



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING AGENDA | December 12, 2019

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	Robert Hinton	Location	Capitol Complex, Bldg. 3, First Floor
		Attendance	P = Present; TC = Teleconference; VC = Videoconference; _ = Absent

	Council Member	Representing			Council Member	Representing
–	Robert Hinton, Chairman	Rural Business User Congressional Dist. 2	–		C. Edward Gaunch	WV Dept. of Commerce, Cabinet Secretary
–	Robert Morris, Vice Chairman	Urban Residential User	–		Jeff Proctor	Representing Secretary Gaunch
–	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	–		William D. "Bill" Bissett	Urban Business User
–	Robert Cole	Rural Residential User Congressional Dist. 1	–		Dennis Lee	Business User, Large Scale Broadband
–	R.A. "Pete" Hobbs	Rural Residential User Congressional Dist. 3	–		Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2
–	Dr. Steven L. Paine	Dept. of Education, State Superintendent	–		The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
	Brenda Morris	Representing Dr. Paine	–		The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
–	Joshua D. Spence	WV Office of Technology, Chief Technology Officer	–		The Honorable Daniel Linville	WV House (R) (Ex-Officio/Advisory Member)
–	James Dixon	Representing Joshua Spence	–		The Honorable Kenneth Hicks	WV House (D) (Ex-Officio/Advisory Member)
–	Matt Turner	Higher Education Policy Commission Vice Chancellor	–		Vacancy: Rural Business User Congressional Dist. 1	
–	Dr. Carl R. Powell	Representing Matt Turner	–			
	Representative	Agency			Representative	Agency
–	Mitch Blake	Director, WVGES	–		Kelli Talbott	WV Attorney General's Office Legal Counsel
–	Chris Campbell	Tilson Technology Management	–		Wes White	WV Department of Commerce Legal Counsel
–	Peter Markham	Bowles Rice Legal Counsel	–		CarolAnn Williams	WV Development Office GIS Manager, Broadband
–	Alexandra Shulz	Bowles Rice Legal Counsel	–		Kelly Workman	WV Development Office Administrative Director
–	Tony Simental	WVGES, GIS Coordination	–			

Agenda Item	Details/Minutes
1. Call to Order, Opening Remarks; Roll Call	
2. Approval of 11/14/2019 Council Meeting Minutes and Financial Statement	Robert Morris offered a motion to approve, and a second was provided by Bill Bissett. Motion approved.
3. Welcome Senator Mark Maynard	Chairman Hinton welcomed Senator Mark Maynard, who as appointed on November 25, 2019, Sen. Maynard represents the 6 th Senatorial District. Sen. Maynard provided brief remarks indicating that he looks forward to working with the Council to improve broadband connectivity in West Virginia.
4. Comments from Kris Warner State Director, West Virginia Rural Development U.S. Department of Agriculture	Kris Warner addressed the Council to provide an update on the USDA ReConnect Program. Mr. Warner indicated that USDA Administrator Chad Rupe would visit West Virginia on December 18, 2019 to announce \$4 million in grant/loan 3,200 homes and other facilities in West Virginia.

	<p>The USDA ReConnect Round 2, \$600 million, will be open for applications January 31 to March 16, 2020. The application window will include all applications within this date range, rather than three separate cycles.</p> <ul style="list-style-type: none"> • The program will include new scoring criteria, and new mapping tools will enhance West Virginia’s rurality scoring. • Financial requirements will be revised to require only one year of financial statements. • The application guide has been updated. • USDA is planning a workshop in partnership with the Council for late January 2020, most likely in Morgantown. <p>Aaron Sporck addressed the Council on behalf of U.S. Senator Shelly Moore Capito, stating that in May 2015, Sen. Capito kicked off Capito Connect to improve broadband in West Virginia. In the last four years, West Virginia has secured a greater share of Federal funding. Several reasons were cited for this increase:</p> <ul style="list-style-type: none"> • Partnership with Council • Developing a pipeline of projects • Increase applications <p>Before 2016, few if any applications for Federal funding were developed. Since 2016, USDA has funded 3 Community Connect projects with more than \$8 million, serving 6 West Virginia counties.</p> <p>Mr. Sporck conveyed Senator Capito’s appreciation for the Council’s work in in raising awareness about Federal funding opportunities, and assisting communities in the application process. Most recently, West Virginia communities submitted 5 applications to USDA ReConnect, and 2 have been awarded. Those not awarded should reapply. Revisions to the scoring criteria should be favorable to West Virginia.</p> <p>Mr. Sporck stressed the importance of forging partnership with private companies for ReConnect projects and in building upon recent announcement in of the Facebook-MMI fiber project. He also acknowledged the importance of the utility study in building middle mile infrastructure.</p> <p>Ryan Thorne addressed the Council on behalf of U.S. Senator Joe Manchin, stating that the FCC has released information concerning its internal review of its own broadband mapping procedure, and has pledged to improved accuracy going forward. This has been a focus of Senator Manchin. The Senator’s Office is collecting speedtests from West Virginians and is submitting the results to the FCC. He encourages West Virginians to continue this process through his website.</p> <p>Mr. Thorne stated that Senator Manchin will continue working with communities throughout the State to pursue USDA ReConnect funding or other funding to improve broadband.</p> <p>On behalf of Senator Manchin, Mr. Thorne conveyed appreciation for the efforts of the Council and offered to be of any assistance possible.</p>
<p>5. AEP Broadband Feasibility Study</p>	<p>Appalachian Power Company, doing business as the American Electric Power Company (AEP), has submitted a feasibility study to the West Virginia Broadband Enhancement Council pursuant to West Virginia Code Sec. 31G-4-5 for a proposed project in portions of Logan and Mingo Counties, in West Virginia. The Council must act upon the study by December 23, 2019.</p>

Presentation by AEP Representatives: AEP Provided an overview of the cost breakdown for the submitted feasibility study. The overview included cost explanations for permitting, installation, equipment, and buildings. The extent of the 187 miles of fiber outlined in the plan was defined as being within Logan and Mingo counties only, fiber that extends beyond the borders of the two counties is not defined within the study. Engineering estimate needs to be completed next; this is a “boots on the ground” operation and will refine the cost estimates. AEP confirmed that the refined cost estimates will be presented to the WVPSC for their determination.

- **Tilson Study and Recommendation:**

Chris Campbell, Principle Consultant. Tilson Technology
Chris Campbell, Tilson presented Tilson’s review of the AEP feasibility. Tilson agrees with AEP that Mingo and Logan counties are underserved and would benefit from this project.

Chris Campbell spoke about the RFP process and results, stating that 7 last mile ISPs were identified as potential partners for this project, and the list was refined further to 3 ISPs that were deemed “interested and qualified” which was largely based on responsiveness. Mr. Campbell also stated that these are not the only ISPs that would be appropriate for this project, the defined companies are considered especially well qualified but not the only partners.

Mr. Campbell provided a brief explanation of the three potential routes and the benefits for these routes to both AEP and the project counties. Mr. Campbell provided examples of categories for terms and conditions that could be suggested for a fiber lease. Mr. Campbell stated that if AEP goes forward with its own RFP process, then a commercial agreement will occur between the ISPs and AEP. The terms and conditions would be presented to and approved by the Council. Mr. Campbell gave an overview of the major categories of terms and conditions to the Council. Mr. Campbell emphasized saying that it is expected that these terms and conditions will be refined and revised as the project continues.

Mr. Campbell suggested that Tilson conduct a last-mile feasibility study for the ISPs to provide information for the Council’s review and to give AEP more information as well. The potential of grant funding was addressed by Mr. Campbell. Public interest was discussed by Mr. Campbell, citing electric grid improvements and broadband access. A question was answered regarding dark fiber lease rates, Tilson believes that in the RFP process that ISPs will tell AEP what they are willing to pay for dark fiber leasing. Tilson can also provide analysis to determine appropriate lease rates, but this cannot be determined at this phase.

Regarding the project schedule, AEP stated that the ISPs will be able to access dark fiber as soon as it is constructed, which is anticipated to be the end of the second quarter 2020.

- **Review and Consider Adoption of Proposed Resolution on AEP Feasibility Study**

James V. Kelsh, Partner, Bowles Rice

Jim Kelsh answered a question relating to rates, terms and conditions. In AEP’s presentation, they outlined that the next steps, including an RFP and commercial negotiation with ISPs. Mr. Kelsh agreed with a proposed question that the purpose of the Council approving rates, terms and conditions is a cooperative effort between the public and private sector to solve a problem.

Jim Kelsh provided a legal review of the feasibility study and the legislation. Mr. Kelsh stated that AEP has met all 7 requirements for the feasibility study that is outlined in the legislation and more. Mr. Kelsh confirmed that Tilson has identified more than one potential ISP and that there will be further steps in the process with AEP and the ISPs for further terms and conditions. Mr. Kelsh explained that the next step is for the Council to vote on the resolution for this feasibility study.

Chairman Hinton stated that AEP has been a great partner for this project and outlined steps that the Council needs to take to approve feasibility. Chairman Hinton believes that the Council has completed a thorough review in compliance

	<p>with legislation and recommended that the Council move forward with the project. Comments from the Council were offered complimenting the efforts of the senators, legislators and AEP for this project and future projects like it.</p> <p>Robert Morris offered a motion to approve the resolution, and a second was provided by Bill Bissett. A roll call vote was conducted, and the motion passed unanimously. In the absence of the Council Secretary, Robert Morris moved to appoint Bill Bissett as Acting Secretary. Josh Spence provided a second and the motion was approved.</p>
6. 2020-2025 State Broadband Plan	<p>Plan released for public comment through December 23, 2019. Available for review at: https://broadband.wv.gov/news/wvbec-invites-comment-on-the-west-virginia-state-broadband-plan-2020-2025/ Elin Katz: Provided update of the Broadband 5 Year Plan, stated that updates will be provided next month including analysis of speed test data.</p>
7. FCC Rural Digital Opportunity Fund Workshop	<p>Proposal from Tilson Stated that the FCC Rural Digital Opportunity Fund (RDOF) auction was set to take place next year. Recommended that WV is positioned to take advantage of this funding. Ms. Katz proposed that a FCC Workshop take place, including a mock reverse auction to guide the ISPs through this complex process. Comments were provided appreciating and supporting the efforts for the proposed program.</p> <p>Chairman Hinton suggested that credit requirements may be a deterrent for this program. There was brief discussion of possible legislation to provide insurance for letters of credit as well as the current infrastructure insurance program through the WVEDA.</p> <p>The Council voted to proceed with planning the workshops.</p>
8. Public Comment	Sign-In for Public Comment
9. Next Meeting Date	January 9; 10:00 a.m.; Building 3, First Floor Conf. Room 124
10. Adjournment	

Action Items

No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Underway
2.	Broadband Hub ARC Broadband Hub/Mapping Project	K. Workman, C. Williams WVGES	November 2018	Mapping in 10 counties complete and added to website. Final report to ARC and Development Guide underway.
3.	Website Updates-Speed test survey updates, map updates	Commerce, C. Williams	December 2018	Complete
4.	NTIA/National Broadband Availability Map	K. Workman, C. Williams	February 2019	Two-year project. 5/10/2019 Initial Data From Phase One States.
5.	Guide to Broadband Development	K. Workman	February 2019	December 2019
6.	2020-2025 State Broadband Plan	Steering Committee, Staff	March 2019	Complete. Released for Public Comment