

WV Broadband Enhancement Council  
June 8, 2017  
Council Meeting Minutes

Meeting Title: WV Broadband Enhancement Council Meeting  
Chairperson: Robert Hinton  
Date: 6/8/2017  
Time: 9:00 am  
Audio Connection: 304.957.6999  
Conf. ID: 9359172#

<table>
<thead>
<tr>
<th>Council Member</th>
<th>Representing</th>
<th>Council Member</th>
<th>Representing</th>
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<tbody>
<tr>
<td>P Robert Hinton, Chairman</td>
<td>Rural Business User</td>
<td>-</td>
<td>Woody Thrasher</td>
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<tr>
<td></td>
<td>Congressional Dist. 2</td>
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<td>Dept. of Commerce, Cabinet Secretary</td>
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<tr>
<td>P Robert Morris, Vice Chairman</td>
<td>Urban Residential User</td>
<td>P Jeff Proctor</td>
<td>Representing Woody Thrasher</td>
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<td>P Ric Cavender</td>
<td>Urban Business User</td>
<td>-</td>
<td>Dr. Steven L. Paine</td>
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<td>Dept. of Education, State Superintendent</td>
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<td>P Robert Cole</td>
<td>Rural Residential User</td>
<td>P Brenda Morris</td>
<td>Representing Dr. Steven L. Paine</td>
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<tr>
<td></td>
<td>Congressional Dist. 1</td>
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<tr>
<td>P John Dunlap</td>
<td>Office of Technology, Chief Technology Officer</td>
<td>-</td>
<td>The Honorable Glenn Jeffries</td>
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<td>WV Senate (Dem. Party) (ex-officio/non-voting member)</td>
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<td>P R.A. “Pete” Hobbs</td>
<td>Rural Residential User</td>
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<td>The Honorable Craig Blair</td>
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<td>Congressional Dist. 3</td>
<td></td>
<td>WV Senate (Rep. Party) (ex-officio/non-voting member)</td>
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<td>P Michael J. Holstine</td>
<td>Rural Business User</td>
<td>-</td>
<td>Vacant</td>
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<tr>
<td>Secretary/Treasurer</td>
<td>Congressional Dist. 3</td>
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<td>WV House (Dem. Party) (ex-officio/non-voting member)</td>
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<td>TC John Reasbeck</td>
<td>Rural Business User</td>
<td>-</td>
<td>Vacant</td>
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<td></td>
<td>Congressional Dist. 1</td>
<td></td>
<td>WV House (Rep. Party) (ex-officio/non-voting member)</td>
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<tr>
<td>_ Matt Turner</td>
<td>Higher Education Policy Commission, Executive Vice Chancellor</td>
<td>-</td>
<td>Brittany Carns</td>
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<td></td>
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<td>Business User of Large Amounts of Broadband</td>
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<tr>
<td>P Dr. Jack Smith</td>
<td>Representing Matt Turner</td>
<td>-</td>
<td>Michael Shaffer</td>
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<td>Rural Residential User Congressional Dist. 2</td>
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</table>

Agency Representatives  
Representing  
P Brooks Crispil  
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.
Approval of Minutes: 05/11/2017 Council Meeting and Financial Statement

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.

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.

Member Holstine provided a motion to accept the Financial Statement. Member Morris provided a second, and the motion carried.

Senate Appointments to the Council

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.

HB 3093 Discussion and Review

• Staffing Needs, Legal Counsel, Selection of Terms

Chair Hinton provided a summary of the May 11 review of the requirements of HB3093.

Staffing and Legal Counsel

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.

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:

Selection of Member Terms

Public members must draw by lot at the July 13, 2017, for terms of varying lengths of either 1, 2 or 3 years.

WVEDC Loan Insurance Program

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.

Legal Counsel will assist in determining the eligible areas under the FCC-defined rate of 25:3. Further, legal counsel will assist in the
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.

Mr. Valentino stated that he and Mr. Crislip will review the legislation for areas of ambiguity and will assist in clarifying various components.

Cooperatives
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.

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.

Voluntary Easements and Microtrenching
The Chairman noted that the Council also needs assistance in developing guidelines in these areas.

Protection of Proprietary Information
If proprietary information is obtained, such as the precise location of fiber infrastructure, the Council will establish a Non-Disclosure Agreement.

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.

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.

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.

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.

Tony Simental demonstrated a GIS mapping system recently launched in North Carolina, through which residents can enter their address, select a
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.
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.

**Website Update - John Reasbeck and John Dunlap**

Member Dunlap provided an overview of the website and email systems. The Council agreed that a basic email address, [info@wvbroadband.org](mailto:info@wvbroadband.org).

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.

**Council Training**

- **Open Meetings Act Training**
  - Following Council meeting- July 13 or August 10; 1.5 hours.
- **Other training needs**

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.

**FCC 2017 Wireline Infrastructure WC Docket 17-84 Open Comment**

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.

**Infrastructure Committee**

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.

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.

In this regard, Member Dunlap stated that he intends to follow-up with WVDOT regarding conduit and ROW locations.

**Education Committee**

Mr. Turner stated that this committee is still in formation and the intent is to leverage anchor institutions.

**Adoption Committee**

Member Cole stated that the Adoption Committee planned to meet at 11:30 on June 8, and would schedule future meetings.
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.

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.

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.

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

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

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Kelly Workman, WVDO