



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | February 10, 2022

Meeting Title		WV Broadband Enhancement Council			Time	10:00 a.m.	
Chairman		Robert L. Morris, Jr., Chair			Location:	Online Meeting	
Meetings will be held by conference call due to COVID-19. Updates will occur as needed. You will receive call information upon registration .Please register for public comment; hold comments until public comment portion of agenda Join by phone (US) +1 484-925-0859 PIN: 116 125 047#						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Council Member	Representing			Council Member	Representing	
P	Robert L. Morris, Jr. Chair	Urban Residential User		–	C. Edward Gaunch	WV Dept. of Commerce, Cabinet Secretary	
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		P	Jeff Proctor	Representing Secretary Gaunch	
P	Roger Calhoun	Rural Residential User Congressional Dist. 3		P	Robert Cole	Rural Residential User Congressional Dist. 1	
–	W. Clayton Burch	WV Dept. of Education, State Superintendent		–	Dennis Lee	Business User, Large Scale Broadband	
P	Tim Conzett	Representing Clayton Burch		P	Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2	
P	Joshua D. Spence	WV Office of Technology, Chief Technology Officer		–	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)	
–	James Dixon	Representing Joshua Spence		–	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)	
–	Jeff Whitman	Representing Joshua Spence		P	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)	
–	Matt Turner	WV Higher Education Policy Commission ViceChancellor		–	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)	
P	Dr. Carl R. Powell	Representing Matt Turner		–	Vacancy: Rural Business User Congressional Dist. 1		
–	The Honorable Scott Edwards	Rural Business User, Congressional District 2			Vacancy: Urban Business User		
	Representative	Agency			Representative	Agency	
–	Mitch Carmichael	WV Department of Economic Development		P	Vic Sprouse	WV Dept of Economic Development	
P	Kelly Workman	WV Dept of Economic Development		P	Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management	
–	Todd Goddard	WV Dept of Economic Development		P	Jim Kelsh	Bowles Rice Legal Counsel	
P	Jamie Hoffmann	WV Dept of Economic Development		–	Jason Pizatella, Lee F. Feinberg	Spilman Thomas & Battle	
Agenda Item			Details/Minutes				
1. Call to Order; Roll Call; Opening Remarks							
2. Approval of December 2021 Meeting Minutes, Financial Statement			Motion to approve, 1 st : 2 nd :Roger Calhoun, Approved				
3. American Rescue Plan (ARPA) Program Development			WV Dept. of Economic Development Staff Chris Campbell, Adolfo Torres, Tilson Technology Management Kelly Workman: Projects Fund. So that was our initial budget, allocation. when the legislature allocated program at 10 million because it that is state allocation. the additional 100 million, Gig ready was increased. to, I think 90 million Mbps increased to 90 million. And lead increased to 35 million. If I'm not mistaken. and we still have when the wireless program at 10 million because it that is state allocation. So that that's where the budgets that. I hope that was clear that. It's my understanding that we do have a little bit of flexibility, you know if we're if we're a little bit over on gig ready you know and let's just say we didn't have enough applications under Mbps, you know, we might be able to make those adjustments. But right now. that's not the case. I do want to point out under gig ready and Adolfo. I don't know if you want to go back to that slide just for visual reference. we were really pleased under gig ready to fund that balance within the state Adolfo mentioned that, some of the the lead applications were. in the northern or central part of the state and we didn't have any				

lead applications in the southern part of the state. We anticipated under gig ready,, this would be the opportunity for greater representation in the southern portion of West, Virginia, and that is proven to be the case. happy to see those applications come in and have good representation throughout the state right now. we're in the process of analyzing all of those locations and looking for any overlaps, that's one of our first steps in evaluating the applications, evaluating the locations and beginning to work our way through a complete evaluation process.

Robert Morris: So that that would prove to be hopeful for certain communities that are worried about the over subscription of say the Mbps program. There could be a county a certain will service area within, you know, Mon County where Mon County say area. Number one, there could have been three providers that did or submitted projects for that one area. Well, all three of those projects are included in that 500 million. Assuming, you know, one gets it then that will roll off. So that analysis is still being done. So the actual single projects will end up being less than 500 million. But how much? I don't think we know quite yet. Correct Chris.

Chris Campbell: that's correct. I mean, a lot of what we're doing right now in the initial phases, of the application reviews are doing that overlap analysis but also you know make a starting with like a completeness review, you know, walking through them. Making sure that you know we have all of the information and the applications necessary to do the reviews following up on points of clarification. Making sure that you know we have all the information and the applications necessary to do the reviews following up on you know, points of clarification. It may take us longer than we were anticipating with a smaller volume to work through them all. But it feels like, points of clarification. With this volume, it may take us longer than we were anticipating with a smaller volume to work through them all. We're gathering all of the information and it's going to be exciting to figure out how these all, rank against each other. I think there's going to be an opportunity to try, really choose the most impactful projects because there are a lot of proposals to choose from.

In Mbps we broke the state up into more than 1400 on what are called eligible service, areas are working out from parcel levels containing targeted addresses, And so Mbps's area based, we asked applicants to identify the eligible, service areas that they wanted to include in their proposal and, the proposal was to take on the obligation to serve any unserved addresses in those eligible, service areas. So those are much smaller units that whole counties are even necessarily, whole municipalities. So this is the sum total of all of those eligible service areas where at least one, if not more than one proposal included that eligible service area in their proposal.

Kelly Workman: In March, we're going to be able to show you a representation under gig ready and lead in one combined map. So you'll see how we're just taking these unserved areas of the state. And they're identified, they're known. And as we go through the projects, and those are recommended and eventually funded. We'll be marking these areas off. so, the yellow was showing you. And served locations where we have received an Mbps application. You'll see that's a Significant Portion of the State, in yellow a lot of people represented by this yellow that we, that, that we can hopefully reach and serve with broadband connectivity, as a result of these programs. And then even more, through the lead program, and gigready. So under Gig ready, we had budgeted We had initially, discussed taking on 10 clients. For technical assistance.

We have 19 requests for technical assistance, we'll have some discussion within our office, as to how many clients we can take on at one time or, if there's a way that we can defer, some of those clients to a later point in the process. You'll also see here, the organizations and the applicants, the eligible applicants under this program were units of local government or locally, economic development, authorities or development corporations. We do have a couple of applications from that came in directly from the companies. we have to go through as a first step and, to the extent that we can work with the applications we're trying. And if there are minor deficiencies, we're offering an opportunity to cure for instance, if a unit of local government didn't have their resolution in, you know we're giving them 30 days to get that in. I think that's reasonable. But I'm not sure that we can actually take on applications that didn't come from the unit of local government. So, those are decision points within the office that we'll be working through But really good representation here. in terms of the targeted addresses, the amount requested. This response more than anything demonstrates to us, the power of those public private partnerships that we've been working on for several years. And seeing the county commission's take this on is really encouraging. This is the result we wanted. And to be able to work with these units, of local government over the next couple of months, to help them get solid projects in the pipeline, that'll be the goal of this program. So, this will be the most intensive in terms of consultation and coordination among multiple parties. but we do think it's extremely worthwhile, especially considering the representation in southern West, Virginia.

Chris Campbell:

One thing I would add on the on the gig ready. That's not explicitly mentioned there is that in there were On a substantial amount of pledges from the local entities for, you know, if the financial support of potential projects, we don't have the final numbers. We haven't put it up

there because there's you know, somewhere we have to do a little bit clarification with the entities, but I think it's safe to say that the amounts that we do know are a potentially pledged to projects or in the tens of millions of dollars. So, you know, healthy, good response from local partners as well.

Robert Morris:

Aren't any questions from council members at this point? All right, status of the US Treasury application process. Is that Vic?

Vic A Sprouse:

So normally it's six million people telling you, hey, you're on mute whenever you're talking about, I was having the opposite problem. Yes, so little update on the Capital Projects Fund. We're really excited. We actually should within the next few days start receiving some of the administrative funds that we can start using to help pay for the work that's going on. That's that the Broadband Council has been kind enough to take care of for us and help us develop these programs. So that will definitely help in that aspect. Once actually were you guys will vote today on, whether or not to seek reimbursement from the capital projects funds once that decision is made. Then we will go today if funds have been available or tomorrow and apply for do the official application for the 130 million dollars remaining of the Capital projects fund. So that's very exciting. Tilson has done an amazing job putting that application together. We're ready to go for it. We're really kind of waiting on the decision that the Broadband Council has to make today. But so we're moving down that once we don't have an idea really how quickly we'll be able to draw that money down. Hopefully I feel like there's no one that would look at the programs that we've developed and the program procedures and not say that we don't know what we're doing or not be really impressed that we have put together, you know, a world-class plan for this. Our hope is that the US Treasury, the folks who are going to you overlooking this will quickly release that money to us. It will be putting into our buckets that your work has helped create and we'll fund more projects as they as they meet the criteria is that you know that our offices laid out. You know whenever I first came in June we were talking about getting this getting this capital projects fund money then a couple weeks away a couple weeks away and here we are in February. The federal government does move extremely slowly. That being said, I think we are at the point. Of hopefully getting the application in the next day or two. Quickly getting the approval for those applications and for our programs and drawing down the 130 million dollars and awarding that money to our ISP. So that's kind of where we are right now. Excited. Thank you for all the work that you guys have done and getting us to this point. And, you know, we're ready to roll, right? Hopefully start pulling that money down, then maybe in the next month or two. We can talk a little bit about the infrastructure dollars because from the infrastructure bill. Hopefully that money is going to be coming quicker than the CPF money. but we'll be able to tell a little bit more as we get a little bit closer.

Robert Morris:

Thank you Vic, what Vic is referring to is the next item on budget discussion. If you'll recall in what April of 2021, I believe the Broadband Council voted to engage Tilson to start developing programs in which to distribute this federal money towards distribute this federal money towards broadband expansion programs. And that's what ultimately led to the lead gig ready and Mbps programs that that work was paid for by the Broadband Enhancement Council through the Broadband Enhancement Fund. Vicks sent me an email last week saying that we are eligible under the Capital Projects Fund to have that money that we use for the development of the program to be reimbursed to the Council. And wanted to know if we wanted that money reimbursed or not. And so I asked Well, if we don't get reimbursed where does that money go, and that money is going to be used towards the actual projects that people have applied for to roll out broadband. So I said, it would be my recommendation that we not seek reimbursement for that since it would go towards actual projects to be rolled out. However, I couldn't make that decision unilaterally. I had to bring that to the Council. so, The, the money that we are talking about is approximately as of July was 332,000. Um, you know, if you look at our finances right now, we have 722,000 in the hopper. The majority of our expenses have gone towards Tilson in the work. They've done. Developing these programs though that contract to actually handle the administration of the projects, once the projects are awarded and go into the implementation phase and ultimately close out those. That contract is going to be transferred over to the Department of Economic Development. So, the Broadband Enhancement Council will stop paying for those services. But as it stands right now, we have 722,000 in the coffer. We have another \$500,000 coming in April. We are in the fiscal year 2023 budget for another \$500,000 to come in April. That's been moved to the surplus line item, but fully expect that to be funded. So, with what we have going on right now, don't see any need for it. And the ultimate goal of the Broadband Enhancement Council is to get funds rolled out anyway, we can expand broadband. So, I think the money would be better spent being used in, you know, through those three programs rather than, than sitting in our coffers for something, later on down the road or another program. I would entertain first to get it on the table. I would entertain a motion to Decline reimbursement for the expenses. Used for development of the broadband investment plan programs.

Michael Holstine:

Mr. Chairman, I couldn't agree more with your logic in this. This is the purpose of the Broadband Council and we have the money to do this. And I think we should be happy to do this. I move that we decline, reimbursement. For, for these costs.

Pearson:

I would second that.

Robert Morris:

All right, there's a motion in a second on the floor, to decline, reimbursement of the expenses to develop the broadband, investment, investment plan programs. Is there any discussion?

All right, hearing none. All those in favor signify by saying I

Robert Morris:

Same side. Oppose. Motion carries Vic. Get the application in.

Vic A Sprouse:

We will. And, and honestly, you know, the work that you guys have done to this point and funding the services. The Tilson has provided has allowed us to be far ahead of most other states. I mean, Kelly and I are on, you know, the state broadband, we see the emails and a lot of the states are, you know, talking about it. Well, you know, we need to get a spreadsheet together to keep track of these projects. And I mean, they're so far behind as some of these states and the work that you guys did the money, you all expended and getting us ready. Allowed us to as soon as we got money, basically within a month or two start awarding projects and start getting those projects out. I think you should feel proud of the work that you've done and getting us to this point and now having the office kind of get these projects out. Thank you for this, the money that you would have gotten back would have been money that that now otherwise go towards projects, and I think that's a great decision. Thank you.

Robert Morris:

Absolutely and thank you for the kind words. And it brings a point about that I kind of want to re-emphasize. Since the Council decided to fund the work that Tilson is currently undertaking, it's it. It may appear as though, the majority of the Broadband Council meetings have been a lot of reporting rather than action items, for us to vote on and things of that nature. but if you think about it, there is no greater work that has been done than what has occurred over the last 10 months or so, in the development of these programs and rolling out hundreds of millions of dollars towards expansion from the Broadband, Enhancement Council standpoint. We had the easy part. We, we took the votes to higher Tillson and to pay Tillson and to provide the services that the Office of Broadband Department of Economic Development. And so forth needed and which to get these programs out. And about, we didn't have to do the actual work ourselves, but it did start with the Broadband Enhancement Council. Authorized by us and paid for by us. And that's where we are today. There's been a tremendous amount of work done from Kelly and Jamie and Vic and Chris, and the whole Tilson team, and, and others that to get us to where we are. I don't want the Council to think it doesn't seem like we're doing anything. We're doing more than this Council, Is has ever done towards actually connecting customers connecting homes to service in this state? And so, I'm very proud and will echo those comments of Vic. That I'm very proud of this Council to be so far ahead. West Virginia is leading in this, in the use of these funds for broadband expansion and that's our ultimate purpose and goal of this Council. I appreciate that and thank fellow council for that decision. Fantastic. All right, next item on the agenda. FCC Ardoff update Fred.

4. FCC RDOF Update -Status of Authorizations for WV Project Locations

Fred Feit, Tilson Technology Management:

A brief update on the FCC's World, Digital Opportunity Fund, there hasn't been a tremendous amount of activity over the past few months. I wanted to start by just Clarifying. Some of the nomenclature that's used for auction participants and the post auction long form. Applicants as we might remember, the artoff auction is a multi-part and is still a multi-part process. There was a, an application process prior to the auction to be Declared eligible to participate in the auction that was called the short form application. Then there was the option itself where auction participants won or were assigned, census blocks and were provisionally assigned. The subsidy that they, they won at the competitive reverse auction. It was a competitive auction, so the opening reserve price was sort of whittled down by head-to-head bidding and some waiting metrics. and after the bidding itself which ended over a year ago, I will point out the provisional Auction winners were then they then had to go through what was, what is called a long form application process. So additional vetting by the FCC, prior to the provisional auction winners, being fully authorized to receive the, the ardooff money, which is a monthly subsidy, which of course comes out of the Universal Service Fund high-cost program. So, I find that sometimes there's a little bit of If it's not confusion, then sometimes the inaccurate or inappropriate references to art off option winners. There's a difference between provisionally, provisional winners or companies that have been assigned census blocks as a result of their participation in the auction and those that have been fully authorized to start receiving the subsidy by the FCC. And so far in West Virginia to the best of my current understanding and I was just scouring the FCC's docket for the auction results. They're not very good at keeping a comprehensive list. They release the information about service providers that were fully authorized to receive service and batches and their comprehensive information is a little dated, but to the best of my understanding, only three service providers in West Virginia. So far have been fully authorized to receive their subsidy city, net, digital connections, doing business as prodigy and micro logic, to date the remaining. Auction winners. And I use that term to me provisional auction winners that have not yet been fully authorized to receive. The service is still waiting for final authorization, The three ISPs that I just mentioned. Have started to receive their subsidy. I believe Micrologic was approved very recently so their subsidy payments might have only just started flowing. But to the end, of course, the lion's share of the number of locations that were assigned at the auction and the lion share of the subsidy award that was assigned at the auction was to frontier. Which is not yet been authorized to start receiving. The subsidy neither has spacex which was assigned a certain number of locations and dollar amount in the in the auction. But a few other smaller service providers. There are in that same position for example, Altis Which is not yet been authorized to start receiving. The subsidy neither has SPACEX which was assigned a certain number of locations and dollar amount in the in the auction but a few other smaller service providers. There are in that same position. For example, Altis Gigabene, a Shenandoah cable television are still in the provisional yet to be fully authorized stage. In addition to Spacex and frontier so it's been over a year since the conclusion of the auction, it has surprised some people with the length of time that this post auction process has been going, but there of course has been in that time there was a change in presidential administration to change in FCC leadership. The new FCC leadership as it was perhaps a little bit more skeptical about proceeding with the ardooff auction based on the mapping information and the broadband availability information, the accuracy of it prior to the auction but it proceeded anyway. So now with the new FCC leadership, it's possible. This is just my opinion that they have been pumping the brakes on the process a little bit. Just to ensure that no money goes out the door that they are, you know, that they think is going to be problematic where they might have to claw it back, they want to, you know, ensure that the, that the provisional winners before they are fully authorized to receive the subsidy have the financial wherewithal, technical wear with all operational, aware of all, and that there are no other Hidden traps or pitfalls that that might occur. But that being said, it's been about a year of this post auction process. It's a little surprising to me, perhaps not necessarily for companies the size of frontier or with the non-terrestrial based platform that the Spacex is proposing and the performance tier that spacex speeds that they are proposing that they did with in the auction but the this the smaller providers, that not have not yet been fully authorized. It's, I must admit it escapes me as to why that that is still the, they're still in that status. There's something that the FCC is not yet fully satisfied.

Robert Morris:

Has frontier been authorized in any other states?

Frederic Feit:

It's a very good question. I believe they have in part, but I would have to confirm that I can't answer that definitively. I've been laser focused on the West Virginia results.

Robert Morris:

I know being a very good question. You would think it originally came from me, but I have to give Jim Kelch credit that it was actually his question.

Frederic Feit:

That's a good question.

Pearson:

This is really a serious problem in West Virginia. I mean, we had We had some bitters. Who did not in the adtoff auction, who did not offer the same degree of financial support frontier did Who could go forward? If you know, if it were determined By FCC not to approve. The preliminary offer of frontier. I mean, could they not? Go forward and consider the, the follow-up bidder. And, and if the follow-up bidder is one, they had confidence could perform. I mean, this is really a significant holdup for many users in West Virginia. Is it not?

Frederic Feit:

Current state Administered Broadband Infrastructure Grant program in terms of the

tentatively assigned. Provisionally assigned ardoff census blocks are currently being Treated as potentially funded as long as they're somewhere else to spend the money. So yeah. Yes.

Pearson:

They're not.

Frederic Feit:

It's definitely very important and potentially very inconvenient issue with respect to the second best bid. There's just nothing in the world digital opportunity fund rules or procedures that define that process. It's just not a process on the table.

Pearson:

Well, what can we do to help? This is a big progress we're making in the other areas with respect to the rollout lead and gig and everything else that we reviewed. This is a holdup that is holding back the providers in a state that have the worst service in the country and it's continuing to hold them back. What I mean, what can we do?

Frederic Feit:

It's a question with some nuance to it. I think they're there might be some entities within the state of West Virginia that want the FCC to make a decision one way and then others perhaps the other. I mean there's obviously some concern with the performance of Frontier. Over time over the past several years and more and their ability to perform on the their ardoff obligations and provide appropriate service levels and customer service and such and perhaps, there's even some activity at the state legislative level, that might be attempting to influence that process. I think, in my opinion and limited to just my opinion, it would probably be helpful if the FCC simply made a decision one way or the other.

Pearson:

Did Senator Capito not ask them six months ago, I don't know whether Senator Manchin has spoken out on this or not, but I remember Senator Mansion being on after FCC months ago about making a decision.

Robert Morris:

Yeah, so part of it in the limited inquiries that I have made, we basically wrote a letter as did others saying you need to stop and you need to take your time and evaluate this. That is what they appear to be doing what we ask now. We didn't put a time frame and say You need to stop and take your time and look, but have it done in three months or six months or something like that. But, you would think how long have they had Fred to actually the provisional winners were announced and review because we sent that letter in March, April of 2021, is that right?

Kelly A Workman:

Mr. Chairman, the first authorization in West, Virginia went to Citynet and that was in October of 2021.

Robert Morris:

Yeah, and I think we wrote the letter saying Hold on stop. You need to really evaluate this and to ensure that they're going to be able to fulfill their obligations. And I want to say it was April or May of 2021. so, I guess they're kind of what we want them to do but I think we also would like them to hurry up one way or the other two. So kind of got what we asked for. We can. surely, we can write a letter and say, Hey, Winner. These decisions coming because you know to your point Ron we're not allowed to give any of the Capital projects fund or any of the ARPA money into areas where ardoff has been provisionally awarded. So that's taking huge swaths of West Virginia. I mean that is a problem for the people obviously living in that area. That is a problem because they're supposed to be getting service and they don't know if they are yet at the same time, even with the areas that were not art off eligible, but for ARPA eligible in some cases, wherever subscribed, you know, five to one twelve to one two to one, well, over subscribed. So adding the card off areas, we're not going to be able to add a whole lot to.

Pearson:

Bob I thought that in the letter that we that you're referencing and I believe you're right, it was middle of 21. I thought we had urged FCC. If they did not have confidence in the preliminary winner, being able to perform like any other op any other auction process, when the supposed high bidder is found not to be able to close, you go to the auctioneer can go to the to the next high bidder, who is in a position. And I thought that was one of the things we urged FCC to do in that correspondence.

- Robert Morris:

I can't remember if we actually put that in there or not, because one of the things we were cautioned about is in that situation, SpaceX could have been the number two, bidder.

Pearson:

Well, that doesn't mean you go to just the number two, I mean, you go to you, go to the bidder. You consider your bids in the order that the offer requires, they be considered, but then you award the bid to the one who you have confidence can perform. So it's not just that it's not limited to the second bidder.

- Jim Kelsh:

Yeah.

Robert Morris:

And Fred's point those are those are the types of things that we're not. Not spelled out in the rules as to what they do.

Pearson:

I know, but that's standard.

Jim Kelsh:

I think.

Pearson:

But that's, that's standard. That's just that's ordinary auction.

Robert Morris:

	<p>I don't disagree with you</p> <p><i>Pearson:</i> Process laws. Really</p> <p><i>Robert Morris:</i> But at what point have you done the government to follow common sense</p> <p><i>Pearson:</i> I understand, and I also understand the demonstrated disability of the FCC leadership in over the years, that's helped us get to the mess, we're in, in West Virginia</p> <p><i>Robert Morris:</i> Yeah.</p> <p><i>Frederic Feit:</i> One of the one of the aspects to that is, is a matter of perspective. I mean, from the FCC. First of all, there's nothing in the ardoff rules. That describe that process. It's the process is described as If the census blocks that were assigned are not our ultimately not fully authorized, they will be in default and they will go into the phase two of the auction. So they do describe a process. For that. It's a frustrating and inconvenient process but they described it now, perhaps for ardoff Phase two they'll change the rules, but they haven't so far, but from a matter of perspective, it's perhaps the FCC theoretically could do that. But it's the auction. Participants the rules are written that. If you, if you win at the auction, if you are assigned a census block, you have the obligation to if fully authorized to provide the service and adhere to all of the compliance and reporting rules and all of the other rules. If you are not assigned the census blocks that the auction, you have, no, such obligation So whether the, you know, the losers of the auction would even consider that not that the FCC is going to make the offer. And I mentioned that in the context of it was a highly competitive auction. The reserve price was bid down quite a bit, you know, depending on the census, block, depending on the area 50% or lower than the original reserve price. For example, and the amount of funding that some auction assignees or fully authorized participants have walked away within the auction in the in the ardolf auction was A low, a low amount of relatively to, you know, for a for building fiber to the premise networks, especially in rural areas. So it's challenging and that was pre-arpa and precare act. Pretty ARP of pre-iija. So pre this large, you know, flood of additional money for, the same type of projects. So, perhaps, you know, other Auction, participants are now looking at these, these alternative sources interested. of funding and might not be But it's simply not a process that the FCC had described. I think that it's been long enough that the FCC, you know, could be, it's probably appropriate for whoever is in the right position to communicate to the FCC like, hey, Fish, fish are cut beta. Forget what their faces?</p> <p><i>- Pearson:</i> We have that obligation. It's not only appropriate for us. We have an obligation Fred I mean, it's clear by statute.</p> <p><i>Frederic Feit:</i> Absolutely. And you're in the beginning stages, in the midst of a very well funded, State administered Broadband Infrastructure, grant program, and it affects the directly. So in order to proceed with further spending of art funding and iija funding, then you know the state and the people of the state would really benefit greatly from the FCC making a decision. One way or another.</p>
<p>5. WV Farmland Protection Considerations for Broadband Development</p>	<p>Jim Kelsh, Bowles Rice</p> <p><i>- Jim Kelsh:</i> , yes, to paint with a big brush, I mean under our dog. We were West Virginia's total you know preliminarily awarded bitters was 362 million. I think 247 of that was going to go to frontier. So frontiers are very big player in Ardoff and ardof you know when that program was developed they didn't anticipate the rescue plan or the Infrastructure and Jobs Act you know funding coming through. January 2020 order, I think it was or was maybe January 2020, but I think they expected to make the great bulk of final determinations by September of last year. and obviously, for the majority of West Virginia's award that hasn't happened, And it may be as, Fred says, a change of administration and a lot of other things going on around the broadband space. but, ardoff round two is I think the plan was that anything that didn't get awarded in ardoff, round one would be eligible for ardoff round two, and ardoff round two is going to be based on more accurate mapping that's going to show greater. Areas that are eligible. However, I have no information regarding the FCC's progress and developing the more accurate data and then moving forward with ardoff round two, but yeah, it does recruit no doubt, it creates a problem because those FCC, those frontier areas are Not eligible under the ARPA areas now and those might be some good areas.</p> <p><i>Carl Powell:</i> I've heard the conversations here and I agree with the concerns. It might be beneficial one. We're probably not the only state that had a big chunk go to frontier. So while I hear about us, putting something towards the FCC, sometimes their strength in numbers. So are there other states that had a significant portion allocated to frontier? And they too are having the same conversations and it sounds like some letter either, whether it's from us or from the senators that would say, FCC. As Fred said, we need to know if you're going to fish or cut bait regarding frontier first, when are you going to make a decision about them? if so, so we can start through the process and the second part, I'm not quite sure how we word it, so we don't seem like we're tainting the process, but if they are not selected, What is the process for that? Typically, you would start to evaluate the next ones or it could dump it to round two and all</p>

	<p>these options. And again, trying to Lock them into what do you expect them to do. And that would then allow us to decide whether we're going to say great or timeout. So just a thought if we're going to put a letter together saying we need you to decide for exactly the reasons you were mapping out. It's holding up development in these areas. If we can get some other states that are just as nervous and chewing their fingernails, hopefully, that would be a little bit more of a incentive to get them to, as you nicely, put it the G-rated version is Fisher, cut bait, right?</p> <p><i>Roger Calhoun:</i> Just do we have a contact in FCC? Do we know anybody? that we could call and say, can you Give us a little bit of information, or maybe as a as a council. And as the office, invite a FCC representative to give us an update on our talk. Before we start bringing the bats and the carrots, you know, just talk to somebody's what I'm thinking, get them to explain where they are. That might give us a hint about where they need pushed or not. I just wonder if we could Ask, come to our council meeting in March. Send a representative and tell us about ardoff. Maybe get somebody that they're willing to let speak, it might be useful.</p> <p><i>Robert Morris:</i> Ask absolutely. All right. Any action? I can reach out to FCC and see what they have to say. As far as timing goes or one of us will see if Tilson will do that or Jim Kelly myself Will we can talk about that but one of us will reach out to FCC and see if they have an idea of when decisions are going to be made and depending upon that response, we can Write a former letter that said We told you to slow down now, we want you to hurry up. and see, right this</p> <p><i>Pearson:</i> Could we see that letter could Kelly? I know we've seen it in the past, but if we could take a look at that letter, what we sent to FCC? Because I thought we had some alternatives that we suggested, they consider about going yet to a different provider. I maybe wrong, but if we could just see a copy that and maybe that would trigger additional ideas that we could advance to</p> <p><i>Robert Morris:</i> Absolutely. +1 202-***.**55: This is a Matthew from Senator Capito's office. I don't want to badge in here, but we're happy to assist in any way. I know Jim Valager at the SEC and we're happy to help get someone to the next meeting and giving update.</p> <p><i>Robert Morris:</i> Sounds great. I will I'll give you a call Matthew. +1 202-***.**55: Okay, great.</p>
6. US Forest Service	<p><i>Robert Morris:</i> Next item on the agenda. West Virginia farmland Protection, Considerations for broadband development. So as communities have been applying for the State Office of Broadband Funds in some situations, as they've been awarded or contemplated an issue has arisen, as we go more and more out into rural areas of the state, you run into or could have to deal with farmland. And some of some farmland is protected under a farmland protection easement. and it does not allow for any type of utility, or any type of Infrastructure development of any type to go through the property that is subject to the easement. And that has caused some counties, some issues with that. And as part of our state charge and looking at ways to ease broadband development issues, I had Jim Kelsh look into the farmland protection issue, as it relates to infrastructure development, utility development, and so forth. And he has a report on that. So Jim, if you like to review that for us</p> <p>- <i>Jim Kelsh:</i> The state has a conservation easement program that's ties in very closely with a conservation easement program which the US Department of Agriculture promotes and administers. And under this, these programs, oftentimes both landowners and the public bodies which administer the conservation. Easements are prohibited from granting easements to utilities. And so, this is caused as Robbie indicated, for some projects, this has caused the length and the routing of these projects to increase and obviously corresponding increase to expenses. The next item on the agenda is this US Forest Service which is a Department of USDA. And then they're asking for comments on a proposal to, you know, Well I don't want to shortcut any comments. Anyone may have on the, on the details of that, but I found the thrust of the letter to be encouraging and that they are trying to You know, establish a standard process to facilitate the expansion of broadband through the US Forest Service. And then obviously USDA sponsors, several broadband expansion programs. USDA, is cognizant of the need for broadband. On the other hand, their conservation easement program is pretty rigid and not accommodating and maybe there's discussion going on within USDA about modifying the Conservation. Easement program to accommodate broadband expansion, more readily. Maybe there's some national associations that are taking up that issue. But it would be helpful if we could get some more flexibility either at the federal level or the state level to Make it easier to install broadband through conservation easement. Lands. The State Statute on conservation. Using this does allow utilities to exercise their right of eminent domain through conservation. Easements. However, if an Internet service provider is not also certificated by the PSE as a telecom carrier than that, ISP does not have the right of condemnation. And so those ISPs that aren't telecom, carriers are I have no ability to invoke eminent domain. And so yeah, they're forced with increased expense to reroute. So, this is a challenge out there and I don't think any actions anticipated at this point but wanted to flag the issue and take it up for further development and discussion.</p> <p>- <i>Robert Morris:</i> I think what the plan is right now because of how late it is in the legislative session. That we're not going to be able to do anything this legislative session. However, we're going to</p>

review this issue and have conversations and development in Maven, former committee to work on this with Jim and others. And then hopefully, by the time later in the year when bills start to be considered for the 2023 legislative session. If we determine that legislative action is necessary to ease the development of broadband per this issue that we could work on that and have something ready for the 2023 session. So, but a lot of a lot of conversation and investigation needs to go. This was just brought to us, not too long ago. We'll work with the appropriate parties to see if we can figure out some sort of solution, whatever, that may entail and we'll keep the Council updated as to what we find. Any questions? All right, next item on the agenda US Forest Service. So, the George Washington and Jefferson National Forests. Which include pieces or parts of Hampshire Harding, Monroe, Pendleton, and Pocahontas Counties. Have asked for public comment in a plan that they have. To. I think the attempt is to make it easier to run broadband infrastructure and development through the forest mostly as it pertains to roadbed rights of way through the respective states departments of transportation. And Jim, do you want to go over that?

- Jim Kelsh:

This was sent out January 20th and The USDA is requesting comments to be received by February 19th. Basically the USDA proposes that it would delegate responsibility for evaluating responding to environmental assessments the environmental assessments would be sent to the local. District Superintendent that might be different title, but anyway, a local District or Area Ranger. And there's a format of information that would need to be provided in the request for expedited well to I think we'll see the term here used. And while the environmental assessment and determination of compliance will be made the local level. There's number of criteria. That are listed here, that applicants would need to address. There are certain exempt areas where the forest services indicating they would not be eligible to be routed through there, but Prelimited scope, Hopefully the council members have had a chance to review this and if we were to file any comments my thought was it would probably be if we see any of these terms as being Very problematic to surmount. Or if we find that they're the terms that are proposed or would not be deal breakers to implementing a project maybe we file supportive comments or no comments at all.

Kelly A Workman:

In general I think this is a good idea and comments from the Office of Broadband and the Broadband Council. If we can file those jointly, I think that would have a great impact. We have some real life examples of working through this issue, particularly on the Zayo project. In 2021 we spent a significant amount of time over the course of several months working through this issue whereby Zao had obtained a permit from the West Virginia Division of Highways to occupy the right of way. However that did not include the permit from the Forest Service. that project was put on hold for several months while we worked through this process. some of our senators offices were also involved. So I think standardizing the review by the Forest Service is a great idea, the checklist and the standards here, provide clarity to the telecommunications providers and I think that would help streamline the process and I think having this information up front will be a big benefit to us especially because on this eastern side of West Virginia, there are some companies in West in Virginia who are interested in crossing over into our state to provide service in in that region. So, I think,, having greater access and clarity. Regarding the process of accessing that forest land, that's something that we would be very supportive of. So, we'd like to file comments and we'd like for those to be joint comments.

Michael Holstine:

I agree with Kelly. I think that this is a great step forward. I applaud the Forest Service for trying to standardize this and I have read through this. I, I personally wish that they weren't, so, Protective in the way they're doing this. But, and I'm not a lawyer. But I do have one issue with the way that this is written. And that is that the first standard that they have is that the project would install fiber optic line through Microtrinsching, which is fine, but it also mentions that they can be installed on existing, utility poles or lines. But immediately, after that, it says, and the fiber optic line would have to have amendment, minimum installation, depth of 30 inches. You cannot put fiber optic broadband, infrastructure on existing, utility poles and have it at an installation depth. So, I think that there's a little bit of problem in the wording of this. And that would be my right now. That would be my only count direct comment for this.

- Robert Morris:

Not as deep as 30 inches can be a little shallower than that. So that was another question. I was going to ask for some clarity on but the big question before us right now is authorization from the Council to coordinate with the Office of Broadband and Jim Kelsh and any info that we have from you to file comments on behalf of the Council, to the USDA regarding this proposal from the George Washington and Jefferson National Forests. Which hopefully at least in my area and Mike I know yours and several other counties that the Monongahela National Forest would also adopt a similar program as well because those were the two forests that we had deal with. Again, Zeo is running all in the road bed, right of way and it would be nice if this also crossed over to the Mon because we not only did we have to deal with two national forests. We had to deal with two national forests that were from different regions and got their marching orders from different. You know, the bond gets their marching orders from Milwaukee, and I believe that, George Jeff gets theirs from Atlanta. I think, there were it was it was maddening especially when you know it's not like we're proposing to put a broadband or fiber optic cable through the middle of Virgin National Forest. It's going in the right road bed, right of way where the road happens to go through the forest but already disturbed. Already done. We basically had to start at square one, which took as you can imagine quite a while.

Michael Holstine:

You know, most of my county is National Forest. The great deal of West Virginia is my

	<p>national forest so I would hope that we would be able to Include all of these areas in, whatever they come up with, but coming up with a standardized form would be a great benefit.</p> <p>Robert Morris: You would hope considering that it's within already disturbed, previously, disturbed areas. So with that, I would entertain a motion to authorize myself to develop comments in coordination with Council and the Office of Broadband. Met to USDA in response to this. Proposal from the George Washington and Jefferson National Forests.</p> <p>Michael Holstine: I will make that motion Chairman.</p> <p>Robert Morris: There's a motion by Mike Holstein as they're a second.</p> <p>Robert Cole: I second the motion.</p> <p>Roger Calhoun: Second.</p> <p>Robert Morris: Second by Bob Cole, any discussion. All those in favor. Signify by saying I</p> <p>Robert Morris: Opposed same sign. All right, motion carries. My agenda back here. All right, for the moment. I'm going to skip back up to comments that cover a couple of different things. Number one, we have not and I see Mr. Bill Bissett is on the phone. We have not replaced him as vice chairman, not that he could ever be replaced, but we are currently absent, of vice chairman. So for those of you interested in vice chairman, please let me know. And we can that will be on the agenda for the March meeting. Also. There's a requirement in Kelly. Correct me where I misspeak, but there is a requirement that West Virginia developed a digital equity plan,</p>			
7. Public Comment	<p>Sign-In for Public Comment</p> <p>- Tyson Riggleman: I did put something in here. We do have frontier who covers a lot of our area in Grant County. So one of the questions I get asked about because I do receive a lot of calls from the citizens is how are we going to hold frontier accountable? I know that with the ardoff they get awarded so much, but for instance, I'm working with a neighbor who's 200 yards away from me, currently. Frontier did upgrade some of their equipment where I live. I'm able to currently get about 80 Meg down and anywhere from eight Meg up. But my neighbor who's 200 yards away from me, is going to have to try to pay the same amount of money that I am and it looks like he's only going to be paying for nine Meg down. So he's literally 200 yards away and it's hard for me to explain to them. Like I honestly don't know why I'm getting better Internet it's coverage and what.</p>			
8. Next Meeting Date	Google Meet Unless Otherwise Noted: March 10, 2022			
9. Adjournment	Adjourned			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Local Governments, Broadband, and the Law Toolkit in Final Edit. Release by September 2021
2.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | December 9, 2021

Meeting Title		WV Broadband Enhancement Council			Time	10:00 a.m.
Chairman		Robert L. Morris, Jr., Chair			Location:	Online Meeting
Meetings will be held by conference call due to COVID-19. Updates will occur as needed. Meeting Registration: https://forms.office.com/g/Dec92021 You will receive call information upon registration .Please register for public comment; hold comments until public comment portion of agenda						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Council Member	Representing			Council Member	Representing
P	Robert L. Morris, Jr. Chair	Urban Residential User		–	C. Edward Gaunch	WV Dept. of Commerce, Cabinet Secretary
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		P	Jeff Proctor	Representing Secretary Gaunch
P	Roger Calhoun	Rural Residential User Congressional Dist. 3		P	Robert Cole	Rural Residential User Congressional Dist. 1
–	W. Clayton Burch	WV Dept. of Education, State Superintendent		P	Dennis Lee	Business User, Large Scale Broadband
P	Tim Conzett	Representing Clayton Burch		P	Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2
P	Joshua D. Spence	WV Office of Technology, Chief Technology Officer		–	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
–	James Dixon	Representing Joshua Spence		P	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
–	Jeff Whitman	Representing Joshua Spence		P	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)
–	Matt Turner	WV Higher Education Policy Commission Vice Chancellor		P	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)
P	Dr. Carl R. Powell	Representing Matt Turner		–	Vacancy: Rural Business User Congressional Dist. 1	
P	The Honorable Scott Edwards	Rural Business User, Congressional District 2			Vacancy: Urban Business User	
	Representative	Agency			Representative	Agency
–	Mitch Carmichael	WV Department of Economic Development		–	Vic Sprouse	WV Dept of Economic Development
P	Kelly Workman	WV Dept of Economic Development		P	Fred Feit, Chris Campbell	Tilson Technology Management
–	Todd Goddard	WV Dept of Economic Development		–	Jim Kelsh	Bowles Rice Legal Counsel
P	Jamie Hoffmann	WV Dept of Economic Development		–	Jason Pizatella, Lee F. Feinberg	Spilman Thomas & Battle
Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks			Last meeting for 2021			
2. Approval of 11/10/2021 Meeting Minutes, Financial Statement			Motion by Carl Powell Second by Mike Holstein. Motion carried. Motion to accept the minutes of the 9/9 meeting approved. Financial Statement for FY2021 has been sent out. A chair and software purchased has been switched over to the Economic department for payment.			
3. American Rescue Plan (ARPA) Program Development			WV Dept. of Economic Development Staff Chris Campbell, Tilson Technology Management Program Development Update/Tour of Website Resources <ul style="list-style-type: none">LEAD: November 3, 2021, Webinar Posted to Website; Application Portal Open. First Round applications received Nov. 30, 2021: Kelly			

	<p>Workman: The program is moving along well. We have officially launched 3 programs, 1st application round for LEAD closed Nov. 30th and we are in the review process now. Chris and Adolfo are helping us with the technical & financial review and will also be reviewing the Broadband development impact factors. We will go over the scoring once again. LEAD, GigReady, and MBPS, the mapping for these programs are available on our website. wvbroadband.maps Adolfo Torres: WVBIP LEAD Application Summary, Round 1 slide provided. Location of Applications Received, slide provided. LEAD Scoring Factors, slide provided. Chris Campbell: These scoring factors come after the initial review of these projects. Projects will get scored after they get past the eligibility screen. Some may not pass scoring. Kelly Workman: Anyone that is unserved but listed as served can call our office and let us know. 304-356-0138 Robert Morris: Any timeline on hearing results of the first round of application announcements? Kelly: We will have things ready in December. Decisions will be made by the Secretary and the Governors office. Our goal is to have the applications score and recommendations in December.</p> <ul style="list-style-type: none"> • MBPS: December 1, 2021 Webinar; Application Portal Open December 2, 2021. Jamie Hoffman: Residents can go on the website and do the speed test. broadband.wv.gov We have been logging these addresses to compare areas unserved. We have maps up for MBPS and GigReady. Our website will show the information for the maps, and instructions on how to search the areas. Chris: There are a little less than 1500 of these eligible served areas. this will also be useful as a mechanism for tracking progress as applications come in. Mike Holstine: I know what an unbelievable task in this mapping process. I want to thank you all for what you are doing. Robert Morris: Chris, how does our mapping compare with other states? Chris: Our maps are specific enough to identify unserved addresses. This is way more a granular conversation than most states are even in the position to have. Its very specific.
4. Annual Report to WV Legislature	<p>WVDED Staff; Draft to be circulated Monday, Dec. 6</p> <p>Kelly Workman: 50-60% complete, goal is to have 90% drafted by Dec. 22. Hope to have our revised draft by Dec. 23. Please let us know if you feel there is something missing. Roger Calhoun: When you read the report and see everything that has been done this year, its been an amazing year. My suggestion is that you put all these accomplishments in the front of the report, in the Executive Summary. So much has been done and because so many don't read the whole report, they will see this first. Joey Garcia: I believe the comment by Roger is very good. Everything accomplished has been fantastic.</p>
5. Approval to Purchase 2022 Ookla Data	<p>WVDED Staff</p> <p>2022 Data Set \$45,000 Speed test less than \$3,000 to renew contracts. Jeff Proctor moves to approve the purchases, 2nd by Robert Cole. Approval of purchase is approved.</p>
6. Other Business	<p>Delegate Daniel Linville: Some of the legislation coming up for the next year: His office will be sending this info over in an email.</p>
7. Public Comment	<p>Sign-In for Public Comment: Sarah Palfrey, Director Morgantown Public Library System: Out of the 136M allocated to WV, it has a provision for construction for multipurpose facilities, construction for libraries. Is any of this money going to go to libraries? Kelly Workman: Under the infrastructure Act, the states are required to develop a digital equity and inclusion plan. There is a format we must follow provided by US Dept of Commerce. We will be getting underway with that plan in 2022. The libraries</p>

		are a key stakeholder in the process. We would love to have your help in that process. Through that plan development, if there are opportunities to incorporate some of those provisions that you have mentioned, we could work that into the state plan. Delegate Linville: We have been upgrading the libraries to 500mbps across the state. We would like to see further investments in our libraries. I welcome working with you on this.		
8. Next Meeting Date		Google Meet Unless Otherwise Noted: January 13, 2022		
9. Adjournment		Robert Morris declared meeting adjourned.		
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Local Governments, Broadband, and the Law Toolkit in Final Edit. Release by September 2021
2.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021

Bills paid in December and January

Tilson Technology	December Inv #4111905 \$75,202.00
	January Inv #4113016 \$80,190.00
Bowles Rice	December Inv #1150695 \$744.00
	December Inv #1152747 \$967.25
	December Inv #1152749 \$6,403.00
WV Network	October Inv #S0088848 \$1,114.74
	December Inv #S0089527 \$1,114.74
OOKLA-STC	December \$2,990.00
OOKLA-STI	December \$44,617.00



File Code: 1950
Date: January 20, 2022

Dear Interested Forest Stakeholders,

The George Washington and Jefferson National Forests (GWJNF) are seeking comments regarding a programmatic Environmental Assessment (EA) and Decision Notice to issue permits to proponents to locate fiberoptic telecommunication lines across the GWJNF including the Mount Rogers National Recreation Area, Clinch Ranger District, Eastern Divide Ranger District, Glenwood and Pedlar Ranger District, James River and Warm Springs Ranger District, North River Ranger District and the Lee Ranger District across Alleghany, Amherst, Augusta, Bath, Bedford, Bland, Botetourt, Carroll, Craig, Dickensen, Frederick, Giles, Grayson, Highland, Lee, Montgomery, Nelson, Page, Pulaski, Roanoke, Rockbridge, Rockingham, Scott, Shenandoah, Smyth, Tazewell, Warren, Washington, Wise, and Wythe Counties, VA; Hampshire, Hardy, Monroe, Pendleton, and Pocahontas Counties, WV; Letcher and Pike Counties, KY.

Purpose and Need for the Project

The availability of broadband service and wireless is critical for communities to have access to health, safety, education, and employment resources. The GWJNF is receiving unprecedented requests from proponents to install linear fiberoptic telecommunication lines across and along National Forest Systems (NFS) lands to provide broadband service to rural communities. The GWJNF is long and slender and bisects the western portion of Virginia including portions of Kentucky and West Virginia. Due to the shape and arrangement of the GWJNF along western Virginia, long, linear new utilities inevitably require access across or to locate along the GWJNF.

Proposed Action

This programmatic decision would be used to meet National Environmental Policy Act (NEPA) requirements to issue special use permits to proponents requesting to locate fiberoptic telecommunication lines across NFS lands on the GWJNF. Fiberoptic telecommunication lines are long linear utilities that can largely co-locate within existing utility or road right of way corridors.

Fiberoptic telecommunication proposals would be eligible for permit issuance under this decision if the below criteria are met. This would be documented in a post decision checklist to be signed by the respective District or Area Ranger and to be issued in conjunction with a special use permit. Permit acreage would be calculated by the linear foot of the proposal by a 10'



fiberoptic telecommunication line permit width. This project does not propose a limitation of size for any permit, only that the following provisions are met:

- The project would install fiberoptic telecommunication line through micro trenching (would consist of a very narrow trench, approximately 1 foot, which would have the conduit and line installed in the bottom of the trench) and/or horizontal directional drilling (HDD) and/or lashed to existing bridges, or existing utility poles/lines,
AND
- The fiberoptic line would have a minimal installation depth of 30”
AND
- the fiberoptic line would mainly co-locate in existing utility or Virginia Department of Transportation (VDOT), West Virginia Department of Highways (WVDOH) or Kentucky Transportation Cabinet (KTC) road right of ways. Communication and coordination with the respective state transportation agency would be required,
AND
- where sensitive or difficult features are to be crossed such as roads, trails, wetlands, streams etc. the fiberoptic telecommunication line would be horizontally directionally drilled. Sensitive resources would not be open trenched,
AND
- tree clearing would be minor and limited to incidental brush or hazardous trees removal,
AND
- as much as possible drilling pads (if needed) would be located off National Forest Systems (NFS) lands,
AND
- no staging areas or bore pads (pits) would be located on NFS lands. The HDD machines to be used for this project should be small and sit on the ground surface within the right of way. The HDD method would not require large flat work areas or excavated pits. The drilling machine would sit on the existing ground surface and very little surface disturbance would be anticipated,
AND
- Are not proposed on the following Forest Plan management prescriptions:

2004 Jefferson National Forest Land and Resource Management Plan (Jefferson Forest Plan) - 2C1 Eligible Wild Rivers, 1A Designated Wilderness, 1B Recommended Wilderness,

2014 George Washington National Forest Land and resource Management Plan (GW Forest Plan) – 2C2 Eligible Wild and Scenic Rivers, 1A Designated Wilderness, 1B Recommended Wilderness.

This project would implement and is consistent with the direction of both the Jefferson and GW Forest Plans. Specifically, GW Forest Plan Standard FW-239 and Jefferson Forest Plan Standard FW-244 both state: Evaluate new special use authorizations using the criteria outlined in 36 CFR 251.54 and according to Forest Service policy. Limit to needs that cannot be reasonably met on non-NFS lands or that enhance programs and activities. Locate uses where they minimize the need for additional designated sites and best serve their intended purpose. Require joint use on land when feasible.

During the completion of the project checklist for each permit application, the respective Forest Plan management prescriptions for the fiberoptic telecommunication line locations would be reviewed to ensure Forest Plan consistency.

Potential Resource Protection Measures

The following resource protection measures are in addition to standards outlined in the Forest Plan. The following measures would be required for all projects. Additional measures may be developed through project development:

1. Project activities would follow pertinent State Erosion and Sediment regulations.
2. Any minor locations of ground disturbance would be revegetated with a wildlife friendly mix and in accordance with the Jefferson and GW Forest Plan standards. This mix is not to include Kentucky 31 tall fescue.
3. Would be coordinated with the appropriate state and federal partners agencies including but not limited to Federal Highways Administrative, respective state departments of transportation, Army Corp of Engineers, etc.
4. The management of traffic during installation would follow the permit requirements provided by the respective state transportation department to ensure the project does not adversely affect the safety, design, construction, operation, maintenance or stability of the state road system. This would outline such items as no disruptions to traffic would occur overnight, lane closures would be rolling, etc. The appropriate traffic control measures for each individual roadway or segment would be determined and required by each respective state's transportation department. This process would also dictate requirements for public outreach, and signage that would be required to be put into place for each segment.
5. All impacted ditch lines are to be restored to allow water flow.

6. Any impacted road shoulders are to be leveled with the road and all handholds are to be installed flat to the ground or slightly recessed to allow mowers to pass without damaging boxes.
7. An implementation checklist would be completed for each permit issuance which outlines project specific resource considerations. All pertinent Forest specialists would be consulted.

Decision to be Made and Preliminary Effects Analysis

The GWJNF Forest Supervisor is the project's responsible official. Upon the completion of this EA, each specific permit application project would be implemented with the use of a checklist tiering to this decision which would be reviewed and signed by the respective District or Area Ranger. Specific project checklists may include but would not be limited to cultural, non-native invasive species, hydrological, soil, recreation, visual, biological and Forest Plan considerations. The Forest specialists responsible for each of these resource areas would review the checklist to identify site specific design elements that may be required and verify that the impacts accounted for within the analysis of the EA captures the individual project impacts. Throughout the analysis process and development of the EA, the checklist would be drafted to capture any and all considerations that would be necessary to implement this Project in full accordance with NEPA.

No above ground infrastructure on NFS lands is proposed; therefore, no visual scenic quality impacts are expected.

Minimal hazard tree removal clearing is planned, and ground disturbance is proposed within existing disturbed corridors so impacts to threatened, endangered, sensitive and locally rare species is expected to have no effect or not likely to adversely affect. Coordination would occur with the GWJNF Forest Biologist during project development to determine the best path forward for Fish and Wildlife Service consultation.

Largely, all ground disturbing activities are proposed in previously disturbed road and trail right-of-ways; therefore, minimal impacts to heritage resources are expected. Coordination would occur with the GWJNF Forest Archeologist during project development to determine the best path forward to address cultural resources and Section 106 and Tribal Historic Preservation Office consultations.

All stream and road crossings would be horizontally directionally drilled or attached to existing bridges therefore, no impacts to streams or wetlands are expected.

Depending on additional internal and external comments received, impacts to additional forest resources would be analyzed.

Public Involvement

We welcome your involvement and encourage your comments on this proposal. For your input to be most helpful, please identify issues/concerns specific to this project which you feel need to be addressed. Comments must be postmarked or received within 30 days of the date of this scoping letter.

This Project will be subject to the pre-decisional objection process at 36 CFR 218 Subparts A and B. Only those who submit timely and specific written comments per 36 Code of Federal Regulations (CFR) §218.2 regarding the proposed Project or activity during a public comment period established by the responsible official are eligible to file an objection (36 CFR §218.24(b)(6)). In order to raise issues during the objections period, they must be based on previously submitted, specific written comments regarding the proposed Project and attributed to the objector. The publication date of the legal notice in the newspaper of record is the exclusive means for calculating the time to submit written comments on a proposal or activity. All individuals and organizations are responsible for ensuring that their comments are received in a timely manner. Comments received, including commenter names and addresses, will be considered part of the public record on this proposed action and will be available for public inspection. Comments submitted anonymously will be accepted and considered; however, anonymous comments will not afford the agency the ability to provide the respondent with subsequent environmental documents. For objection eligibility, each individual or representative from each entity submitting timely and specific written comments regarding the proposed Project or activity must either sign the comments or verify identity upon request 36 CFR §218.24(b)(8).

Comments may be submitted electronically at:

<https://cara.ecosystemmanagement.org/Public/CommentInput?Project=61463>.

Electronic comments may be submitted as Microsoft Word documents (.doc or .docx), portable document files (.pdf), or in rich text format (.rtf), text (.txt), or hypertext markup language (.html).

This web form can also be accessed from the project website:

<https://www.fs.usda.gov/project/?project=61463> .

On the right side, you can select "Comment/Object on Project". Comments may also be mailed to the following address. Please state "Forestwide Fiberoptic Telecommunication Line Project" on the envelope when replying by mail.

Joby P. Timm, Forest Supervisor
5162 Valleypointe Parkway
Roanoke, VA 24019

Due to COVID-19, the Supervisor's Office is not open to the public. Customer service is being offered by phone or electronic communication. If you have any questions about this proposal,

please contact Jessie Howard at (540) 492-1728 or Jessie.Howard@usda.gov. Thank you for your interest in the management of your National Forests.

Sincerely,

JOB Y P. TIMM
Forest Supervisor



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | March 10, 2022

Meeting Title		WV Broadband Enhancement Council			Time	10:00 a.m.
Chairman		Robert L. Morris, Jr., Chair			Location:	Online Meeting
Meetings will be held by conference call due to COVID-19. Updates will occur as needed. Meeting Registration https://docs.google.com/forms/d/e/1FAIpQLSck4Yx0UqTohNG-LQBRYPyY5uZtgFcEkktGkiiRDhmkyZkuuQ/alreadyresponded You will receive call information upon registration .Please register for public comment; hold comments until public comment portion of agenda Phone: 1-207-209-2829 PIN 318-148-919#						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Council Member	Representing			Council Member	Representing
P	Robert L. Morris, Jr. Chair	Urban Residential User		–	C. Edward Gaunch	WV Dept. of Commerce, Cabinet Secretary
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		P	Jeff Proctor	Representing Secretary Gaunch
P	Roger Calhoun	Rural Residential User Congressional Dist. 3		P	Robert Cole	Rural Residential User Congressional Dist. 1
–	W. Clayton Burch	WV Dept. of Education, State Superintendent		P	Dennis Lee	Business User, Large Scale Broadband
P	Tim Conzett	Representing Clayton Burch		–	Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2
–	Joshua D. Spence	WV Office of Technology, Chief Technology Officer		–	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
P	James Dixon	Representing Joshua Spence		–	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
–	Jeff Whitman	Representing Joshua Spence		–	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)
–	Matt Turner	WV Higher Education Policy Commission Vice Chancellor		–	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)
P	Dr. Carl R. Powell	Representing Matt Turner		–	Vacancy: Rural Business User Congressional Dist. 1	
P	The Honorable Scott Edwards	Rural Business User, Congressional District 2			Vacancy: Urban Business User	
	Representative	Agency			Representative	Agency
–	Mitch Carmichael	WV Department of Economic Development		P	Vic Sprouse	WV Dept of Economic Development
P	Kelly Workman	WV Dept of Economic Development		P	Fred Feit, Chris Campbell	Tilson Technology Management
–	Todd Goddard	WV Dept of Economic Development		–	Jim Kelsh	Bowles Rice Legal Counsel
P	Jamie Hoffmann	WV Dept of Economic Development		–	Jason Pizatella, Lee F. Feinberg	Spilman Thomas & Battle
Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks			Congratulations to ARP & GigaBeen on their big announcement 19.6 Mil project, Logan & Mingo Counties 12,859 unserved households across the region.			
2. Approval of February 2022 Meeting Minutes, Financial Statement			Motion to accept the minutes of the Feb/22 meeting approved. Election for Vice Chairman? Mike Holstein nominated Jeff Proctor , second by Bob Cole .			
3. American Rescue Plan (ARPA) Program Development			Adolfo Torres: LEAD Applications – 22 Total Grant Funds Requested – \$86,635,626.68 Total Project Cost - \$148,912,624.10 Total Match - \$62,276,997.42 Targeted Addresses – 34,528 Total Addresses Passed – 47,110 Miles of Fiber – 2,575.42			

	<p> Counties – 22 MBPS Applications – 72 Total Grant Funds Requested - \$602,857,499.22 Total Project Cost - \$1,033,273,111.24 Targeted Addresses – 171,553 Total Addresses Passed – 196,802 Miles of Fiber – 13,909.88 Counties – 35 GigReady Applications – 29 Technical Assistance Requests – 23 Implementation Applications – 6 Counties – 27 Technical Assistance: <ul style="list-style-type: none"> Ansted, City of Berkeley County Council Boon County Commission Huntington , City of Fayette County Commission Grant County Development Authority Jefferson County Commission Mason County Commission Montgomery, City of Morgan County Commission Nicholas County Commission Pendleton County Broadband Council Putnam County Commission Regional 2 Planning & Development Council <ul style="list-style-type: none"> Lincoln, Mason Roane County EDA <ul style="list-style-type: none"> Braxton, Calhoun, Clay, Gilmer, Jackson, Roane, Webster </p> <p> Implementation: <ul style="list-style-type: none"> Roane County EDA Multi County Broadband Project <ul style="list-style-type: none"> Braxton, Calhoun, Clay, Gilmer, Jackson, Roane, Webster City of Nitro Monroe County Commission Raleigh County Commission Regional Economic Development Partnership <ul style="list-style-type: none"> Wetzel, Marshall, Ohio Summers County Commission </p> <p> Questions? Jeff Proctor: Dollar amount on GigaBean? Adolfo: Without knowing the amount of Tech Assistance included, we will know more later. </p>
<p>4. FCC RDOF Update -Status of Authorizations for WV Project Locations</p>	<p> Michael Jansen: Recent phase provides support for fixed Broadband RDOF Auction end of 2020. Applied for support after Auction end of 2021. Rolling out funding announcement on a monthly bases, significant amount awarded to bring funding to WV, Citynet over 53M, Prodigee almost 9M, Micrologic over 10M, to bring Gigabit Fiber across the state. Outstanding applications are Seabridge Telecom-Altice \$125,000 to bring broadband to over 500 locations, Frontier \$250M to almost 80,000, Gigabeen \$28M to over 9,000 locations, Shenendoah Cable \$100,000 to over 4,000, Starlink \$14M to 9,000 locations. WE will post announcements as soon as we can on the Auction904 website. Questions? Robbie Morris: What if a provisional auction awardee is not able to implement their award? Michael J: If money is not distributed, will they be in default. Robbie M: Can it be given to the 2nd place winner? Michael: No. Robbie M: Is there going to be an RDOF 2.0? Michael: There will be a </p>

	2 nd phase. Jeff Proctor: Was there a deadline for the long form to be submitted and has it passed? Michael: Yes and has passed.
5. Treasury Update 6. Legislative Update	Vic Sprouse: We have submitted the application for infrastructure. Its under review. We are now able to access our Administrative Funds. Legislation passed 90M in ARPA Funding. Legislative Update: Video had issues on playback, was unable to retrieve minutes.
7. US Forest Service Comments Submitted 8. Digital Equity Plan	Forestry: Requested comment for a plan that they can develop to expedite permits to get broadband expansion through Washington and Jefferson National Forrest. In your packet there was a letter prepared by Jim Kelsh and shared. Digital Equity: States needing to create Digital Equity Plan, Kelly W provided in your packet the framework. RFP will development with this framework.
9. Public Comment	Katherine Knight: We applaud you and the work that has been done. Offering help in any way needed. Suggests the website needing to be more user friendly.
10. Next Meeting Date	GoogleMeet unless Otherwise Noted: April14, 2022 10:00am ARC Power Applications due April 29, 2022 Letters of intent due by April 4, 2022
11. Adjournment	Robert Morris declared meeting adjourned.

Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Local Governments, Broadband, and the Law Toolkit in Final Edit. Release by September 2021
2.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | April 14, 2022

Meeting Title		WV Broadband Enhancement Council			Time	10:00 a.m.
Chairman		Robert L. Morris, Jr., Chairman			Location:	Online Meeting
Meetings will be held by conference call due to COVID-19. Updates will occur as needed. You will receive call information upon registration .Please register for public comment; hold comments until public comment portion of agenda Registration Form: https://forms.gle/April2022 or by phone:(US) +1 484-925-0859 PIN: 116 125 047#						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Council Member	Representing			Council Member	Representing
P	Robert L. Morris, Jr. Chairman	Urban Residential User		_	C. Edward Gaunch	WV Dept. of Commerce, Cabinet Secretary
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		P	Jeff Proctor	Representing Secretary Carmichael
P	Roger Calhoun	Rural Residential User Congressional Dist. 3		P	Robert Cole	Rural Residential User Congressional Dist. 1
_	W. Clayton Burch	WV Dept. of Education, State Superintendent		_	Dennis Lee	Business User, Large Scale Broadband
P	Tim Conzett	Representing Clayton Burch		P	Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2
_	Joshua D. Spence	WV Office of Technology, Chief Technology Officer		_	The Honorable Robert H. Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
P	James Dixon	Representing Joshua Spence		_	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
_	Jeff Whitman	Representing Joshua Spence		_	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)
_	Matt Turner	WV Higher Education Policy Commission Vice Chancellor		_	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)
P	Dr. Carl R. Powell	Representing Matt Turner		_	Vacancy: Rural Business User Congressional Dist. 1	
P	The Honorable Scott Edwards	Rural Business User, Congressional District 2			Vacancy: Urban Business User	
	Representative	Agency			Representative	Agency
_	Mitch B. Carmichael	WV Department of Economic Development		_	Vic Sprouse	WV Dept of Economic Development
P	Kelly Workman	WV Dept of Economic Development		_	Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management

–	Todd Goddard	WV Dept of Economic Development	–	Jim Kelsh	Bowles Rice Legal Counsel
–	Jamie Hoffmann	WV Dept of Economic Development	–	Jason Pizatella, Lee F. Feinberg	Spilman Thomas & Battle
Agenda Item			Details/Minutes		
1. Call to Order; Roll Call; Opening Remarks			Enough for a Quorum, Kelly Workman to introduce new members to the team: Stacy Kelly, Sabrina Stollings, and Greta		
2. Approval of March 2022 Meeting Minutes, Financial Statement			Approved, Bob Cole and Michael Holstine Financial Statement, end of March Balance \$888,444.00. \$500,000 preparation to the Council for fiscal year 2023 out of surplus revenue. Should be able to add \$500K to the Council Fund in August, Major expenses has been with Tilson, in which will now be paid from WVDED.		
3. American Rescue Plan (ARPA) Program Development			WV Dept. of Economic Development Staff Chris Campbell, Adolfo Torres, Tilson Technology Management <ul style="list-style-type: none"> Program Development Update Adolfo: Shared a Power Point WVBIP Update Robbie Morris : Projects and applications are being awarded. More announcements with applications will be coming out shortly.		

	<ul style="list-style-type: none"> Status of U.S. Treasury Application Process Vic Sprouse: We've been providing the Treasury with additional information. We are very excited WV will be one of the first states to be a part of the award announcement. Not sure on the timing. Hopefully in the next few weeks. Thankfully, the WV Legislature has provided us with \$90Million through State and Local Funds, that has allowed us to award the 21Million in projects. We are ready to go. Infrastructure Bill Update: McKenzie Corporation felt each state would get funds; WV may get 700Million out of this bill to help fund needs to getting Broadband out to West Virginians.
4. WVCTC Workforce Development Initiative	Tiffany Ellis-Williams, Director of Workforce & Economic Development WV Council for Community & Technical College Education B. David Rogers, WorkForce and Industry Training, WVDED Workforce needs in the telecommunication broadband expansion standpoint. Kelly Workman : Initially we hope to work with workforce and reaching out to internet service providers to get their input. Building upon electric utility training model and telecommunication and fiber installations. Other state programs, looking at Ohio's program. Tiffany : We are still in the beginning stages; we need to speak with stakeholders to get feedback on what is needed. Next meeting, we should have more information.
5. WV Digital Equity Plan	WVDED, Office of Broadband Vic Sprouse : Part of the Infrastructure Bill; Middle Mile Component, Digital Equity component, B Program (Fiber Construction). Digital Equity Component is so that communities get opportunities to not get left behind. <ol style="list-style-type: none"> Initial Planning Grant (based on formula) Digital Equity Capacity Grant (no one gets left behind) Digital Equity Competitive Grant (compete against other states to get the money)

	DED and Marshall University are working together to get the information needed to get awarded this money. MU is doing the initial work of researching demographics, incomes, and state needs when it comes to digital networks. We are getting a jump start on all of this getting MU involved on this process. We always want to be one of the first states to get things completed to get every dollar possible for our state. Kent: We are in the very beginning stages and looking forward to working on this.			
6. FCC Notice of Proposed Rulemaking	Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, Second Further Notice of Proposed Rulemaking – WC Docket No. 17-84 Jim Kelsh: FCC issued a notice on rule making. Initial comment period has not appeared yet, possibly due mid-June. Pole attachment; FCC is considering revisiting cost allocation principals, dispute resolution procedures, would like to see clear process expenditures Broadband deployment. Kelly Workman: Taking notice of all of this and additional costs of projects. We will be watching the process as it rolls out.			
7. Public Comment	Sign-In for Public Comment: None			
8. Next Meeting Date	Google Meet Unless Otherwise Noted May 12, 2022 at 10:00am			
9. Adjournment	Adjourned			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Local Governments, Broadband, and the Law Requested Update April 2022
2.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021



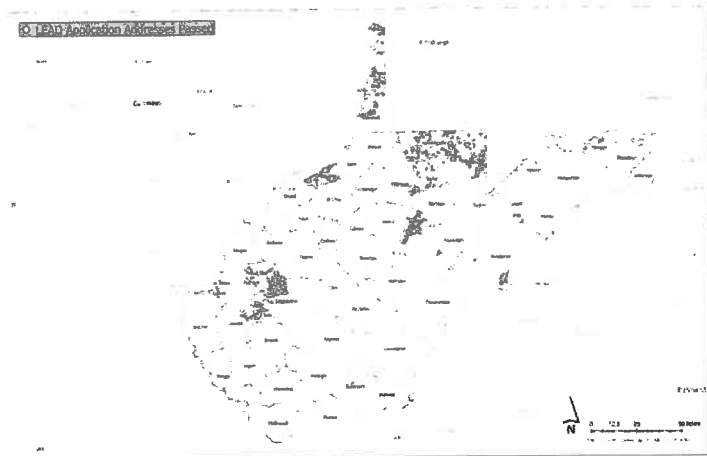
WVBIP Update - LEAD

Funded to Date

- **Awardees to Date:** 10
- **Awarded:** \$21,716,076
- **Matching Funds:** \$6,071,146
- **Total Project Cost:** \$27,787,222
- **Fiber Miles:** 428
- **Targeted Addresses:** 5,900

Total Applications

- **Total Grant Funds Requested:** \$86,635,626
- **Total Project Cost:** \$148,912,624.10
- **Total Match:** \$62,276,997.42
- **Targeted Addresses:** 34,528
- **Total Addresses Passed:** 47,110
- **Miles of Fiber:** 2,575.42
- **Counties:** 22



WVBIP Update-LEAD

- **Conducting LEAD Round 1 Individual Awardee Meetings -6 Projects**
 1. CityNet: Complete
 2. Hardy Telecommunications: Complete
 3. Prodigy: Complete
 4. Comcast: Complete
- **Coordinating with State Historic Preservation Office**
- **Coordinating Permit Phase with WV Division of Highways**
- **Pole Attachment Agreements**
- **LEAD Round 2 Funding Announcements - 4 Projects**
 1. 2 Grant Agreements in Process
 2. 2 Challenges

WVBIP Update - GigReady

Applications: 29
Technical Assistance
Requests: 23
Implementation
Applications: 6
Counties: 27

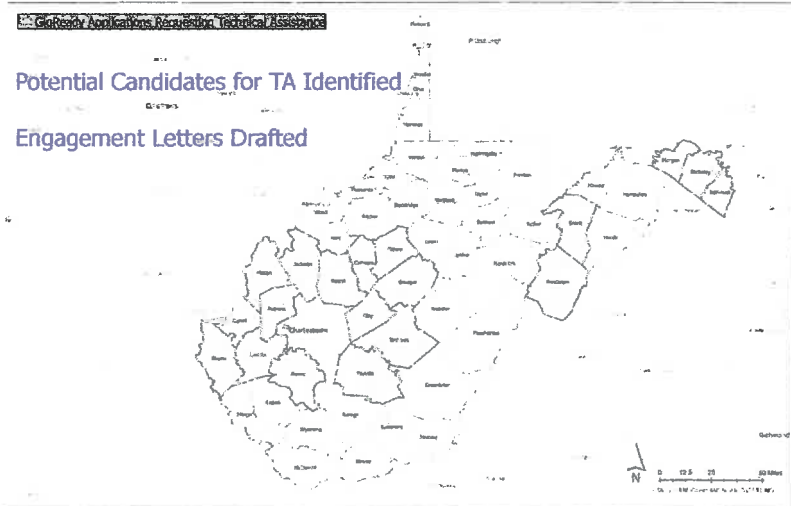
Technical Assistance:

1. Ansted, City of
2. Berkeley County Council
3. Boone County Commission
4. Huntington, City of
5. Fayette County Commission
6. Grant County Development Authority
7. Jefferson County Commission
8. Mason County Commission
9. Montgomery, City of
10. Morgan County Commission
11. Nicholas County Commission
12. Pendleton County Broadband Council
13. Putnam County Commission
14. Regional 2 Planning & Development Council
 - Lincoln, Mason
1. Roane County EDA
 - Braxton, Calhoun, Clay, Gilmer, Jackson, Roane, Webster

GigReady Applications Receiving Technical Assistance

Potential Candidates for TA Identified

Engagement Letters Drafted



WVBIP Update - GigReady

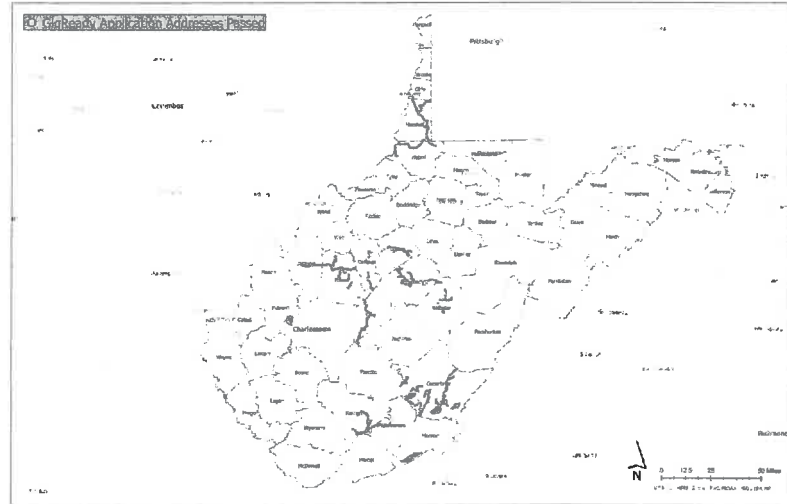
Applications: 29

Implementation

Applications: 6

Implementation:

1. Roane County EDA Multi County Broadband Project
 - Braxton, Calhoun, Clay, Gilmer, Jackson, Roane, Webster
2. City of Nitro
3. Monroe County Commission
4. Raleigh County Commission
5. Regional Economic Development Partnership
 - Wetzel, Marshall, Ohio
6. Summers County Commission



WVBIP Update-MBPS

Applications: 72

Total Grant Funds Requested
\$602,857,499.22

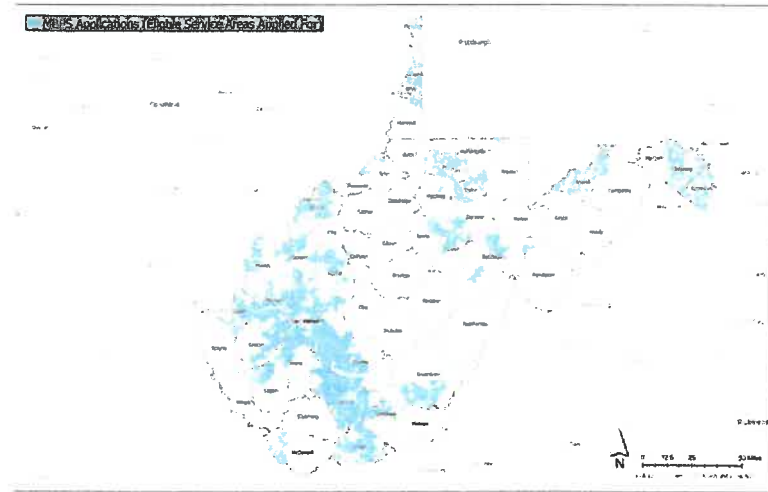
Total Project Cost: \$1,033,273,111

Targeted Addresses: 171,553

Total Addresses Passed: 196,802

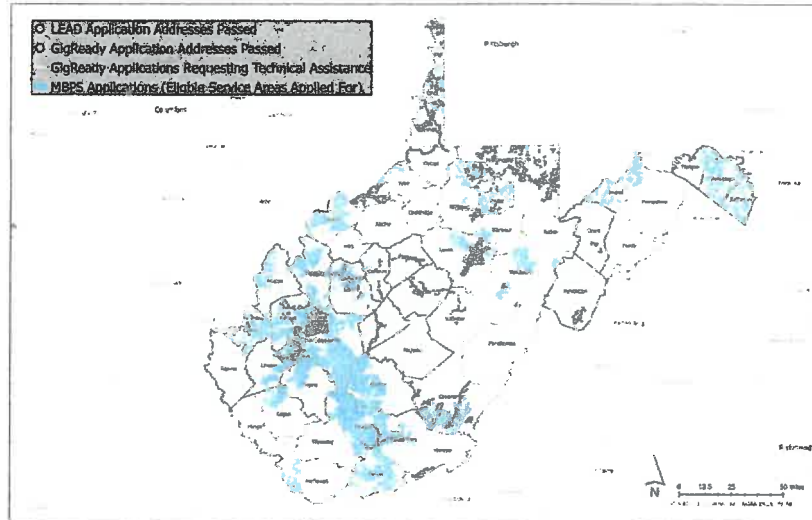
Miles of Fiber: 13,909.88

Counties: 35



WVBIP Update – All Programs

1. Strong Geographic Distribution
2. Coordination with Other Federal Programs
 - a. ARC
 - b. FCC
 - c. USDA
3. Continuous Mapping Updates



WVBIP Update - WIN

WIN Program Launch: \$10 Million State Funding

- **Program Procedures Posted:** April 29
- **Webinar Scheduled:** May 18 at 9:30 a.m.
- **Tentative Dates**
 - Portal Opens: May 20
 - Applications Due: June 30

Key Initiatives

1. IIJA, U.S. Dept. of Commerce, NTIA:

- a. **BEAD (Equity, Access and Deployment) Program** **\$42 Billion**
Estimated Application Opening date, 2nd Quarter 2022
- b. **Middle Mile Grant Program** **\$1 Billion**
Estimated Application Opening date, 2nd Quarter 2022
- c. **State Digital Equity Planning Grant** **\$60 Million**
Estimated Application Opening date, 2nd Quarter 2022; NOFO June 2022
- d. **Digital Equity Competitive Grant** **\$1.44 Billion**
Estimated Application Opening date, 2nd Quarter 2022; NOFO June 2022

2. WorkForce Development Program





MEETING MINUTES / May 12, 2022

Meeting Title		WV Broadband Enhancement Council			Time:	10:00 a.m.
Chairman		Robert L. Morris, Jr., Chair			Location:	Online Meeting
Meetings will be held by conference call due to COVID-19. You will receive call information upon registration. Please register for public comment; hold comments until public comment portion of agenda Meeting Link: http://forms.gle/May2022/						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Council Member	Representing			Council Member	Representing
P	Robert L. Morris, Jr. Chair	Urban Residential User		–	Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		P	Jeff Proctor	Vice Chairman Representing Secretary Carmichael
P	Roger Calhoun	Rural Residential User Congressional Dist. 3		–	Robert Cole	Rural Residential User Congressional Dist. 1
–	W. Clayton Burch	WV Dept. of Education, State Superintendent		–	Dennis Lee	Business User, Large Scale Broadband
P	Tim Conzett	Representing Clayton Burch		P	Honorable Ronald G. Pearson	Rural Residential User Cong. Dist. 2
–	Joshua D. Spence	WV Office of Technology, Chief Technology Officer		–	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)
P	James Dixon	Representing Joshua Spence		–	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
–	Jeff Whitman	Representing Joshua Spence		–	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)
–	Matt Turner	WV Higher Education Policy Commission Vice Chancellor		P	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)
–	Dr. Carl R. Powell	Representing Matt Turner		–	Vacancy: Rural Business User Congressional Dist. 1	
–	The Honorable Scott Edwards	Rural Business User, Congressional District 2			Vacancy: Urban Business User	
	Representative	Agency			Representative	Agency
P	Kelly Workman, Jamie Hoffmann, Vic Sprouse	WV Department of Economic Development		P	Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management
–	Jim Kelsh	Bowles Rice Legal Counsel		–		
Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks			Quorum was established.			
2. Approval of April 2022 Council Meeting Minute and Financial Statement			With no changes to the April 2022 minutes, Michael Holstine made a motion to approve the minutes; Roger Calhoun seconded the motion. Motion passed unanimously. The Broadband Council started the month with \$888,000 and ended the month of April with a balance of \$886,000. (copy of the financial statement is provided in the packet)			
3. Updated Council Member List and Appointment of Jeff Proctor as Secretary Carmichael Proxy			An updated Membership Directory for Council has been included in the council packet. Jeff Proctor, who served as Secretary Gaunch’s proxy for the Broadband Council, has been appointed by Secretary Carmichael and now serves as his proxy. Congratulations Jeff! Mr. Proctor stated that his contact information provided on the Membership Directory for Council was incorrect. Mr. Morris stated that Mr. Proctor’s address will be updated with his correct contact information. An updated Membership Directory has been included in the packet for this meeting.			

<p>4. American Rescue Plan (ARPA) Program Development</p>	<p>Adolfo Torres of Tilson Technology Management gave a presentation on all programs and their corresponding projects updating the council with an up-to-date status regarding each. In the Lead Program, 10 applicants have been awarded to date. The total amount awarded is \$21,716,076, with a Matching Funds total at \$6,071,146. The total project cost is \$27,787,222. With Lead Round 1, we have conducted 6 awardee meetings for 4 applicants. The Lead Round 2 funding announcements include 4 projects. With the GigReady program, we have received 29 applications, 23 applications have requested Technical Assistance, and 6 applications are in implementation. Technical Assistance letters for the 23 applicants went out on May 6th. For MBPS, we have received a total of 72 applications which were over funded at an amount of \$602,857,499. Applications cover 35 counties and include 13,909.88 miles of fiber. Strong geographic distribution, coordination with ARC, FCC, and USDA, and continuous mapping updates to ensure best coverage are being implemented in all 3 programs to ensure we get the best applications for each. The WIN Program is being launched with \$10,000,000 in state funding. The program procedures are being posted on our website April 29th, and a webinar has been scheduled for May 18th at 9:30 am. The Targeted Area maps and the portal will become open for applicants on May 20th with a closing deadline of June 30th for all applications.</p>
<p>5. RDOF Update- Fred Feit, Tilson Technology Management</p>	<p>Fred Feit stated that the RDOF updates will start winding down seeing as how we are at a year post auction. Fred Feit reviewed a few projects that are almost in the “Final Stage” or “Support Stage”. Frontier, in WV as well as in other states, has not gotten to the “Final Stage” but has been included on the FCC’s list of “Ready to Authorize” and looks for the “Final Stage” process to follow very soon. Another WV provider (provider’s name wasn’t given) received their “Ready to Authorize” notification on November 10, 2021 and received their “Support Authorization” notification on March 14, 2022, showing a timeline between at 3 months, just to give everyone an idea on timelines. Another WV provider (provider’s name was not given) is on the FCC’s “Ready to Authorize” list and it appears this provider’s “Final Authorization” may come around June. Jeff Proctor had a question: Several people have asked about the Space X program and Beta Program, what would be your advice to these people who are not willing to wait for service when they don’t currently have any service and are paying approximately \$700.00 for the antenna and modem? Should they wait for RDOF or will they get reimbursed for the equipment? Fred Feit answered stating that, “If a service provider has a RDOF obligation in a certain service block, they can still charge an installation fee or equipment fees.” The RDOF funding is used to build the infrastructure. There are no caps or policies on charging customers for equipment usage. End users will have to buy hardware, with no reimbursement. If they are approved as a RDOF subsidy user, there is a cap for the amount they can be charged monthly, but nothing, no restrictions on equipment. Robbie Morris asked: Once an RDOF recipient is fully authorized, they have 3 years to get 30% and then in year 4, 20% more of the project should be completed; with a 6 year total completion time for the project. Frontier, who has a lot of work here in WV, can the public view any of the construction schedules or Frontier’s plan of attack? Fred Feit answered the question explaining in year 3 of the project, 40% of the project should be complete. 20% more of the project should be completed in year 4, with 6 years total to complete the entire project. The exception would be a new home or homes being built in a project location. The provider would then have an additional 2 years added to the total project completion time line. The HUBB portal is where</p>

	<p>providers will report progress and this progress will be made public knowledge for viewing. The provider doesn't have to enter any information into the HUBB portal until 40% of the project is complete. Providers will base the reported information on all addresses that are completed. Mr. Pearson asked: Is it not true that areas covered by RDOF awards, if they are finalized, will not be disqualified for any of this new money/funding? Since RDOF doesn't have to be developed any faster than 10yrs, and questions regarding what/if Frontier is able to do, is the fate of WV at risk at being further delayed if the Frontier RDOF awards are finalized and approved due to continuous and failure to advance with internet in because of the low bids that Frontier submitted to tie up a large amount of territory and work within our state. Fred Feit answered with, "RDOF does have a long timeline for construction due to the way the funds are distributed." Being a subsidy auction, that extends the timeline as well. If they are receiving an RDOF award, they are currently "disqualified" for other funds. Capital Project Funding, ARPA, etc. they MAY be eligible for grants through these programs as well as others. It's a matter of planning and discretion to make the state's funding available to those who need it most. Mr Pearson: This isn't frustration but I feel this is a critical importance to those that are awaiting final stages with the RDOF award decision and whether or not Frontier is going to get to the final stages or not and if they do get the funding, this area will not be eligible for additional funds that could come sooner? Is that correct? Mr. Feit answered stating that is correct. Mike Hostine asked: This is a practical/technical question, the discussion about reporting at the 3 years 40% build out based on a residential level, do we know what is considered the build out? Is it a physical build out to the resident with fiber? If so, how does that jive with the fact that they are building out but say a resident doesn't want the service because of affordability, etc. Will fiber still be run to that residential address anyways? Mr. Feit answered: RDOF fiber is measured by "homes passed". Fiber is run through black boxes and made easily accessible to get to the last 100 ft of fiber that was run and the location. As long as they pass 40% of the homes, they have completed the first stage of the milestone. The last mile/drop of fiber doesn't need to be installed until service is actually requested from the resident and once service is requested, the provider has 10 business days to complete installation and hook up to gain a completed address. As long as the provider has the ability to complete any requests/build outs easily and can make a service drop easy, that is the only requirement. Some locations may incur an installation fee which will incur extra costs, that doesn't mean it will be exorbitant, but maybe slightly higher. Michael Hosltine: I am worried because there are customers in my area that have waited 7 months to get a telephone on copper line. If Frontier gets credit for serving an area just because they ran fiber by the location, that to me doesn't qualify as serving an address. Logan Shomo: Follow up on RDOF served and unserved questions, Secretary Raimondo clarified that if locations are still waiting on RDOF funding, they won't be counted as served for the NTIA 42 billion dollar BEAD program UNTIL they are actually served. Mr. Shomo stated that his office is reaching out to Secretary Raimondo's office for confirmation on this matter and will update the Broadband Council as soon as an answer is provided.</p>
<p>6. Infrastructure Investment and Jobs Act and other Federal Broadband Investment Programs</p>	<p>Fred Feit, Tilson Technology Management KEY INITIATIVES AND ADDITIONAL FUNDING: Fred Feit reviewed how WV has been working with the ARPA/Capital Projects Fund and has received \$136,000,000 through the Capital Projects Fund. The Capital Projects Fund has been dedicated for Broadband Infrastructure Spending. Mr. Feit explained how WV has jumped</p>

<p>a. IJA includes Six Grant Programs in Authorizations and Appropriations in Division F, P.L. 117-58</p> <p>b. At least \$100 million allocated to each state</p>	<p>on the opportunity provided through this funding and has applied for approximately \$90,000,000-\$100,000,000 out of WV's allocated amount of the ARPA State and Local Fiscal Recovery Fund. He stated how the funds were on hand, and that the application process for WV has been reviewed by the US Treasury and that our approval process is well on its way. He speculated that he expects the funding to be awarded to us shortly. Kelly Workman and Vic Sprouse took the time to apply for this additional funding and any further questions on the matter should be directed to either Subsequent legislation was passed several months after ARPA, the "Bipartisan Infrastructure Deal (Infrastructure Investment and Jobs Act), which allows for additional funding sources for Broadband Infrastructure and affordability programs. 4 additional programs under this deal are the BEAD Program, which is offering \$42 Billion nationally, the Middle Mile Grant Program, offering \$1 Billion nationally, the State Digital Equity Planning Grant offering \$60 Million nationally, and the Digital Equity Planning Grant offering \$1.44 Billion nationally. Mr. Feit chose not to speak on item 3. in the presentation "Workforce Development Program: Preliminary Development Phase." Robbie Morris proceeded and opened the floor up for any questions directed to Fred Feit or Adolfo Torres. Jeff Proctor asked if there was a place on the website for people qualifying for affordable assistance to go to to find out about any available money that may assist this group? Jamie Hoffmann explained how the information regarding this matter is on the Broadband Council website (www.broadband.wv.gov). Mr. Hoffmann also stated that he thinks this resource could be advertised better to ensure that users are directed exactly where they need to go. Robbie Morris touched on President Biden's announcement of the ACP program on April 8th and how Kelly Workman, Director of the Office of Broadband Development was in attendance for President Biden's announcement in the Rose Garden at the White House. Fred Feit then spoke on the administration of the ACP program. For the ACP program, service providers will need to register to participate with the FCC to qualify. In order for an end user to take advantage of this program, they should go DIRECTLY TO the service provider's website and sign up on said service provider's site.</p>
<p>7. Council RFP for Consulting Services</p>	<p>The Broadband Council's current consulting contract with Tilson is ending soon and we are now going through the procurement process to handle this matter. A copy of the updated RFP is provided in the Council packet. The RFP lists the projects, goals, and expectations of services being performed by the firm and gives knowledge on what we want and expect. Line 4.8 in the RFP talks about a "Workforce Development Group". Conversations are in process and moving ahead with the development of the Workforce Development Group. No questions were asked regarding the RFP. Robbie Morris obtained motion to approve the RFP. No members opposed.</p>
<p>8. WIN Program Webinar</p>	<p>The WIN webinar will be held May 18th, 2022 starting at 9:30am and lasting approximately till 12:30pm. The webinar will cover the WIN funding, which is \$10,000,000 for wireless programs. Everyone is invited to attend and view the webinar. Jamie Hoffman pointed out some tentative dates regarding the WIN program. Monday, May 16th, the updated maps which include addresses and state park boundaries will be posted and covered in the webinar. No one had any questions regarding the WIN program or the webinar.</p>

9. ARC POWER Applications submitted from West Virginia	The ARC Power applications are as follows: 3 applications total. Boone EDA, Mercer County, and Summers County. Robbie Morris asked if Jamie Hoffman had any other details on the 3 applications. Jamie Hoffmann stated there were no updates to date, but meetings and phone calls are in process and any updates we have will be directed to the Council as soon as possible.			
10. Public Comment	Sign-In for Public Comment. No one signed up for public comments.			
11. Next Meeting Date	Google Meet and Onsite: Jun 9, 2022.			
12. Adjournment	Robbie Morris declared Meeting Adjourned.			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	Legal and Cooperative Toolkit and Training	WVU Law	June 2017	Local Governments, Broadband, and the Law Toolkit in Final Edit. Release by September 2021
2.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021