

Minutes

**Broadband Enhancement Council
Governor's Cabinet Meeting Room
September 6, 2016**

Members Present

Keith Burdette Secretary of Commerce
Robert Hinton Council Chairman, Rural Business User, Cong. Dist 2
Executive Director Upshur County Economic Development Authority
Robert Morris Council Vice Chairman
Urban Residential User
Alissa Novoselick Council Secretary/Treasurer
Urban Business Owner
Gale Given Chief Technology Officer - WVOT
Robert Cole Rural Residential User, Cong. Dist. 1
Matt Turner Executive Vice Chancellor for Administration – Higher Education Policy Commission
R.A. “Pete” Hobbs Rural Residential User, Cong. Dist. 3
Mayor, City of Ansted
John Reasback Rural Business User, Cong. Dist 1
Michael J. Holstine Rural Business User, Cong. Dist 3

Members Not Present

Michael J. Martirano State Superintendent of Schools, WV Department of Education
Brittany Carns User of Large Amounts of Broadband Services, Columbia Pipeline Group
Michael Shaffer Rural Residential User, Cong. Dist. 2

Others Present

Senator Chris Walters... WV State Senate
Michael Hohn Director WV Geological and Economic Survey
Tony Simental State GIS Coordinator
Chris Morris CityNet
Brenda Morris
Donna Lipscomb WV Office of Technology
Tammie Means WV Office of Technology
Jim Marshall WV Development Office
Eric Eyre Charleston Gazette-Mail
Aaron Sporck Director of Economic Development Office for Senator Capito

The meeting was called to order by Keith Burdette and it was determined that a quorum was present. The members and guests introduced themselves.

Mr. Burdette gave a brief history of the council and the legislation from which it was created. Mr. Morris made a motion to elect Mr. Hinton as Chairman of the council. Motion seconded by Mr. Burdette. All voted in favor and the motion carried.

Mr. Burdette made a motion to elect Mr. Morris as Vice-Chairman of the council. Motion seconded by Mr. Holstine. All voted in favor and the motion carried.

Mr. Morris nominated Alissa Novoselick as Secretary/Treasurer. Motion seconded by Mr. Burdette. Brief discussion as to whether the council could elect a non-commission member as Treasurer. Mr. Cole advised that the legislation permits that the position of Secretary/Treasurer can be a third party that is not connected with the Council. He stated he would like to see the Council exercise this option to prevent any future possibilities of future accusations of indiscretion that plagued the previous board. The legislation allows for a non-member to be elected, however, Mr. Burdette advised that there is only a small amount of funds and they were transferred to the Development Office when the prior Broadband Council was dismantled. The decision was made to elect temporarily Ms. Novoselick as Secretary/Treasurer with the understanding that an outside Treasurer would be considered in the future. All voted in favor and the motion carried.

Senator Walters addressed the council. He advised that the council has a lot to do in bringing information to the legislature on how to best expand broadband, how best to expand broadband and how to move West Virginia forward and make it competitive. Senator Walters intends to try and get funding for the council going forward.

The Department of Commerce plans to seek funds from the Federal Government for broadband in flood affected areas and not just from FEMA. They hope to elevate broadband in the State as it is a critical infrastructure item. All grants funded by the former Council are complete. There was \$1.4-million left from the prior broadband account that was transferred to Commerce. A summary of spending was distributed. (Attached)

West Virginia's topography creates a difficult broadband investment climate. The council needs to find a way to solve these issues or the state will fall behind. Mr. Cole stated that there is a law in West Virginia that prohibits counties and cities from developing their own broadband and this is a detriment to the state. Senator Walters is unaware of this law and asked for additional information noting that Bridgeport and others are doing broadband projects through partnerships with the private sector.

The council questioned whether the \$1.4-million can be utilized by the council. The money has been kept separate and not used for anything else. Secretary Burdette will get clarification on this and report back to the council. There was discussion as to whether the council needs legal representation. Secretary Burdette advised the council that they could utilize the Department of Commerce's attorney.

Michael Hohn, Director and Tony Simental, State GIS Coordinator with the WV Geological & Economic Survey office within the Department of Commerce presented information regarding mapping done by their office and other broadband related information. (Attached) They also provided a handout of valuable broadband related websites. (Attached)

Additionally, Mr. Simental discussed the collection of broadband speed data referenced in his report. Ookla was the contractor who provided the test data. It is provided at the County level. This data has not been provided for some time as there was no funding. It would cost approximately \$14,000 annually to continue to get the data. The

council requested that Commerce consider providing funding for this data from the residual funds of the former Council.

The group discussed the mapping data collected by the GIS team which was provided by carriers at the census block level. The current data on hand is from June 2014 which is when the NTIA mandate expired. The FCC's data is more recent but it is based on a census tracts and does not provide the level of detail that was used to create the Interactive Broadband Map. That data is provided to the FCC in a format that is difficult to use to update the map.

Broadband will support economic development and the legislature has stipulated that broadband is to be included in projects such as water lines, etc. When doing projects, they should add conduit for broadband. A Statewide Strategic Plan was developed by the previous Council that can be accessed from the website. This was prepared using data from 2013 and 2014 and needs revisited. It is important for West Virginia to continue to do mapping in order to get good hard data. The challenge is who owns the plan, is it enforceable or a guideline and what resources will be available to follow the plan.

The FCC has new standards for broadband. The new definition of broadband is 25-Mbps down and 3-Mbps up. Definition of underserved per Mr. Simental is those who have some service but less than 25-Mbps. The council needs to set goals and figure out how to make them happen. The Chair stated that the goal should be at least 1-Gbps statewide or the state will fall behind and businesses will not come to West Virginia. Secretary Burdette suggested that a more realistic goal with providers would be to meet the FCC's definition. The council needs to determine what works best and make recommendations and identify solutions for each area. It was stated that other states use fiber to the towers and then microwaves to the homes. This would require working with the providers. It is critical to have public/private partnerships. Some providers are more cooperative than others.

Mr. Burdette made a motion that the council request that \$14,000 be provided to GIS for data for year 2016. Motion seconded by Mr. Cole. All voted in favor and the motion carried.

A recommendation was made to have all of the providers come to future meetings to give a refresher on their current and future plans before the council makes any decisions since the data available is from 2014.

The council needs to find out where there is fiber in the State and their plans going forward. The council wants to bring the providers in to determine this. Some providers share their network and others do not. There are also non-traditional providers.

Discussion on grants. There are several Federal agencies that do small broadband grants such as ARC and the US Economic Development Administration. These programs require matching funds ranging from 15% to 50%. Senator Walters advised that the council should contact Ryan Palmer. He used to work for the Public Service Commission and now works for Federal Government at FCC. A mission for the council could be to create a resource to work with communities to assist them in applying for these grants. Need to determine how to identify the correct technical assistance to help communities such as the regional development authorities. It was recommended that the council members contact their regional planning authorities to educate themselves prior to the next meeting. Some of these authorities may need to attend a meeting in order to identify what worked and what didn't. There is an annual meeting held by these authorities and someone from the council should be a speaker.

The council needs the ability to look at the cities in reverse order to see who is the most unserved. The providers need to let the council know why they aren't serving those cities. Decision made to bring in the providers such as

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Frontier, City Net and Suddenlink. Also, on the wireless side bring in AT&T, Verizon, Stratuswave and Sprint. Discussion on proprietary information and whether the meeting will be public or in executive session. Mr. Burdette will get with the Department of Commerce attorney on this issue. A non-disclosure agreement may be needed if competitive information will be presented. The council felt that it could start with public information and determine if it needed to have proprietary information discussed.

Discussion on upcoming meeting dates. The council will meet on the second Thursday of every month at 9:00. The meetings will be held in the Governor's Cabinet Meeting Room unless it is unavailable.