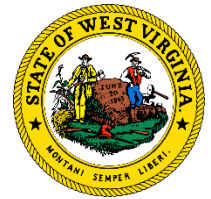


WV Broadband Enhancement Council

June 8, 2017

Council Meeting Minutes



Meeting Title	WV Broadband Enhancement Council Meeting		
Chairperson	Robert Hinton		
Date	6/8/2017	Location	WV Capitol Complex Building 6, 6 th Floor, Conf. Rm. A
Time	9:00 am		
Audio Connection	304.957.6999 Conf. ID: 9359172#	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
P	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	-	The Honorable Glenn Jeffries	WV Senate (Dem. Party) (ex-officio/non-voting member)
P	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	-	The Honorable Craig Blair	WV Senate (Rep. Party) (ex-officio/non-voting member)
P	Michael J. Holstine Secretary/Treasurer	Rural Business 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)
-	Matt Turner	Higher Education Policy Commission, Executive 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
	Agency Representatives	Representing		Agency Representatives	Representing
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	P	Kelly Workman	WVDO

Topic	Details/Minutes
Call to Order	Chair Hinton called the meeting to order. The May 11, 2017 Council meeting minutes were introduced. Member Morris provided a motion to accept the minutes, Member Proctor provided a second, and the motion carried.
Opening Remarks and Roll Call	Roll was taken, and the presence of a quorum was confirmed.

<p>Approval of Minutes: 05/11/2017 Council Meeting and Financial Statement</p>	<p>The Financial Statement was submitted for review. Member Holstine inquired about travel reimbursement for committee meetings. Chair Hinton reminded the Council of a previous decision to include the regular monthly Council meeting and one committee meeting per month in any reimbursement.</p> <p>Member Morris noted that all other travel must be submitted to the Council for prior approval. It was noted that the Adoption Committee will meet immediately following Council meetings. Member Morris provided a motion to approve travel expenses incurred by Member Cole for meetings in early 2017. Member Dunlap provided a second, and the motion carried.</p> <p>Member Holstine provided a motion to accept the Financial Statement. Member Morris provided a second, and the motion carried.</p>
<p>Senate Appointments to the Council</p>	<p>Chair Hinton reviewed the Senate appointments of Sen. Craig Blair and Sen. Glenn Jeffries. The Senators were unable to attend this meeting due to the ongoing Special Legislative Session.</p>
<p>HB 3093 Discussion and Review</p> <ul style="list-style-type: none"> • Staffing Needs, Legal Counsel, Selection of Terms 	<p>Chair Hinton provided a summary of the May 11 review of the requirements of HB3093.</p> <p>Staffing and Legal Counsel</p> <p>The Chairman stated that Kris Hopkins, Executive Director of the WV Development Office (WVDO), has approved the dedication of staff from the WVDO - Kelly Workman and Tony O’Leary - to assist the BEC. WVDO staff will provide the administrative and organizational functions of the Council, serving as the central point of contact for the Council.</p> <p>Legal services will be provided by the WV Attorney General’s Office (WVAGO), with Brooks Crislip and Will Valentino serving as Legal Counsel. Josh Jarrell, Deputy Director and Legal Counsel of the WV Department of Commerce briefed Mr. Crislip and Mr. Valentino on several requirements, including:</p> <p>Selection of Member Terms</p> <p>Public members must draw by lot at the July 13, 2017, for terms of varying lengths of either 1, 2 or 3 years.</p> <p>WVEDC Loan Insurance Program</p> <p>The Chairman met with the WVEDA and informed the Council that the loan program is under development. This program is expected to be structured to follow the format of other loan programs, in which the State will insure 80 to 90 percent of a loan. It remains to be determined where the loan insurance program can be utilized, based upon the language in HB3093.</p> <p>Legal Counsel will assist in determining the eligible areas under the FCC-defined rate of 25:3. Further, legal counsel will assist in the</p>

	<p>development of a framework and criteria for the utilization of loan funds. Legal counsel will identify the steps the Council will take if the use of loan funding is challenged.</p> <p>Mr. Valentino stated that he and Mr. Crislip will review the legislation for areas of ambiguity and will assist in clarifying various components.</p> <p>Cooperatives</p> <p>The Chairman stated that a framework for cooperatives will be developed, with Kelly Workman and Tony O’Leary providing research of structures in other states. This information will be submitted to Mr. Valentino and Mr. Crislip for review. Upon Council approval, the information will be provided on the BEC website and available for local governments.</p> <p>The Chairman requested that the loan insurance program through the WVEDA be detailed prior to the July 13, 2017 Council meeting. Likewise, the draft cooperative guidelines were also requested prior to July 13.</p> <p>Voluntary Easements and Microtrenching</p> <p>The Chairman noted that the Council also needs assistance in developing guidelines in these areas.</p> <p>Protection of Proprietary Information</p> <p>If proprietary information is obtained, such as the precise location of fiber infrastructure, the Council will establish a Non-Disclosure Agreement.</p> <p>Member Cole asked about proprietary information as it relates to the Open Meetings Act. Mr. Valentino noted that §31-G-1-13 exempts all information from the FOIA if marked confidential.</p> <p>Member Morris stated that the Council needs assistance with many aspects of HB3093. Mr. Crislip stated that legal counsel’s role is to establish a legally defensible position for the Council as the intent of the legislation is carried out by the Council.</p> <p>Member Cole asked if individual members can be part of legal action. Mr. Valentino stated that Council members acting in an official capacity within a State entity and as State officials are likely covered under the Board of Risk and Insurance Management. He will review and confirm.</p>
<p>Mapping Program Update – Tony Simental</p>	<p>Chair Hinton noted that the Council is required to collect and create additional data, for use by the Council and the Legislature in advancing broadband service in the State.</p> <p>Tony Simental demonstrated a GIS mapping system recently launched in North Carolina, through which residents can enter their address, select a</p>

provider and package, take a speed test. The system captures an IP address to build a usage map and validates actual service.

Mr. Simental explained that WV should be able to replicate the system with some modifications. A brief video of the NC program was viewed. There were several questions concerning the reliability of Google maps, how locations are determined, and potential inaccuracies. Member Holstine stated that if all tests result in low speeds, this is the precise information that is needed.

Mr. Simental noted major differences between the NC and WV systems: the NC system is utilizing new ESRI mapping data, while the WV system is based upon 2012 technology. The WV system needs to be modernized, but some elements, such as the survey, can be updated. In addition, addresses on the WV system can be mapped by E-911 data, rather than Google maps. The WV system also provides a timeline showing the progression of coverage over several years.

Member Cole stated that modem speeds can also affect speeds and Mr. Simental stated that this should be detailed in instructions to turn off all other media and devices, such as Netflix and Xbox, when conducting a speed test.

Member Proctor inquired about the estimated timeline for development and Mr. Simental stated that his office estimates a 60 to 90-day development period.

Member Holstine reiterated his view that the development and distribution of a speed test platform is imperative to the Council's mission. Mr. Simental stated that the Council will need to invest in a system, either Ookla or other formats.

WVGIS Services

Chair Hinton stated that the previous Broadband Deployment Council provided reimbursement to the WVGES. The Chairman discussed the provision of required GIS mapping services through WVGIS with the agency director, Mr. Michael Hohn. A cost estimate was provided to the Council for review.

There was discussion of the use of a shared server or a dedicated server for all Council data. Member Dunlap asked Mr. Simental for a more detailed cost analysis. Member Dunlap stated that a dedicated server with secondary storage provides the highest level of security.

The WV Office of Technology and the WVGES will review options to reduce the proposed costs and will develop a Memorandum of Understanding (MOU). Member Dunlap stated that if the Council office system/website is hosted by OT, it can be rolled into its own environment with access by WVGES and WVDO. The storage estimate should be provided for 1 to 2 years to accommodate future expansion strategies.

	<p>Chair Hinton requested that the agencies – WVOT, WVGIS and the WVAGO – develop a structure and agreement for a well-defined strategy prior to the July 13 Council meeting. Member Cole requested that information be provided as it becomes available. Mr. Simental will provide a previous MOU as a beginning template.</p>
<p>Website Update - John Reasbeck and John Dunlap</p>	<p>Member Dunlap provided an overview of the website and email systems. The Council agreed that a basic email address, info@wvbroadband.org.</p> <p>The general email address would be managed by WVDO staff, who will serve as the central point of contact. Member Dunlap noted that no procurement is required for his agency’s services as these are provided through MOU.</p>
<p>Council Training</p> <ul style="list-style-type: none"> • Open Meetings Act Training Following Council meeting- July 13 or August 10; 1.5 hours. • Other training needs 	<p>At the request of the Chairman, Kelly Workman provided a brief review of available training for the Open Meetings Act. Ms. Workman stated that Tim Stranko, attorney for the WV Municipal League, would offer this training free of charge, as a refresher on Open Meetings Act requirements. Member Morris provided a motion to conduct a one-hour training at the August 10 Council meeting. A second was provided and the motion carried.</p>
<p>FCC 2017 Wireline Infrastructure WC Docket 17-84 Open Comment</p>	<p>Chair Hinton provided a copy of the letter submitted online via the Federal Register, on June 7, 2017. The letter referenced HB3093, which was submitted to the FCC as an attachment to the comment letter.</p>
<p>Committee Reports</p>	<p>Infrastructure Committee</p> <p>Chair Hinton provided a summary of the May 9 Infrastructure Committee meeting, stating that it was a productive discussion and noting that the Council will make a push for communities to create public-private partnerships. The Council will develop the framework in which local governments and providers to expand broadband service in the State.</p> <p>HB3093 provides for the collection of data regarding fiber location. As areas are identified, these specific areas will be reviewed to determine the viability of project development and available funding. The Council is charged with this task, and this will be a concern of the Legislature.</p> <p>In this regard, Member Dunlap stated that he intends to follow-up with WV DOT regarding conduit and ROW locations.</p> <p>Education Committee</p> <p>Mr. Turner stated that this committee is still in formation and the intent is to leverage anchor institutions.</p> <p>Adoption Committee</p> <p>Member Cole stated that the Adoption Committee planned to meet at 11:30 on June 8, and would schedule future meetings</p>

	<p>immediately following the Council meetings and the committee will present speed test information in July. Member Dunlap stated that he has received a request for information concerning the formation of a consortium. Member Holstine informed the Council that he has received a similar request.</p> <p>Member Hobbs discussed working with the Infrastructure Committee to review existing fiber locations. There may be existing fiber networks related to other utility companies, such as natural gas transmission.</p> <p>In this regard, the Council will prepare a letter to the WV Department of Homeland Security and Emergency Management (WVDHSEM) to inquire about available mapping data. Member Hobbs stated that natural gas pipeline mapping data may also be available.</p>
Public Comments	There were no public comments.
Next Meeting Date and Proposed Agenda	July 13, 2017. Meeting Location Change: The Dept. of Commerce will move from Building 6 to Building 3. The precise location will be provided prior to the meeting.
Adjournment	The meeting adjourned at 10:30.

Action Items

No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Review of options for legal counsel, and any additional professional services.	Morris, Hinton, Dunlap	May	Complete
2.	Review of resources for easement acquisition.	Adoption Committee, Hobbs	May	July
3.	Development of guidelines for speed tests	Adoption Committee	May	July
4.	Consultation with WV DOH	Dunlap	May	July
5.	Website hosting and development	WVOT		Ongoing, WVDO will manage upon implementation
6.	Council requested that committee reports be submitted in June and July.	All Committees	June	
7.	Detailed cost analysis for servers, MOU between WVGES, WVOT and WVAGO (and WVDO?), template from former council.	Tony Simental	June	July
8.	WVEDA guidelines for loan guarantee program		May	July
9.	Review of Cooperatives in other states.	Kelly Workman, Tony O'Leary	June	July-August

10.	Letter to WV DHSEM		June	
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Others Present (In Order of Sign-In):

1. Mark Polen, WV Cable Telecom Association
2. Bradley Andrews, ACLC, LLC
3. Russell Tarry, WVDO
4. Brooks Crislip, WVAGO
5. Will Valentino, WVAGO
6. John Golden, DAS Advisers
7. Angela Vance, AARP
8. Charlie Dennie, Alpha Technologies
9. Kathy Cosco, Frontier Communications
10. Marlene Hackett, The Hackett Praxis, LLC
11. Max Garland, WV Gazette
12. Gary Jackson, Cove.net, by phone 412-403-3080
13. James Bailey, WV Senate, by phone 305-357-7965

Minutes Prepared by:

Kelly Workman, WVDO