

# WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL



## Meeting Minutes | October 19, 2017

<b>Meeting Title</b>	WV Broadband Enhancement Council Meeting		
<b>Chairperson</b>	Robert Hinton		
<b>Date</b>	10/19/2017	<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
TC	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
P	Ric Cavender	Urban Business User	-	Brenda Morris	Representing Dr. Steven L. Paine
P	Robert Cole	Rural Residential User Congressional Dist. 1	-	The Honorable Glenn Jeffries	WV Senate (Dem. Party) (ex-officio/non-voting member)
P	John Dunlap	Office of Technology, Chief Technology Officer	-	The Honorable Craig Blair	WV Senate (Rep. Party) (ex-officio/non-voting member)
P	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	P	The Honorable Roger Hanshaw	WV House (Dem. Party) (ex-officio/non-voting member)
TC	John Reasbeck	Rural Business User Congressional Dist. 1	-	The Honorable Kenneth Hicks	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
-	Dr. Jack Smith	Representing Matt Turner	-	Michael Shaffer	Rural Residential User Congressional Dist. 2
	<b>Representative</b>	<b>Agency</b>		<b>Representative</b>	<b>Agency</b>
P	Mark Debruyne	WV Office of Technology CTO Proxy	P	Tony Simental	WV Geological and Economic Survey, Office of GIS Coordination
P	Michael Hohn	WV Geological and Economic Survey	P	Kelly Talbott	WV Attorney General's Office, Legal Counsel
P	Josh Jarrell	WV Dept. of Commerce, Deputy Sec., Legal Counsel	-	Wes White	WV Development Office Legal Counsel
P	Tony O'Leary	WV Development Office Project Manager		Kelly Workman	WV Development Office Development Manager

<b>Agenda Item</b>	<b>Details/Minutes</b>
1. Call to Order	Chair Hinton called the meeting to order at 9:02 a.m.

2. Opening Remarks and Roll Call	Roll was taken and the presence of a quorum was confirmed.
3. Approval of Minutes: 8/10/2017 Council Meeting, Financial Statement	Minutes from the September 14, 2017 Council meeting were presented for approval, along with a current financial statement. Member Hobbs moved that both documents be approved and Member Cavender provided a second. Motion carried.
4. Welcome WV House of Delegates Members	<p>Chair Hinton welcomed the newest Council members: The Honorable Roger Hanshaw, District 33, and The Honorable Kenneth Hicks, District 19</p> <p>The Chairman noted that Del. Hanshaw had a significant role in the creation of HB303. Del. Hanshaw stated that he was seeking recommendations from the Council for additional legislation to increase access to broadband in WV.</p>
5. Interactive Broadband Mapping System Project Update; West Virginia Speed Test Launch and Planned Enhancements	<ol style="list-style-type: none"> <li>1. Speed Test Portal</li> <li>2. Statewide Broadband Map</li> </ol> <p>Tony Simental, State GIS Coordinator, provided an overview of the mapping system, showing the transparency levels and legend. The map shows the number of providers in a point and the highest speed. The system does not show all speeds for wireless providers-these are advertised speeds. To see providers, users can click the attributes table. This will aid loan applications and the public. The system works with Ipad and android operating systems. The system can print in different formats with various layers and layouts.</p> <p>Member Turner asked when the map will be overlaid with test results and Mr. Simental stated within a few months. Mr. Simental estimated that one-third of storage capacity in the cloud server has been used to date. Each layer increases storage needs. Speed test locations can be shown by dot locations and can be compared to CB data.</p> <p>The Chairman asked about the ability to auto populate. Mr. Simental stated that the development team is working with ESRI on this function and is also developing a workaround. Modification may include adding one entry point as opposed to public and private, or opening different panes within the existing window. Mr. Simental noted there are about 180 data points to date. This will increase with the official release. Reports will be generated as tests are gathered. Primary focus has been on the initial mapping structure.</p> <p>Chair Hinton noted that the Council needs a significant number of tests over a long period of time. The initial phase is considered a beta test phase and the Council will perfect the application as it moves forward.</p> <p>Mr. Simental stated that the test will rotate to a different server every 30 days. Two additional licenses are needed: possibly WVNET in Morgantown and a site in the Eastern Panhandle. Member Dunlap offered to make these arrangements. The Council had previously agreed to add additional server sites in September.</p>
6. Fiber Locator System Overview and Cost Estimate; Ookla Renewal	<p>Chair Hinton explained that the Council plans to map fiber locations throughout the State through various sources, noting that if asked by the Legislature whether the State has enough middle mile fiber, the Council should state the answer definitively. The subscription to Fiber Locator is one source that will contribute to the inventory. Fiber Locator is dependent upon provider information, and is widely used.</p> <p>Mr. Simental did not know of a better system for this data. The lowest price point, approximately \$3,000, includes one seat, allows screen shots, and shows data centers. The higher price point of \$31,000, API, allows mapping through GIS for further analysis with direct access to data. It is not probable that this would be compatible with the Interactive Map currently in development.</p> <p>The topic of cost related to mapping tiles was discussed. Fiber Locator is similar to ESRI in that charges are based upon use. One single seat enables the Council to control costs. 1-4 users would be</p>

	<p>approximately \$12,000. Member Dunlap asked if Mr. Simental recommended the API system and Mr. Simental affirmed. Chair Hinton asked if 100,000 map tiles were adequate and Mr. Simental affirmed. Member Turner asked if the data was accurate and whether it would save time by aggregating data, and Mr. Simental affirmed. Member Hobbs asked if cellular models would be included, and Mr. Simental stated that this could be helpful but did not recommend, stating that this could be added later. The Council will also know the presence of assets constructed with loan funds, CDBG or ARC funding; but not privately sourced projects unless submitted by the provider. Cost would be monitored by a usage graph.</p> <p>The system will verify the presence of fiber or the lack thereof. The system also maps dark fiber. Member Cavender noted that this would be useful in identifying deficiencies.</p> <p>After discussion, it was determined that the Council would purchase the online version at \$3,800, test the data, and then transition to the API. Member Dunlap stated that WVOT would purchase and then bill the Council. Member Proctor moved that the Council proceed with the purchase and Member Dunlap provided a second. Motion carried.</p> <p>Related to this purchase, in September, the Chairman noted that the Council will need to purchase the Ookla license in early 2018. In early 2018, the Council will be able to draw comparisons between advertised data and actual data. Ookla provides a centroid of a town, but will not identify a particular site. The Chairman asked if the Council can compare speeds by address, and Mr. Simental noted that data can be compared by Lat-Log, but may take more time. Member Hobbs moved that the Council proceed with the purchase and Member Cole provided a second. Motion carried.</p>
<p>7. Speed Test Marketing; All Marketing/Outreach Initiatives</p>	<p>Samantha Smith, Director, Commerce Communications Katie Willard, Deputy Director, Commerce Communications</p> <p>Tony O’Leary reviewed the E-Newsletter launch in September. The newsletter had good circulation and was being forwarded. Samantha Smith reviewed logo development. The Council chose the logo used on this document from the options presented. Ms. Smith also provided an advertising plan and cost sheet for speed test marketing. The plan includes a phased approach to social media, newspaper advertising and other media. Radio and television and PSAs are seen as cost prohibitive. Other outreach methods, such as a letter to chambers of commerce and local organizations, demonstration events and targeted outreach were recommended.</p> <p><b>Website</b> Commerce will push out through Commerce website and FB page, but media will be branded specific to the Council.</p> <p><b>Presentation Kit</b> Kelly Workman and Tony O’Leary to develop additional materials and a presentation kit to include the letter, instruction cards, presentation guide and speaking points.</p> <p>The speed test has a QR code which will be integrated into all media. There was discussion of a new URL but this was not acted upon. Other promotional activities will be reviewed as needed, following discussion, the following items were decided:</p> <ol style="list-style-type: none"> <li>1. Total advertising budget of \$25,000 through June 30, 2018, excluding website and preliminary branding/newsletter template design. <ul style="list-style-type: none"> <li>• Member Dunlap moved that the Council proceed with Item 1 Above, and Member Cole provided a second. Motion carried.</li> </ul> </li> <li>2. FB Advertising \$3,500</li> <li>3. Letter-Flyer to share via email and at events.</li> <li>4. Statewide newspaper advertising 2 columns x 4” <ul style="list-style-type: none"> <li>• Member Proctor moved that the Council proceed with Items 2-4, above and Member Cavender provided a second. Motion carried.</li> </ul> </li> </ol>

<p>8. FCC Notice of Proposed Rulemaking</p>	<p>The Council submitted comments to the FCC regarding proposed internet-related policies:</p> <ol style="list-style-type: none"> <li><b>FCC CAFII Public Notice for Competitive Bidding Procedures</b>, Connect America Fund Phase II Auction (Auction 903), WC Docket No. 10-90; Document Number 2017-18041. Comments are due <b>September 18, 2017</b>.</li> </ol> <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 Chairman noted that the Council requested that certain census blocks be included in the auction if construction has not started. Moreover, the practice of constructing service at the 10:1 level does not adequately serve the needs of State residents and businesses. West Virginia has one of the worst connectivity rates in the nation, ranking 48<sup>th</sup> among all states for connectivity. The Council asserts that these census blocks should be opened to improve competition and service options.</p> <ol style="list-style-type: none"> <li><b>Modernizing the FCC Form 477 Data Program</b>, WC Docket No. 11-10; Document Number 2017-17901. Comments due <b>October 9, 2017</b>.</li> </ol> <p>This notice of proposed rulemaking concerned the FCC practice of designating service for an entire census block based upon a limited and flawed dataset. The Council requested that the FCC improve this process, and recognize alternate data sources. The Council stated that if providers can bill according to physical address, they should measure speed according to physical address. Due the technical discussion required on this topic, the WV Office of GIS Coordination submitted a separate response. Each letter was cross referenced to demonstrate coordination of the responses.</p>
<p>9. WVBE MOU with WV Dept. of Transportation, Division of Highways</p>	<p>The Chairman discussed the MOU between the Council and the WVDOT-Division of Highways. This MOU is to enable the Council and the WVDOT to cooperatively develop State policy for the utilization of the State road right of way for fiber installation. The Council seeks to encourage investment in the State by long-haul fiber network providers to improve connectivity throughout WV.</p> <p>The Council and WVDO will determine whether such an approach requires policy development or legislation to revise Chapter 17 of the West Virginia Code to be more conducive to non-rate regulated utilities. Through the MOU, review of rate structures and policies among contiguous states will be reviewed.</p> <p>Member Cole asked if such policy would limit utilization of the ROW and Chairman Hinton stated that any policy would not be limiting.</p>
<p>10. Draft Legal and Technical RFPs</p>	<p>The Chairman explained that the Council and staff recommend, in the interest of the State, that the Council pursue professional services for legal and technical issues. The Council seeks expertise in the development of policy, and a review of proven methods and awareness of mistakes made by other states.</p> <p>Member Dunlap and Member Turner expressed concern related to costs. Chairman Hinton noted that the concerns were valid. The Council will go through the process and if costs are prohibitive, the services can be reduced. Member Cole asked about the process for the legal RFP. Mr. Jarrell explained that the legal RFP will run through the WVAGO to the public domain. The process is relatively flexible and the WVAGO will assist. Member Cole moved that the Council proceed with the RFP. A second was provided and the motion carried.</p>
<p>11. Broadband Infrastructure Loan Insurance Program</p>	<p>Chair Hinton reviewed the loan insurance program, stating that applicants to the program must submit an application to a bank; after which the bank will submit information to the WVEDA for the loan guarantee. The Council is to provide the applicant with validity regarding program eligibility. To review the program eligibility of two pending applicants, the Council moved to executive session under WV Code Pursuant to West Virginia Code Section 6-9A-4, which allows executive session for purposes of discussing:</p> <ul style="list-style-type: none"> <li>The investment of public funds or other matters involving commercial competition, which if made public, might adversely affect the financial or other interest of the state.</li> </ul>

	<p>Member Cole moved that the Council enter executive session and Member Cavender provided a second. Motion carried.</p> <p>The minutes reflect that no decisions were made in executive session. The Council identified the need for further information regarding the applications and process. Member Dunlap moved that the Council direct staff to obtain additional information and Member Cole provided a second. Motion carried.</p>
12. Committee Reports	The Chairman requested that committee reports be postponed until November 9, 2017.
13. Public Comments	The Chairman asked if anyone had signed up for public comment. None were noted. However, Mr. Gregg asked if location was the only confidential area discussed in executive session. Del.Hanshaw replied that the project was discussed. Mr. Gregg's comments were duly noted by the Chairman.
14. Next Meeting Date and Proposed Agenda	November 9, 2017
Adjournment	The meeting was adjourned at 11:20.

Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Easement acquisition and donation	Adoption Committee, Hobbs	May	September
2.	Consultation with WV DOH	Council, WVDO, WVOT, WVDOT	May	Underway
3.	Website Redesign	Workman, O'Leary, Commerce Communications	May	Underway, December
4.	Requirements of HB3093	All Committees	June	
5.	RFP Process for ARC; Review of CDBG Apps	Workman, O'Leary		November
6.	Cooperative Toolkit and Training	Workman, O'Leary, Generation WV, WVU Law	June	Underway, January

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

- 1. Keith Burdette, Bowles Rice**
- 2. Fred Rader, Mid-Ohio Valley Regional Council**
- 3. Eric Price, Thompson, Litton Engineering**
- 4. Mark Polen, WV Cable Telecom Association**
- 5. Billy Jack Greg, Frontier Communications**
- 6. Skip Skinner, Blue Ridge Advisory Services**
- 7. Katie Willard, Commerce Communications**
- 8. Samantha Smith, Commerce Communications**
- 9. Chris Morris, CityNet**
- 10. Charlie Dennie, Alpha Technologies**
- 11. Seth Tuemler, WVDO**
- 12. Loarie H. Butchr, LHB Strategies**
- 13. Chris Weikle WV Cable Telecom Association**

**14. Marlene Hackett, The Hackett Praxis LLC**

**15. Eric Eyre WV Gazette**

**Meeting Minutes prepared by:**

**Kelly Workman, WVDO**