



**2024**

# **WEST VIRGINIA OFFICE OF BROADBAND**

West Virginia Broadband Enhancement Council

## **Capital Projects Fund (CPF) Annual Performance Report**



**WEST  
VIRGINIA**

**Economic Development**



**WEST  
VIRGINIA**

**Office of Broadband**



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## 1. Program Information

**Approved Program Plan Number** – CPF\_GP\_000122

**Program Start Date** – June 7, 2022

**Program End Date** – December 31, 2026

**Actual CPF Funds Allocated to this Program** - \$130,203,698.00

## 2. Executive Summary

The West Virginia Department of Economic Development (WVDED) in coordination with the West Virginia Office of Broadband (“Office”) and West Virginia Broadband Enhancement Council (“Council”) have been diligently administering Capital Projects Funds (CPF) of the American Rescue Plan Act (ARPA) to deploy broadband infrastructure projects.

With the use of CPF, in 2021, Governor Justice launched West Virginia’s Billion Dollar Broadband Strategy. The Governor announced the State's bold broadband initiative on Friday, October 15, 2021. Learn more about the Governor's announcement here: [Gov.-Justice-announces-Billion-Dollar-Broadband-Strategy](#).

To carry out the Governor’s Billion Dollar Broadband Strategy, the West Virginia Department of Economic Development, Office of Broadband, in coordination with the West Virginia Broadband Enhancement Council, developed and launched the West Virginia Broadband Investment Plan (WVBIP). The WVBIP is designed to:

- Leverage Private Investment
- Involve Local Governments
- Encourage Public-Private Partnerships
- Connect the Unconnected

The WVBIP includes three separate programs for projects that can be awarded funding from Capital Projects Fund or State and Local Fiscal Recovery Fund (SLFRF), each designed to meet West Virginia’s broadband development needs through efficient utilization of state and federal funding streams. The programs were developed to align with ARPA rules and guidance and contains three well defined infrastructure grant initiatives. All three programs focus on last mile connections to locations without access to reliable wireline service of 25/3 Mbps. Deployed networks will deliver a minimum of 100/20 Mbps and are scalable to symmetrical 100 Mbps. The programs of the WVBIP encourages networks owned or affiliated with local governments, ensure participation in federal affordability programs, and promotes the availability of a low-cost service.

Briefly, the WVBIP programs include:

- Line Extension, Advancement and Development (LEAD): Expansions of existing fiber and cable networks,
- GigReady: A state incentive for local governments and organizations to pool local ARPA allocations or other local funding, and
- Major Broadband Project Strategies (MPBS): Significant new networks or major expansions of existing network.

Project announcements began in 2022, and by July of 2024, 618 West Virginians are being connected to new broadband infrastructure. Connections are currently being made with the support of State and Local Fiscal Recovery Fund programs funds; however, the WVDED anticipated connections to be made with CPF programs funds this year. Additional connections will continue throughout 2024 as this comprehensive strategy is implemented. As of March 31, 2024, Governor Justice has announced 22 CPF projects that will connect 23,792 unserved locations.

### 3. Uses of Funds

In preparation for the Capital Projects Fund program, the WVDED conducted an extensive evaluation of broadband service in West Virginia. As a result, the WVDED developed an understanding of the Internet Service Providers operating within West Virginia, and the unserved areas of West Virginia.

The WVDED conducted an extensive broadband data gathering initiative in cooperation with the state's Internet Service Providers, units of local government, and regional planning organizations. The initiative included a Request for Comment on Unserved Areas from July 12, 2021, to September 7, 2021. The Request for Comment was developed to identify existing fiber and cable networks currently serving communities throughout West Virginia with broadband speeds of at least 25 Mbps download and 3 Mbps upload (25/3 Mbps).

After the analysis of data received through the Request for Comment process, the WVDED prepared a Target Area Address Map for use in the ARPA programs. Not all claims or data submissions were accepted as-is. In some cases, the WVDED used a conservative estimate about the extent of an ISP's service. Claims that could not be verified in some manner were not accepted.

The WVBIP targets addresses that are both unserved and lacking a committed, enforceable planned project that will bring broadband service to them. "Targeted" addresses are:

- Estimated to have no current access to internet service with at least 25 Mbps download and 3 Mbps upload (25/3 Mbps) speeds, not counting access to satellite or mobile wireless internet, and
- Not in an area with a binding commitment to a state, federal, or local entity to deliver mass market broadband service of at least 25/3 Mbps, not counting commitments to expand access to satellite or mobile wireless internet.

The WVDED ensures that CPF resources are committed to projects that will provide broadband connectivity to the unserved areas of West Virginia. Capital Project Fund resources are prioritized in the areas of West Virginia with the greatest need for broadband connectivity.

The unserved areas of West Virginia face several challenges, including, but not limited to:

- a. **Lack of Internet Service Providers:** In many of the state's rural areas, there may only be one viable provider. In certain instances, the requirement for 100/100, with no exceptions, would leave many deserving communities unserved. In consideration of all factors, the Department may seek to approve the extension of a reputable cable network capable of scaling to 100/100. Choosing to forego this option would effectively block the state's ability to provide unserved

communities with broadband connectivity that exceeds the current definition of broadband but is less than 100/100 service.

- b. **Low Population Density:** In certain cases, it may be financially infeasible to build new fiber services to areas that may be more efficiently served by a nearby cable provider. The state seeks to maximize resources to assist as many West Virginians as possible.
- c. **Mountainous Topography:** West Virginia is known as the Mountain State. Many areas of West Virginia present significant geographical challenges due to mountainous topography, making it financially infeasible to extend fiber networks to all unserved areas of the state.

The WVDED has established methods by which projects will be evaluated, selected, and managed to ensure that the most financially and technically feasible projects are selected. In addition, the Department has established strong internal controls that include network validation, field inspections and field verifications to ensure that networks perform as designed.

ZoomGrants, an online grant application is utilized to analyze, award, applications of the WVBIP. ZoomGrants is also used to manage post-award grant activities. Post-award activities include distinct steps to ensure compliance with state, local, and federal laws, financial and technical feasibility, resilience, and to ensure the project awarded is completed in the way it was intended. Below outlines the event sequence of projects awarded under the WVBIP.

## TIMELINE TO PROJECT COMPLETION

### EVENT SEQUENCE

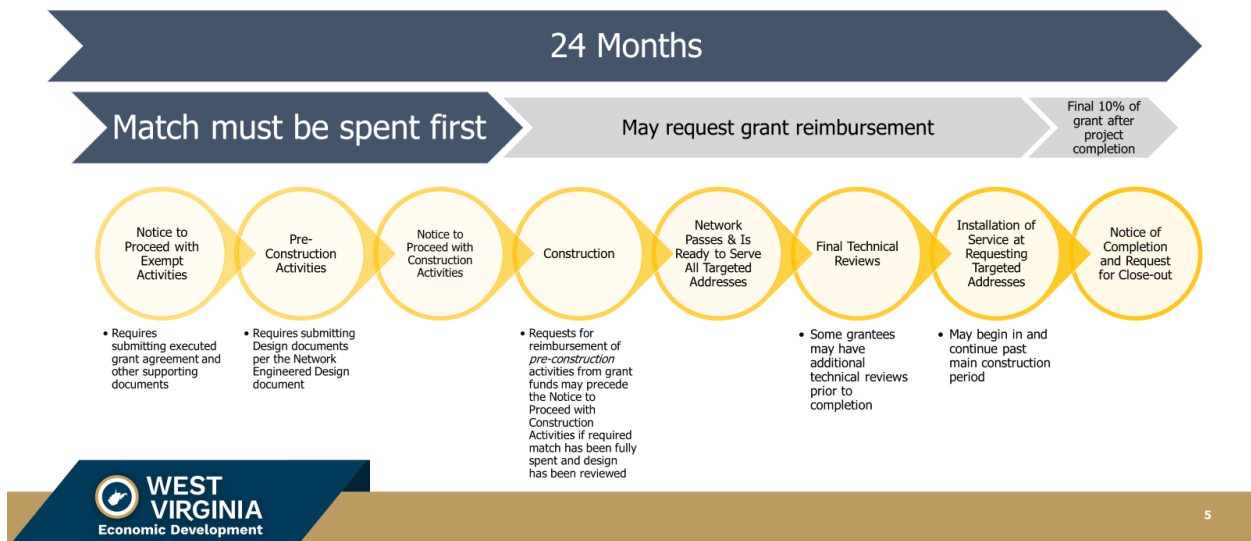


Figure 1: Project Timeline

Upon final approval an award, projects are subject to a 14-day challenge period where ISPs may submit information regarding the availability of broadband data to a specific location to be covered by the project. The WVDED validates the presence of the grantee to ensure an award move forward; however,

prior to issuing a grant agreement, the WVDED validates that the application meets state, local, and federal laws.

The post-award grant process is structured by distinct phases designed to ensure projects are compliant and meeting requirements that will ensure connectivity. Grantees may not move forward to each distinct phase of the program until receiving an official written notice from the WVDED. Those phases include the Notice to Proceed with Exempt Activities (NTPE), the Notice to Proceed with Construction (NTPC), and the Notice of Completion and Request for Close-Out (NOC).

Grantees may not begin construction until all permitting, and network design planning is completed. Essential items for receiving a NTPC include

- Submit Budget Amendment Form (BAF) in ZoomGrants (initial budget assumptions for the project)
- Submit Project Information to WVDOH District Office for Prior Review
- Preliminary Pole Attachment Data submitted to Pole Owner(s)
- Preliminary Engineering Design submitted to WVDOH and applicable jurisdictions, including counties and/or municipalities
- Final Engineering Design Submitted to WVDOH, Include Bridge Alternatives Analysis as applicable
- Final Engineering Design Submitted to WVDED
- Complete Environmental Review for WVDOH ROW Access
- Begin Acquisitions and Easements as applicable
- Complete Dig Once Notifications as applicable
- Contractor Debarment Review Certification - Sam.gov
- Complete all Easements, Land Acquisitions, ROWs, and Pole Attachment Agreements as applicable
- Submit WVDOH MM109 Permit Application and Applicable Bonds:
  - Bid Bond
  - Performance Bond
  - Payment Bond
- Submit copies of all applicable permits, agreements, and clearances to WVDED (WVDOH Permit and Local Permit(s) Required).

Grantees are required to spend their matching funds in entirety prior to receiving a grant disbursement. At this time, CPF program funds have not yet been disbursed to grantees.

As of July 31, 2024, the WVDED have awarded 22 projects. With the deployment of 2,081 miles of new infrastructure, these projects will bring connectivity to 23,792 unserved locations. The WVDED does not rely on one single entity to close the digital divide. This has been demonstrated by making awards to 8 different companies distributed across 25 counties through a competitive process.

Program grantees with DOCSIS based funded networks are required to describe in detail their path to scaling their networks to the symmetrical 100Mbps requirement. These applicants have described their planned transitions from older DOCSIS standards such as DOCSIS 3.1 to DOCSIS 4, which will accommodate the symmetrical 100 Mbps requirement.

When deemed necessary to serve a community via a cable internet solution, the WVDED can verify, through its extensive broadband data and mapping, that no other provider has elected to serve the area. The WVDED can provide strong justification to prove that, but for the cable provider, no other solution is possible. In these cases, the WVDED will seek concurrence from the United States Department of Treasury (“Treasury”) to provide this broadband connectivity to unserved areas of West Virginia. Comcast Communications, LLC was the only company awarded to deploy DOCSIS technology.

The following table provides statistics for projects awarded by the Office of Broadband using CPF funds

Program	Number of Awarded Projects	Counties	New Miles of Plant	Total Targeted Addresses Funded	% of Targeted Addresses Funded	Low-to-Median Income Addresses	Total Addresses
<b>LEAD</b>	14	8	550.3	4,596	74.7%	2,677	5,152
<b>MBPS</b>	6	8	1,066.5	9,002	72.2%	4,624	12,471
<b>GigReady</b>	2	10	464.4	10,194	52.3%	8,252	19,493
<b>Total</b>	<b>22</b>	<b>25</b>	<b>2,081.2</b>	<b>23,792</b>	<b>62.4%</b>	<b>15,553</b>	<b>38,116</b>

Figure 2: Table of CPF projects awarded as of March 31, 2024.

Please visit the [West Virginia Broadband Project Dashboard](https://broadband.wv.gov) at [broadband.wv.gov](https://broadband.wv.gov) to view an interactive dashboard of projects awarded under ARPA including projects awarded with State and Local Fiscal Recovery Fund program funds.

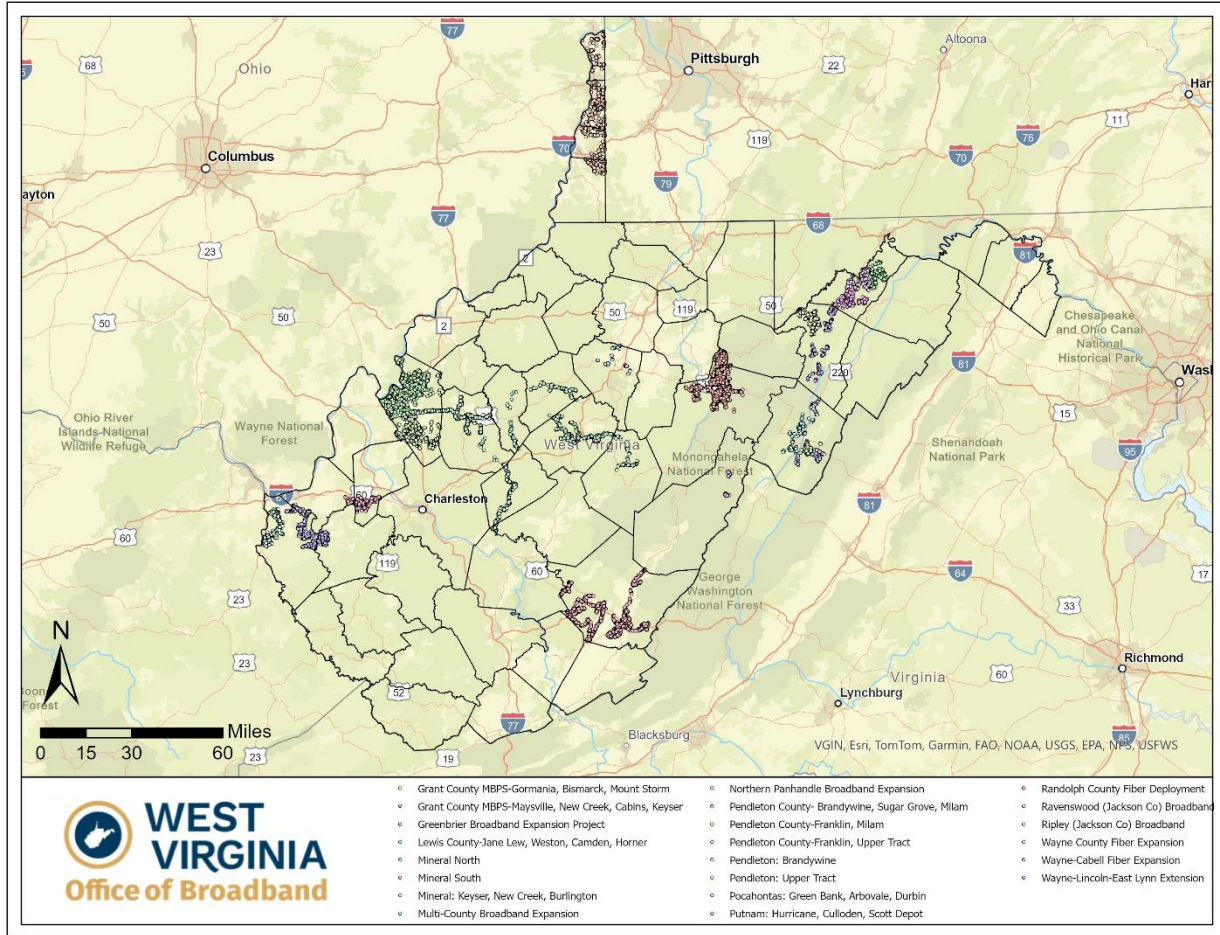
Overall, under ARPA, the WVDED has awarded \$174,425,301 towards broadband infrastructure projects. Respectively, \$64,379,629 in SLFRF program funds have been awarded to 20 projects and \$110,725,622 in CPF program funds have been awarded to 22 projects. Figure 3 below demonstrates metrics on SLFRF funding.

Program	Number of Awarded Projects	Counties	New Miles of Plant	Total Targeted Addresses Funded	% of Targeted Addresses Funded	Low-to-Median Income Addresses	Total Addresses
<b>LEAD</b>	15	21	1,179.9	9,803	57.6%	6,512	17,011
<b>MBPS</b>	5	7	588.8	6,022	81.4%	2,491	7,026
<b>GigReady</b>	0	0	0.0	0	0.0%	0	0
<b>Total</b>	<b>20</b>	<b>24</b>	<b>1,768.7</b>	<b>15,825</b>	<b>61.9%</b>	<b>9,003</b>	<b>24,037</b>

Figure 3: Table of SLFRF project awarded as of March 31, 2024.

Figure 4 Below demonstrates all active CPF projects awarded as of June 2024.

Figure 4: ARPA projects as of June 2024.





#### 4. Promoting Equitable Outcomes and Addressing Critical Needs

The Office of Broadband has promoted equitable outcomes in its distribution of CPF funds by incorporating scoring criteria for applicants that prioritize projects based on whether they meet certain factors. Included in such factors are the affordability of the project, with points awarded for more affordable service offerings as well as points for awardees offering discounted service tiers to low-income customers.

Additionally, as part of its applicant scoring criteria, the Office weighs community impact factors, prioritizing applications, or projects in areas of low or moderate income, high unemployment, high poverty, or economic distress. Included in the Office's evaluation of a project's community impact factors are whether projects support a plan to improve digital literacy in affected communities, particularly in populations that have experienced inequities in access to work, education, and health care or health information that resulted from, was made apparent, or was exacerbated by the COVID-19 public health emergency.

Other community impact factors for which projects earn scoring priority are: whether the project would provide service that supports major economic development initiatives identified by regional planning or development councils or economic development authorities; whether the project supports or implements a recent broadband planning initiative within a county or region; whether the project is coordinated with or builds upon other nearby projects that will provide greater regional benefit; whether the project has strategic partnerships involved in the proposed project, for example, electric utilities, universities, and federal, state, or local agencies; and whether the project addresses targeted premises in a region of the state with high need but relatively few funded projects.

#### 5. Labor

The Office of Broadband has incorporated the following requirements as part of its grant agreements with providers to promote strong labor practices. Each grant agreement with subrecipients and grantees notes the Treasury's general encouragement that projects incorporate strong labor standards, including labor agreements and local hire provisions that offer wages at or above the prevailing rate and include local hire provisions. The grant agreements further state that while Federal Davis-Bacon Act prevailing wage requirements do not apply to projects funded solely by ARPA funds, if such funds are used on a construction project in conjunction with funds from another federal program that does require enforcement of the Davis-Bacon Act, that grantees may be subject to those requirements.

To ensure that grantees meet Treasury's labor reporting requirements, the Office of Broadband has included labor reporting requirements provisions in its grant agreements with subrecipients as applicable to ARPA-funded projects over certain levels of expected total cost. Grantees are required to report on whether the project prioritizes local hires and whether the project has a community benefit agreement, with a description of any such agreement.

In addition, grantees may provide a certification that, for the project, all laborers and mechanics employed by contractors and subcontractors in the performance of the project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a

character similar to the contract work in the civil subdivision of the State in which the work is to be performed.

If the grantee does not provide the above prevailing wage certification, the grantee must provide a project employment and local impact report detailing the number of employees of contractors and sub-contractors working on the project; the number of employees on the project hired directly and hired through a third party; the wages and benefits of workers on the project by classification; and whether those wages are at rates less than those prevailing. (As determined by US Secretary of Labor in accordance with subchapter IV of chapter 31 of Title 40, United States Code (“Davis-Bacon Act”). The grant agreement also notes that grantees must maintain sufficient records to substantiate this information upon request.

Further regarding labor reporting in its grant agreements with subrecipients, the Office of Broadband states that grantees may provide a certification that their project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)).

If the grantee does not provide such a project labor agreement certification, the Office requires that the grantee provide a project workforce continuity plan, detailing how the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project, including a description of any required professional certifications and/or in-house training; how the grantee will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; how the grantee will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities, including descriptions of safety training, certification, and/or licensure requirements for all relevant workers (e.g. OSHA 10, OSHA 30); whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and whether the project has completed a project labor agreement.

## 6. Community Engagement

During 2021, in preparation of launching the broadband infrastructure programs under ARPA, the Office of Broadband implemented an opportunity for ISPs, local governments, and the public to provide information to help improve the accuracy of maps.

This initiative sought to target available funding to unserved addresses and avoid duplication of previously funded projects to the extent practical. However, existing location information on the availability of broadband information from federal sources has well-known limitations. These limitations impact the accuracy and granularity of determinations about which locations do and do not currently have access to broadband service.

An aspect of this initiative to improve the maps called on public comment and community partners of local governments that collected surveys and data from the county or region. Furthermore, the Office of Broadband in coordination with Broadband Enhancement Council launched its own survey that integrated Ookla® Speedtest® results on broadband.wv.gov. This included marketing efforts led by the

Office of Marketing and Communications of the West Virginia Department of Commerce. For individuals with a lack of service, a phone number was provided through radio advertisements, newspaper advertisements, and flyers sent by mail.

The survey focused on both broadband availability and equity. With a significant collection of speed test and survey data, areas in need of infrastructure investment were identified. However, in conjunction, affordability rates compared to socio-economic criteria were also assessed to better understand the need for affordable connectivity.

To prepare potential applicants for ARPA broadband programs, the Office conducted significant community engagement efforts, most notably through a series of webinars both in the preparation and in the implementation of its various broadband grant programs over the course of the last year. The following summaries of these webinars contain each webinar's title, date of presentation, targeted audience, number of attendees, and a listing of the topics covered in each session. Links to the recordings of some of these presentations as well as copies of the presentation slides for each may be found at [broadband.wv.gov](https://broadband.wv.gov).

Webinars for the 2022 rounds of funding:

**Webinar title:** West Virginia ARPA Investment Plan

**Date:** July 21, 2021, 9:30 AM EST

**Target Audience:** All interested parties, applicants, stakeholders, private and public potential broadband grant applicants

**Number of Attendees:** 77

**Topics Covered:** Office of Broadband Planning for ARPA

**Webinar title:** "Investing West Virginia's Funding under the American Rescue Plan Act to Expand and Improve Broadband Services".

**Date:** September 8, 2021, 9:30 AM EST

**Target Audience:** All potential broadband grant applicants, both private and public entities

**Number of Attendees:** 153

**Topics Covered:**

- Introduction of the Office of Broadband's proposed programs to stakeholders and potential applicants/subrecipients.
- Overview of the Office's proposed programs relating to line extensions of existing fiber and cable networks, new networks or major expansions of existing networks, and incentive program for internet service providers and local governments and organizations
- Amounts of funding available
- Eligibility requirements

**Webinar title:** "GigReady Incentive Program Overview".

**Date:** October 27, 2021, 9:30 AM EST

**Target Audience:** Local/Regional public entities (county/municipal governments) and affiliated economic and rural development councils

**Number of Attendees:** 193

**Topics Covered:**

- Eligible entities for the incentive program
- Technical assistance availability
- Required speeds
- Timelines
- Affordability eligibility criteria
- Grant-eligible expenditures
- Priority projects
- Post-award reporting and monitoring
- Targeted areas
- Application process for potential subrecipients in the Office’s grant application portal

**Webinar title:** “Line Extension Advancement and Development Program Overview”.

**Date:** November 3, 2021, 9:30 AM EST

**Target Audience:** Internet Service Providers

**Number of Attendees:** 219

**Topics Covered:**

- Key program guidance and documents, rules, procedures, compliance guidelines
- Target area maps
- Office of Broadband applicant grant portal guidance
- Eligibility and project size requirements
- Timelines
- Project review
- Application deadlines
- Key requirements and preferences for implementation funding
- Eligible expenditures (activities and costs)
- Project match requirements
- Scoring of applications
- Project prioritization based on factors such as community impact, affordability, cost efficiency
- Post-award reporting and monitoring

**Webinar title:** “Major Broadband Project Strategies Program Overview”.

**Date:** December 1, 2021, 9:30 AM EST

**Audience:** Private for-profit or non-profit corporations, partnerships, municipalities, counties, economic development corporations, regional planning and development councils, regional consortia of local governments

**Number of Attendees:** 127

**Topics Covered:**

- Program Overview
- Program purpose

- Project Size/purpose comparison to other Office of Broadband ARPA-related programs
- Program Timelines/application deadline
- Eligibility criteria, key requirements
- Grant eligible project expenditures
- Eligible service areas
- Matching funds requirements/calculations
- Additional service areas
- Project prioritization (Technical (readiness), financial (cost-efficiency), community impact factors)
- Post-award reporting and monitoring
- Application process through Office’s portal, completion of program budget workbooks

The foundation for the GigReady Incentive Program (“GigReady”) is the focus on community engagement. The Program is designed to encourage the collaborative partnerships needed for successful broadband development. This program provides an opportunity for local governments and organizations to dedicate funds available through ARPA or other local funding, to a broadband development initiative in partnership with the agencies and offices listed above.

The GigReady program assists participants in two distinct phases. In phase one, the program provides technical assistance to help communities scope projects, select private partners and vendors, and complete other necessary steps in the broadband development process. In phase two, upon completion of the technical assistance phase, participants may then be eligible for implementation funding through the GigReady program or other funding sources. Participants who have qualifying, shovel ready projects that do not need technical assistance can apply to proceed directly to phase two by submitting a complete application, including all information listed as “optional” in the application.

The Office provided technical assistance to the applicants for the GigReady program. Applicants included local and regional public entities such as county and municipal governments or affiliated economic and rural development councils.

The goal of this technical assistance is to provide applicants with guidance on the processes of:

1. Identification and agreement of unserved addresses within an applicant’s specific geography;
2. Creation of a high-level design and cost estimate;
3. Conducting a business case analysis; and
4. Solicitation of private partners and vendors.

As part of this technical assistance, the Office emphasized the key phases, objectives, deliverables, and decision points that these applicants must consider as they prepare applications to this grant program.

In the 2023 rounds of funding, the Office launched the application cycle for LEAD, GigReady, and MBPS again. However, MBPS focused on community participation by basing its requirements around GigReady applicants. The second round of the GigReady program is designed for projects that have received technical assistance through the GigReady program or for applicants that applied in the first round. The GigReady2 program assists participants who have qualifying, shovel ready projects and which have a partnership agreement with a private ISP.

Eligible Applicants in the second round of MBPS must be an ISP partnering with a community that applied to the GigReady program. Applicants must propose a project that was the subject of technical assistance provided, following an application by that community to the GigReady program. MBPS grants are available to private ISPs which have a partnership agreement with a community.

Webinars for the 2023 rounds of funding:

**Webinar title:** “GigReady2 Implementation Program Overview”.

**Date:** May 10, 2023, 9:30 AM EST

**Target Audience:** Local/Regional public entities (county/municipal governments) and affiliated economic and rural development councils, Internet Service Providers.

**Number of Attendees:** 20

**Topics Covered:**

- Eligible entities for the program
- Required speeds
- Timelines
- Affordability eligibility criteria
- Grant-eligible expenditures
- Priority projects
- Post-award reporting and monitoring
- Targeted areas
- Application process for potential subrecipients in the Office’s grant application portal

**Webinar title:** “Line Extension Advancement and Development (LEAD) Round 2 Program Overview”.

**Date:** February 17, 2022, 9:30 AM EST

**Target Audience:** Internet Service Providers

**Number of Attendees:** 48

**Topics Covered:**

- Key program guidance and documents, rules, procedures, compliance guidelines
- Program adjustments from previous rounds
- Target area maps
- Office of Broadband applicant grant portal guidance
- Eligibility and project size requirements
- Timelines

- Project review
- Application deadlines
- Key requirements and preferences for implementation funding
- Eligible expenditures (activities and costs)
- Project match requirements
- Scoring of applications
- Project prioritization based on factors such as community impact, affordability, cost efficiency
- Post-award reporting and monitoring

**Webinar title:** “Major Broadband Project Strategies (MBPS) – Round 2 Funding Program Overview”.

**Date:** March 8, 2023, 9:30 AM EST

**Audience:** Private for-profit or non-profit corporations, partnerships, municipalities, counties, economic development corporations, regional planning and development councils, regional consortia of local governments, internet service providers.

**Number of Attendees:** 42

**Topics Covered:**

- Program Overview
- Program adjustments from previous rounds
- Program purpose
- Project Size/purpose comparison to other Office of Broadband ARPA-related programs
- Program Timelines/application deadline
- Eligibility criteria, key requirements
- Grant eligible project expenditures
- Eligible service areas
- Matching funds requirements/calculations
- Additional service areas
- Project prioritization (Technical (readiness), financial (cost-efficiency), community impact factors)
- Post-award reporting and monitoring
- Application process through Office’s portal, completion of program budget workbooks

Throughout the research and collaboration phase of gathering information on digital equity, the Office implemented various strategies that weighed on community engagement. The Office actively solicited input from stakeholders, citizens, and state government leaders to define the state’s vision to ensure that all West Virginians have the resources they need to participate in the digital world and achieve the economic benefits of digital equity.

Concurrently, three goals and six objectives were derived from a comprehensive needs assessment to guide the state towards realizing that vision. These three goals are the following:

1. Realize Affordable Connectivity
  - 1.1 Increase enrollment in the Affordable Connectivity Program (ACP), contingent on the continued funding for the program
  - 1.2 Complete broadband deployment as a part of the BEAD Five-Year Action Plan to increase the number of available internet service providers, increase the pool of their customer sizes, and increase competition
2. Secure Device Access and Affordability
  - 2.1 Create a program to provide device distribution, lending, and recycling
  - 2.2 Ensure citizens receive technical assistance for their newly acquired devices
3. Elevate Digital Skills and Accessibility to Public Service and Economic Opportunity
  - 3.1 Make digital literacy training in cybersecurity, privacy, telehealth, and more, available to all West Virginians, including all covered populations
  - 3.2 Ensure websites and online services hosted by state agencies are accessible for all West Virginians

Digital equity must be constantly developed, reinforced, assessed, and incorporated into multiple facets of society. To aid execution of these goals, the Office will work with stakeholders across West Virginia who possess similar goals and plans.

West Virginia already has many programs that address gaps in digital equity. The Office performed an asset inventory of these with respect to the eight covered populations

1. Aging Individuals
2. Racial and Ethnic Minorities
3. Rural Residents
4. Incarcerated Individuals
5. Veterans
6. Individuals with Disabilities
7. Individuals with Language Barriers
8. All Covered Populations

The Office created a Core Planning Team and a Digital Equity Steering Committee to coordinate its digital equity planning process. The Core Planning Team gathered community insights through listening sessions and an ongoing statewide survey. Initial results point to common issues across target populations in West Virginia such as high-speed internet affordability, access to low-cost internet-enabled devices, availability of technical support, and digital literacy skills. These insights provided guidance for the goals outlined above. The Office partnered with the State's 11 Regional Planning and Development Councils (RPDCs) to conduct listening sessions in each of West Virginia's 55 counties.

The State of West Virginia believes that bridging the digital divide is a collaborative effort between partners in the public and private sectors. As such, the Office has sought to engage with stakeholders



throughout every step of the process, benefiting from their knowledge, input, and resources. This includes stakeholders at the federal, state, and local level. As the Office will continue partnering with these entities whenever possible.

West Virginia's Regional Planning and Development Councils, nonprofit organizations, and key stakeholders provide an essential connection to each area of the State. Working together, the planning teams will ensure that all West Virginians are represented. The Office of Broadband values and continues to seek further collaboration. These partnerships are briefly described below:

1. **Federal Partnerships:** West Virginia has worked closely with NTIA and its Federal Program Officer throughout the DE planning process to ensure compliance with all federal requirements.
2. **West Virginia Broadband Enhancement Council:** The West Virginia Broadband Enhancement Council represents constituencies throughout West Virginia and acts in an advisory capacity to the WVDED. In addition, the monthly public meetings of the Council provide a venue for regular updates on the DE planning process as well as an opportunity for public engagement.
3. **West Virginia Public Institutions:** WVDED has solidified partnerships with key state agencies, including but not limited to, the Office of the Governor, West Virginia Higher Education Policy Commission, West Virginia Department of Transportation, West Virginia Department of Education, Marshall University, West Virginia University (WVU), and many more. This partnership ensures alignment of priorities, collaboration, and resource sharing.
4. **Private Sector:** Discussion of broadband access and digital equity would not be complete without consultation with Internet Service Providers. WVDED has established working relationships with broadband providers through its administration of other state and federal grant programs. The WVDED has established participation in the Affordable Connectivity Program (ACP) as a requirement for funding awards. In addition, these private sector partners participate in the West Virginia Broadband Workforce Council to ensure industry insights in the state's plans.
5. **Nonprofits:** Throughout the development of the Digital Equity Plan, WVDED engaged with nonprofits such as AARP, Generation West Virginia, the RPDCs, a variety of community institutions, and more. These organizations understand the needs of their constituents and members, providing valuable insight to WVDED.

## 7. Civil Rights Compliance

The Office of Broadband and all subrecipients meet all legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. This includes ensuring that entities receiving Federal Treasury funds do not deny benefits/services or otherwise discriminate in accordance with:

- Title VI of the Civil Rights Act of 1964 (Title VI), 42 USC 2000d-1 et seq., and the Treasury's implementing regulations, 31 CFR part 22;
- Section 504 of the Rehabilitation Act of 1973, 29 USC 794;
- Title IX of the Education Amendments of 1972, 20 USC 1681 et seq., and the Treasury's implementing regulations, 31 CFR part 28;

- The Age Discrimination Act of 1975, 42 USC 6101 et seq., and the Treasury's implementing regulations at 31 CFR part 23.