardy County, where there is strong connectivity provided by Spruce Knob Seneca Rocks Telephone, Inc.</p>
<p>8. Ohio-West Virginia Connectivity Summit and Town Hall, Hosted by FCC Commissioner Mignon Clyburn</p>	<p>Ms. Workman provided a brief overview of this event: <a href="http://www.ruralassembly.org/broadband-marietta">www.ruralassembly.org/broadband-marietta</a>, indicating that she and Tony Simental planned to attend. Event information was shared with the State's 11 Regional Planning and Development Councils as West Virginia should be well represented at this event.</p>
<p>9. Website Update - John Dunlap <a href="https://broadband.wv.gov/">https://broadband.wv.gov/</a></p>	<p>Ms. Workman provided an overview of the Council website, indicating that all member data had been updated. Recent meeting minutes were added, and the most recent meeting minutes, for the June 8, 2017, meeting will be added following today's Council approval.</p> <p>The WVBE 2017 Broadband Service Map is added. A current meeting date is added, and additional resources and content, recent photography and news items will be added in the following weeks. The WVDO address and phone are listed points of contact. Previous presentations and video files will also be added upon receipt.</p> <p>The WVDO will continue to work with the WVOT to update and enhance the site.</p>

<p>10. Review of MOUs <b>(10.1) MOU: WVBEC-WVOT</b></p>	<p><b>MOU 1: WVBEC-WVOT for Technical Support, ARC-GIS Software, Licensing</b></p> <p>The MOU between the Council and the WV Office of Technology (WVOT) outlines all technology needs and services regarding Council work.</p> <p>Member Turner asked if the Council would be required to grant separate approvals for the purchase of software or other services. Member Dunlap confirmed that the MOU will enable WVOT to proceed as needed so that each item would not require separate approvals.</p> <p>Member Dunlap clarified that specific items are detailed in Attachment A, with column one indicating expenses related to the use of the State server; and column two outlining required software and annual service fees. Member Proctor moved that the Council approve the MOU as presented, and Member Turner provided a second. The motion carried.</p>
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**(10.2) MOU: WVBEC-WVGES**

**MOU 2: WVBEC-WVGES: Interactive Mapping Program and Technical Support**

The MOU between the Council and the WV Geologic and Economic Survey (WVGES) would provide two main components: mapping data and an interactive map for speed tests. The Chairman clarified that the Council seeks to develop a system that would allow the State to aggregate broadband data in real time, through a GPS mapping system. WVGES would convert this data maps using shapefile formatting. This MOU would include two distinct activities:

- 1) To provide an updated version of previous mapping, to be completed within 90 days, by mid-September.
- 2) To provide an interactive data portal through which users would enter and WVGES would collect and analyze the data needed to generate accurate mapping.

The Chairman also clarified that the intent of this agreement is to provide a means by which the Council can provide, through contract with WVGES, the mapping needed for project development and grant/loan applications. This would include the following service level mapping: 4:1 Mbps; 10:1 Mbps and 25:3 Mbps.

The Chairman noted that WVGES requires a 90-day timeline for delivery of Items 1 and 2, above. The Chairman stated that the Council is concerned about the stated timeline. Preliminary research indicates that the interactive data portal may be developed by private resources within a shorter timeframe and at a reduced cost.

Mr. Michael Hohn, Executive Director of the WVGES, indicated that the groups would need to coordinate this work to ensure coordination among all system platforms.

Mr. Simental, State GIS Coordinator, asked the Council to clarify its concept whereby a potential developer or contractor would develop a platform for the capture of data, then WVGES would analyze and map the data through its ESRI system.

The Chairman stated that the Council has a license with Ookla for data. The contractor would provide a platform for the capture of data within the Broadband Council website, to be mapped by WVGES. This mapping data would then be available to the Council and the WVEDA to determine service levels throughout the State and eligibility, designation as underserved and unserved, and eligibility for grant and loan funding,

Member Dunlap confirmed that the WVOT will purchase the ESRI software, and that all information will be housed in the State server. The contractor will create the platform for speed tests in a website application for speed testing and the system will capture this data for mapping purposes.

	<p>WVGES will access this data and add mapping to the Council website. Mr. Simental noted that development costs for the North Carolina interactive mapping system, which serves as a model for this project, was in the range of \$200,000 for development.</p> <p>The Council determined that additional research is needed. Member Proctor moved that the MOU between the Council and the WVGES be tabled, pending further review. A second was provided and the motion carried.</p>
<p><b>(10.3) MOU: WVGES-WVOT</b></p>	<p><b>MOU 3: WVOT-WVGES: Access to State Server, Policies and Procedures</b></p> <p>This MOU outlines the roles of each agency in the performance of work for the Council, and roles and responsibilities associated with access to the State server.</p> <p>There is no cost to the Council through this MOU, and it was presented solely for transparency. Member Hobbs moved that the MOU be executed as presented, and member Holstine provided a second. The motion carried.</p>
<p>11. CDBG for Broadband - Public comment period: July 11-26, 2017; Submit plan to HUD by August 15.</p>	<p>Ms. Workman provided an overview of the State’s proposed use of CDBG funding for broadband development. The State proposes an initial investment of \$700,000, or roughly 5 percent of its FY 2017 allocation. This funding will be coupled with approximately \$800,000 in CDBG funding, recovered by the State following bid underruns for water infrastructure projects, for an initial investment of \$1.5 million. Additional underrun funds may be allocated, following future underruns and the recovery of additional funding.</p> <p>Ms. Workman has consulted with other CDBG program administrators in the development of the program guidelines and proposes funding in four categories: planning, construction, pilot and demonstration, and matching funds. The WVDO will coordinate projects with the Council, WVGES and WVOT.</p> <p>A two-page summary was provided to the Council. The complete plan will be reviewed at public meetings as follows:</p> <ul style="list-style-type: none"> <li>1:00 – 2:00 p.m., July 17, 2017, Summersville (Nicholas County)</li> <li>1:00 – 2:00 p.m., July 24, 2017, New Martinsville (Wetzel County)</li> </ul> <p>Public comments will be accepted until July 26 and the final plan will be submitted to HUD by August 15, 2017.</p>

<p>12. Broadband Cooperatives Kelly Workman, Brooks Crislip</p>	<p><b>Development of Templates and Toolkit, Available Models</b></p> <p>A meeting was conducted on June 27 to review the formation of broadband cooperatives in West Virginia. Representing the Council were Mr. O’Leary and Ms. Workman of the WVDO, and Mr. Crislip of the West Virginia Attorney General’s Office. Attending from Mountain State Justice was Mr. Sam Petsonk and Ms. Wendy Radcliff, along with Ms. Natalie Roper and Mr. Bill Kuhn of Generation West Virginia.</p> <p>Certain documents are currently needed: existing State templates for agricultural co-ops and the existing co-op structure for HardyNet. Member Holstine will request the template. Mr. Valentino will provide Ms. Workman with documents in use, consistent with Chapter 9, Article 4 of WV Code.</p> <p>From these documents, staff will develop a template that will serve as the central component of a toolkit, which would guide local groups through the process of forming a broadband cooperative. <u>A draft will be provided to the Council at the August 10, 2017 meeting</u>, with a goal of completing major portions of the toolkit by the end of August.</p> <p>The Chairman requested a one-page report to the Council concerning the above for the August 10 meeting. Following Council approval, this information will be added to the website for review and use.</p>																				
<p>13. Committee Reports</p>	<p>A report for the 6.8.2017 Adoption Committee was provided in the Council meeting packet. Chair Hinton requested a formal committee meeting by all committees <u>prior to the September 14, 2017 Council meeting</u>.</p>																				
<p>14. Selection of Terms: Public Members Brooks Crislip, Will Valentino</p>	<p>Following the directive of HB 3093, which required a random selection of terms for nine public members during the first meeting following July 1, 2017, Mr. Valentino assigned each public member a random corresponding number. Ms. Workman drew a number to fill each of the three 1, 2 and 3 year terms. Mr. Valentino and Ms. Workman compared results of the random selection following the meeting, and the results are as follows:</p> <table border="1" data-bbox="634 1381 967 1703"> <thead> <tr> <th>Member</th> <th>Term</th> </tr> </thead> <tbody> <tr> <td>Carns</td> <td>2</td> </tr> <tr> <td>Cavender</td> <td>2</td> </tr> <tr> <td>Cole</td> <td>1</td> </tr> <tr> <td>Morris</td> <td>1</td> </tr> <tr> <td>Hinton</td> <td>3</td> </tr> <tr> <td>Hobbs</td> <td>3</td> </tr> <tr> <td>Holstine</td> <td>3</td> </tr> <tr> <td>Reasbeck</td> <td>1</td> </tr> <tr> <td>Shaffer</td> <td>2</td> </tr> </tbody> </table>	Member	Term	Carns	2	Cavender	2	Cole	1	Morris	1	Hinton	3	Hobbs	3	Holstine	3	Reasbeck	1	Shaffer	2
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<p>15. Public Comments</p>	<p>Senator Blair noted that the any requests for legislation should be submitted by <u>November 2017</u>.</p> <p>There were no other public comments.</p>																				
<p>16. Next Meeting Date and Proposed Agenda</p>	<p>August 10, 2017</p>																				

Adjournment	The Chairman adjourned the meeting at approximately 10:45.
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No.	Description	Assigned To	Month Identified	Target Completion Date
2.	Review of resources for easement acquisition.	Adoption Committee, Hobbs	May	July
3.	Development of guidelines for speed tests	Adoption Committee	May	August
4.	Consultation with WV DOH	Dunlap	May	August
5.	Website	WVOT, WVDO	May	Hosting and initial development is complete. Content management is ongoing via WVDO and WVOT.
6.	Council requested that committee reports be submitted in June and July.	All Committees	June	All committees are asked to meet and report to Council August - September
7.	Review of MOU, resources and cost estimate for interactive mapping portal.	Council, WVGES, WVOT	June	August
8.	WVEDA loan guarantee program	Council, WVEDA, WVDO	May	August
9.	Review of cooperatives in WV for Agriculture; and existing WV telecom cooperative(s)	Will Valentino; Kelly Workman, Tony O'Leary, Mark DeBruyn	June	Draft submitted to Council for August meeting review.
10.	Letter to WV DHSEM		June	

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

1. P. Mark DeBruyn, WVOT
2. David Mattson, Golden Dog Underground
3. Billy Jack Gregg, Frontier Communications
4. Mark Polen, WV Cable Telecommunications Association
5. Mark Fowler, Rt.21.Net
6. Michael Hohn, WVGES
7. Sandy Westfall, WV Senate
8. James Bailey, WV Senate
9. Jacque Bland, WV Senate
10. Aaron Spork, Representing U.S. Senator Shelley Moore Capito
11. Natalie Roper, Generation WV
12. Chris Morris, CityNet
13. John Golden, DAS Advisors
14. Kevin Manovich, NEXGEN Broadband
15. Charlie Dennie, Alpha Technologies
16. Ron Pearson, Interested Citizen
17. Max Garland, WV Gazette
18. Russell Tarry, WVDO
19. Chris Weikle, WV Cable Association

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