



DRAFT MEETING MINUTES | January 12, 2023

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: https://docs.google.com/forms/January2023			P = Present; TC = Teleconference. VC = Videoconference; _ = Absent
	Council Member	Representing	Council Member
X	Robert L. Morris, Jr. Chair	Urban Residential User	-
-	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	-
-	David L. Roach	WV Dept. of Education, State Superintendent	X
X	Tim Conzett	Representing David Roach	X
-	Joshua D. Spence	WV Office of Technology, Chief Technology Officer	-
-	James Dixon	Representing Joshua Spence	-
-	Jeff Whitman	Representing Joshua Spence	-
-	Matt Turner	WV Higher Education Policy Commission Vice Chancellor	-
X	Dr. Carl R. Powell	Representing Matt Turner	-
-	The Honorable Scott Edwards	Rural Business User, Congressional District 2	-
	Representative	Agency	Representative
X	Kelly Workman, Jamie Hoffmann, Vic Sprouse	WV Department of Economic Development	X
X	Jim Kelsh	Bowles Rice Legal Counsel	-
	Agenda Item	Details/Minutes	
	1. Call to Order; Roll Call; Opening Remarks	Coram was met.	
	2. Approval of December 2022 Meeting Minutes, Financial Statement	Motion – Jeff Proctor 2 nd – Dr. Powell Motion Passed	
	3. Jon Webster, External Affairs Manager, Appalachian Power	WV Middle Mile Initiative-Feasibility Study Update on Logan-Mingo County Middle Mile Project PowerPoint slides were shown during the meeting to discuss the Logan-Mingo County feasibility project. There have been some delays due to supply change however things are continuing to move forward. The project will include the installation of 658 miles of new fiber at an estimated cost of \$113.6 million. Appalachian Power is planning a second project that will total 955 miles of fiber in 5 counties. The project team is currently working to develop agreements between ISP(s) and the five counties, and will refine the middle mile network designs and	

estimates with input from IPS(s). Following necessary approvals, the project will be submitted to the WV Public Service Commission. Feasibility study was given to the council and Office of Broadband for review.

Council Members reviewed questions with Jon Webster with answers as follows:

In the original project what all have you learned that would be of interest to the council moving forward with the next five counties?

Jon Webster – Timing of how it progresses. Lessons learned is that there is a timing behind it all with the infrastructure and pole attachment that the design makes sense with the project.

Have you had any ISP(s) reach out that would be interested.

Spoken with 9 or 10 different ISP(s). There are several interests with companies for partnerships with the help of Kelly and her team.

With the first project, there was a worry in the beginning to get at least 1 IPS.

Definitely wants to give credit to Jamie Hoffmann with helping with some of the data and information. He does a great job with the data on the website and helping with any questions that arise.

What are you all seeing with the pricing from now to the last project?

Most prices will stay flat. The most concern is with the supply change and delivery time. The material supply is the biggest issue currently.

Melvina Turner (AEP) – (Video was spotty and hard to hear her response)

Jeff Proctor – Do you have plans in the future to continue your expansion beyond your fifteen counties?

Jon – Yes. We have to do the study of unserved customers as they look at their territories in other parts of their territory if it makes sense. And make sure there are partnerships to move forward.

Kelly Workman – Thank you Jon and your team for your persistence and care to make sure that everyone understands the projects. Also, for meeting with the counties to make sure to answer all their questions in making sure this was a success. Commend on securing the NTIA BIP funding to build out the last mile project that was a \$19.6 million award that GigaBeam received last year. Logistics for completing the next steps associated with the review and approvals, are referred over to Tilson for further review. Tilson engaged with AEP with a deep dive into the study. It would be a good idea to do that deep study again since there was a lot of question about the budget. Then it will work with Jim Kelsh and then there was also a public notification period and also some newspaper ads, to make sure that was addressed. Then, as a final step made a formal resolution for the council.

Jim Kelsh – APPCO has presented a study to the council and has allowed Tilson to review that before the 60 days clock to allow for the council to take action. (Video buffered) Send out legal ads to the counties where the projects are proposed along with Kanawha County.

Chairman Morris asked if the Tilson review be covered under the current contract.

Kelly Workman indicated that the work would be covered under the existing contract. Staff will review the previous estimate to get an idea. If the council will be agreeable to starting the process as long as we are consistent with the previous cost.

Chairman Morris requested a motion to have Tilson perform an initial review of the APCO feasibility study regarding their second broadband project.

Jeff Proctor – Provided motion to approve the Tilson review.

Dennis Lee – Second

Chairman Morris asked if there was further discussion.

	<p>Jon Webster indicated that with the first feasibility study there were three different options. However, the second study includes one single options, so the review may be shorter..</p> <p>Council approved Tilson performing the review. Motion Passes.</p>
<p>4. Broadband Data Act: FCC New National Broadband Map Released Nov. 18, 2022</p> <p>WV Challenge Due January 13, 2023</p>	<p>Steffani Sanders, Fred Feit, Broadband Consultants, Tilson Technology Jamie Hoffmann, GIS Coordinator and ARPA Program Manager https://broadbandmap.fcc.gov/home#/ https://broadband.wv.gov/fcc-launches-new-national-broadband-map-west-virginia-prepares-to-challenge-by-january-13-2023/</p> <p>WV Challenge Process to be completed by January 13, 2023</p> <ul style="list-style-type: none"> • WV Residents encouraged to submit Location Challenge and/or Availability Challenge. • WV Challenge Process-Desktop Analysis and Field Verification • Continue to promote individual challenges. <p>Jamie Hoffmann – We are getting ready to submit our Availability Challenge Due Friday. Location Challenge. Missing and wrong addresses challenge. We are hoping to get this data from the providers when submitting applications to make sure no one is left behind. We can use the BEAD funding to go the extra mile to help reach those who need service. Tilson conducted a physical field verification survey over the holidays during the snowstorm to help with the FCC Challenge. We were able to come up with 224 locations that were inaccurately identified in the FCC Maps as served. Wish there was more time to go over and over these maps or create models to show more statistical facts of unserved. The FCC does not accept that type of data. 58 thousand locations to challenge due to the speed analysis to submit data to the FCC. The map Jamie is showing a private portal, he believe the public will have access to the FCC map eventually.</p> <p>Caleb Bryant - (Slides shared to screen) Total Challenges were 138,586. 0 - Pending. Accepted – 14,672. Rejected – 129,914. Total new BSL Locations – 17,966. The addresses provided for the challenges that could not be validated such as commercial 791, mobile homes 3576, single family homes 7560, multi-family homes 1208. There are more listed breakdowns of challenges on Caleb’s shared screen.</p> <p>Jamie indicated that the State’s data is pulled from the E911 data where some are classified but not all. The Office of Broadband questions why the FCC refusing to accept 7,000 single family homes if they are tied to E911 addresses.</p> <p>Roger Calhoun – What happened with the satellite coverage controversy where the FCC has accepted served and unserved addresses? Jamie – The FCC isn’t accepting satellite as a served. The map is misleading, the map shows that every resident in WV is served when they are not. The BEAD NOFO does not identifies satellite as a reliable broadband service. It is misleading to the public that is why we are asking the public to submit a challenge to help get the correct account for addresses. Roger Calhoun– Will the number of unserved be straighten out with regard to satellite? Jamie – Yes, the satellite is not included in that number. The number is pretty set in stone. We still encourage the public so that we can get a better count for the mapping. Satellite is not impacting or decreasing that allocation. Jeff Proctor noted that it appears that some of the cellular companies are showing fixed wireless but a cellular not fixed.</p>

	<p>Jamie – It takes away from what we want and need for our data. Fixed wireless is the most difficult to identify. There are a lot of locations that have no cellular activity but do with some fixed activity. There are still plenty of questions that hopefully the FCC will accept.</p> <p>Jeff Proctor indicated that if the consumer does not plug in a router or have customer equipment, they should not be marked as a fixed wireless. (Video buffered)</p> <p>Jamie – We are doing the best we can to get all locations covered. We need to keep the public informed and keep the public motivated to help us improve the maps.</p> <p>Jeff – I would like to applauded you all for your effort in this and all of the news blast out there. Do you have any idea of how many challenges WV have done so far?</p> <p>Jamie – Over 4,000 Challenges from the public impute. We are at about 984,000 addresses that are being utilized. Our goal is one million and they are 900,000 currently.</p> <p>Chairman Morris– Thank you Jamie and the team.</p>
<p>5. Infrastructure Investment and Jobs Act (IIJA)</p> <p>A. IIJA NTIA: Broadband Equity, Access, and Deployment (BEAD) 5-year Plan</p> <p>B. IIJA Digital Equity Planning Grant</p> <p>C. Middle Mile Program</p>	<p>BEAD Five-Year Action Plan Program</p> <ul style="list-style-type: none"> WV BEAD Planning Grant Approved by NTIA, Nov. 14, 2022, in the amount of \$5 million. Plan due within 270 days of approval. <p>IIJA Digital Equity (DE) Planning Grant</p> <ul style="list-style-type: none"> Digital Equity Planning Grant Approved by NTIA Sept. 30, 2022, in the amount of \$728,000. Plan Due within 1 year of approval. <p>Program Updates:</p> <p>BEAD and DE Logistics</p> <ul style="list-style-type: none"> Application Workshop for RPDCs Jan. 9, 2023 Workforce Council Kickoff late January Kick Off Event/Workshop Feb. 1, 202 Tentative Schedule through Spring <p>Kelly – Quick handoff to Derek Zelkowski</p> <p>Derek – Earlier this week Jan 9th we hosted a workshop for the states 11 regional planning and development councils, to communicate and answer questions anyone had, and he thinks it went well.</p> <p>At the end of the month we will be hosting a kickoff event with workforce development council. January is going to be the month for receiving, reviewing, and processing applications for BEAD subgrantees. We will also be releasing a questionnaire which will be the first step in building out our digital equity inventory. February, will be the month of preparation for BEAD and Digital Equity listening sessions. Host a train the trainer event for those who are going to be hosting these events.</p> <p>February 1 we will be hosting a kickoff workshop event on campus for all concepts on BEAD and Digital Equity. Invites will be sent out soon. Listening sessions will begin and go through March into May. April there will be a second workshop event similar to the one before. In August we will be analyze the data from what we have discovered and incorporated into the five year plan.</p>

<p>6. WVPSC Show Cause Petition, Case No. 22-0885-E-T-SC</p>	<p>Garner Marks, General Counsel, WV Department of Commerce</p> <p>Jim Kelsh and Peter Markham, Bowles Rice</p> <p>Jim Kelsh – The staff of the PSC filed a case in late September asking the commission to file show cause order to prohibiting Frontier and MonPower from requiring attachers to go through each carrier. Commission required Frontier and MonPower to provide those reports. (Video buffered) November the commission ordered Frontier and MonPower to joint agreements. (Video buffered) The existing joint use agreements date back to 1988. Filed to the commission for amendments to install new poles for make ready and accommodate new attachers. (Video Buffered) Forming a new joint pole agreement asking the commission to give them time to bring those up to date by the end of the calendar year. (Video Buffered)</p> <p>Robbie – Kelly, I know you can speak to this issue quite a bit due to delays with the PSC.</p> <p>Kelly – The Office of Broadband had the opportunity to present at the WV Legislature, Joint Technology Committee in January. We made a note of these issues to the committee members. We appreciate the work of the WV Public Service Commission and the parties involved, and hope that it is resolved quickly to facilitate broadband expansion in WV.</p> <p>Dr. Powell – He had a chance to watch the committee meeting, Kelly, did a great job addressing the committee.</p>
<p>7. 2022 Annual Report</p>	<p>Jamie Hoffmann, GIS Coordinator and ARPA Program Manager</p> <p>Jamie – The report is out there now. (Jamie showed a slide of the annual report) It will be published on the website soon.</p> <p>Kelly – The revised version two report will contain additions, such as the AEP Project updates, and an update on the FCC challenge process.</p> <p>The Governor in his State of the State Address last night he announced \$548 million which the number is actually higher if we include private investment that is not related to our grant programs, which will update as soon as possible.</p> <p>Jamie – The billion dollar Broadband strategy we are past half way of what we have granted with grant funds. We are going to reach this billion dollars with all of these projects. There is so much progress being made and maybe we need to shoot even higher.</p> <p>Robbie – This is all good stuff and getting people connected the annual report provides updates of where we are in this process. We are very proud to put our name on this annual report.</p>
<p>8. Affordable Connectivity Program</p>	<p><u>Affordable Connectivity Program</u>: This FCC program provides a monthly discount on internet service for qualifying households and one device discount on a laptop, tablet, or desktop computer. As of January 9, 2023, approximately 87,400 West Virginians have registered. For more details, visit https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/</p> <p>Robbie – We continue to encourage more people to sign up for the Affordable Connectivity Program to get either a reduced or free internet provided to them with this program.</p> <p>Kelly – At the Joint Technology Committee I presented information on ACP program. That committee is Chaired by Senator Eric Nelson. Senator Nelson had asked what our department had done in terms of marketing? We were asked to coordinate with the Department of Education in helping those students who receive free and reduced lunches and how to better inform</p>

	<p>those families of the ACP Program. We would like to coordinate with the Department of Education on that.</p> <p>Tim Conzett – We have sent flyers out under the channels we were provided, and we would like to continue to work with your department.</p> <p>Kelly – Can you let us know what the department has done to-date so we can report back to the committee on what efforts have been made?</p> <p>Tim – After the meeting we can connect and have that conversation.</p> <p>Robbie – Any other questions?</p>			
<p>9. Public Comment</p>	<p>Sign-In for Public Comment</p> <p>Robbie – Did anyone sign up for public comment?</p> <p>Kelly – Yes, Steven Talkington and Lisa Wilkinson had registered.</p> <p>Robbie – Mr. Talkington are you with us? I don't see him currently. Lisa are you with us?</p> <p>Lisa Wilkinson (CAS Cable Rep) – We serve Wood and Jackson Counties currently and we are trying to expand into Kanawha County. We are having issues with pole applications and trying to get it all nailed out in the city of Charleston. We are struggling to find out who owns empty conduits in the city of Charleston. We would like to lease instead of digging up the streets of Charleston. I'm looking to find out who can help us find out who could help with getting these questions answered so that we can expand into Kanawha County.</p> <p>Kelly – Brian Williams in our office can help with getting in contact with the City Engineer. Someone from your office contacted us about a week ago. If the projects are located within the city boundaries the project may not trigger a dig once notification. That's why we referred the gentleman from your office to the city engineer.</p> <p>Lisa – We have gone there and the DOH as well.</p> <p>Kelly – The DOH would not have that information if it is in the municipal boundaries. We will reach out to the city and get back to you and try to help</p> <p>Daniel Bennett (Homeowners Voice) – I just wanted to thank you all for the great work you are doing. We have been telling folks through email and radio and tv about the GigReady Projects and look forward to identify neighborhoods and bring them to the attention of the counties. I was a little upset that DSL might be ok. Most people are suffering with DSL and hope that they will be considered unserved.</p>			
<p>10. Next Meeting</p>	<p>Google Meet and Onsite: February 9, 2023 at 10am by Google Meet</p>			
<p>11. Adjournment</p>	<p>Robbie – Meeting Adjourned.</p>			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.	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 | February 16, 2023

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: https://docs.google.com/forms/February2023			P = Present; TC = Teleconference. VC = Videoconference; _ = Absent		
	Council Member	Representing		Council Member	Representing
X	Robert L. Morris, Jr. Chair	Urban Residential User	-	Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary
-	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X	Jeff Proctor	Vice Chairman Representing Secretary Carmichael
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	-	Robert Cole	Rural Residential User Congressional Dist. 1
-	David L. Roach	WV Dept. of Education, State Superintendent	X	Dennis Lee	Business User, Large Scale Broadband
	Tim Conzett	Representing David Roach	X	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)
X	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)
X	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
X	Kelly Workman, Jamie Hoffmann, Vic Sprouse	WV Department of Economic Development	X	Steffani Sanders, Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management
X	Jim Kelsh	Bowles Rice Legal Counsel	-		
Agenda Item			Details/Minutes		
1. Call to Order; Roll Call; Opening Remarks			Quorum was met.		
2. Approval of February 2023 Meeting Minutes, Financial Statement			Motion-Jeff Proctor 2 nd – Mike Holstine Motion Passed		
3. Jon Webster, External Affairs Manager, Appalachian Power			<p>WV Middle Mile Initiative-Feasibility Study #2 Jon Webster presented a slide show presentation to council regarding Feasibility Study #2 . Below is a summary of the information included within the study.</p> <ul style="list-style-type: none"> * 5 counties included - McDowell, Mercer, Raleigh, Summers, and Wyoming counties. * APCo to install as much as 658 miles of middle mile fiber optic cable at an estimated cost of \$113.6 million. <p>*Approximately 101,400 residential and business electric service customers within these 5 counties</p>		

	<ul style="list-style-type: none"> * Project will be funded by Appalachian Power and Wheeling Power customers in WV through electric rates * Fiber lease revenues and maintenance fees collected are to be credited to the companies' cost of service * APCo ito work with Council to select one (or more) ISP's to provide last mile internet service to broadband customers. <p>As they move forward they would love to work with the council in helping select an ISP(s). Their hope is to have mobile partners and they have reached out to GigBeam but of course plan to reach out to others. Next steps for this would be to develop agreements between ISP(s) and the five counties, refine the middle- mile network design and estimates with input from ISP(s), and to submit filings, once everyone is on board, to the Public Service Commission of West Virginia.</p> <p>With no questions, Jim Kelsh spoke about the process moving forward and what steps the council will need to take to move forward with this project. Further discussion will take place regarding this matter in the March council meeting.</p> <p>Jeff Proctor asked about the Logan and Mingo project and at what point do customers see the extra charges on their monthly bills? Jon Webster explained how they are currently working with the public service commission on this matter. A "true up case" has been filed and was filed back in November 2022. They have been providing information and answering any questions that the Public Service Commission has thrown at them. Next month, they have the "True-Up Hearing" and that process will continue. If approved, they will then have the approval to add the broadband surcharge to the customers bill.</p> <p>Jon did state that they are about 25% of their build out for the Logan Mingo project and do expect the project to be complete by the end of this year. He also stated how there was cost reduction with the Logan Mingo project and cost per mile is going to be less than expected and said that there will be cost savings with the second project as well.</p> <p>Please refer to the slide show provided in the packet regarding more specific information on Feasibility study #2.</p>
<p>4. ARPA Program Update</p>	<p>Kelly Workman stated how everything has been moving right along with our projects. The Office of Broadband are holding regular progress meetings with the projects that are in the construction phase of their project. These meetings allow the Office of Broadband to note the progress and to ensure that progress is being made and that WV is being connected to high speed, broadband services. The Office of Broadband has projects that are working through the permitting stages but will soon be in the construction phase as well. \$103 million dollars has been committed to these projects through the Capital Projects Fund and the State Local Fiscal Recovery Fund (ARPA funding). We do still have funds left to allocate. On February 17, 2023 the office will be hosting our webinar regarding LEAD Round 2. Jamie Hoffman provided details regarding the webinar and how interested parties can apply for the additional funds. If you would like to watch the webinar regarding LEAD Round 2, you can go to www.broadbandwv.gov and watch the presentation. Kelly Workman also explained how we will be opening up other "Round 2" applications for MBPS and GigReady programs.</p>

5. Broadband Data Act; FCC National Broadband Map Released in November	<p>Jamie Hoffman provided new information regarding the new dates and timelines regarding challenges. FCC is keeping an open mind on how they are receiving challenges, which allows us to perfect our mapping and show as many unserved locations accurately as we can. We do have over 4,000 challenges that have been accepted. We currently have 2,000 fixed wireless locations pending and will give an update as we receive answers from the FCC. Next location challenge, regarding missing locations, is due on Mar 15, 2023. Availability challenges will be due around June. The office of Broadband are working every day to perfect our maps and the ISP's have assisted us while working on these maps. We have published a request to receive the BDC data from the FCC the day after it is submitted. This will ensure no gaps between things like programs, data releases, and receiving this the day after will ensure us more time to get our maps correct.</p>			
6. Infrastructure Investment and Jobs Act (IIJA)	<p>Derek Zelkowski stated that tons of activity has been going on in the Office of Broadband and regarding the IIJA fund. The first Workforce Development Council meeting has been held and we will be holding meetings the last Monday of every month. We held our "Kick Off meeting" here in building 3 on February 1, 2023. We held a mock listening session at the end of this meeting and this allowed everyone to see how these sessions will be held. For the rest of February, we will be holding our regular meetings with the Workforce Development Council and will be focusing on getting all of our documents/materials ready for the mock listening sessions. We will begin holding those starting March 1, 2023. These sessions will give us a better sense of affordability/connectivity around the state of West Virginia.</p>			
7. PSC-Show Cause Petition, Case No. 22-0885-E-T-SC	Jim Kelsh, Bowles Rice			
8. Public Comment	No Public Comment			
9. Next Meeting	March 9, 2023 @ 10am			
10. Adjournment	Robbie – Meeting Adjourned.			
Action Items				
No.	Description	Assigned To	Month Identified	Target Completion Date
1.				



DRAFT/MEETING MINUTES | March 9, 2023

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: https://docs.google.com/forms/March2023			P = Present; TC = Teleconference. VC = Videoconference; _ = Absent		
	Council Member	Representing		Council Member	Representing
X	Robert L. Morris, Jr. Chair	Urban Residential User	-	Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X	Jeff Proctor	Vice Chairman Representing Secretary Carmichael
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	-	Robert Cole	Rural Residential User Congressional Dist. 1
-	David L. Roach	WV Dept. of Education, State Superintendent	X	Dennis Lee	Business User, Large Scale Broadband
-	Tim Conzett	Representing David Roach	X	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)
X	James Dixon	Representing Joshua Spence	-	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
X	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)
X	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
X	Kelly Workman, Jamie Hoffmann, Vic Sprouse	WV Department of Economic Development	X	Steffani Sanders, Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management
X	Jim Kelsh	Bowles Rice Legal Counsel	-		
Agenda Item			Details/Minutes		
1. Call to Order; Roll Call; Opening Remarks			Quorum was met.		
2. Approval of February 2023 Meeting Minutes, Financial Statement			Motion for approval Mike Holstine; 2 nd – Jeff Proctor; Motion Passed		
3. WVPSC Show Cause Petition, Case No. 22-0885-E-T-SC			Jim Kelsh, Bowles Rice, provided an update on this matter. The WVPSC has scheduled a hearing for April 19, 2023. There are 9 issues regarding poles that will be reviewed as part of the case. Robbie Morris, Chairman, Broadband Council opened the floor for any questions. There were none.		
4. Jon Webster, External Affairs Manager, Appalachian Power			Jon Webster, External Affairs Manager, AEP had an updated slide presentation regarding AEP's Feasibility Study #2.		
			A summary of Mr. Webster's presentation is provided below. <ul style="list-style-type: none"> First presented the Middle Mile Initiative – Feasibility Study to council back in October 2022. The study includes 100,000 businesses and residents. 658 miles of Middle Mile fiber 		

	<ul style="list-style-type: none"> • Includes 5 counties included – McDowell, Mercer, Raleigh, Summers, and Wyoming counties. • Estimated cost of \$113 million • Appalachian Power and Wheeling Power will fund. • Will work with the Broadband Council to select ISP(s) partners. • Initially study presented a number of 4 poles per mile, has been found that it will be 2 poles per mile so there were some cost savings <p>Appalachian Power would like to continue working on agreements with ISP(s) and holding discussion regarding interest for the 5 counties. Future plans include to continue refining the Middle Mile Network and working hand in hand with ISP’s to ensure that the digital handoff will be efficiently working in the best way possible for customers, providers, and West Virginia. The WVPSC has up to 180 days to approve once everything is submitted.</p> <p>Jeffrey Proctor made a motion to approve; Ron Pearson seconded the motion. The motion passed.</p> <p>Chairman Morris stated that council was very excited to pair up with Appalachian Power regarding this project. (Jim Kelsh, Bowles Rice along with Fred Feit, Tilson Technology, gave their reviews of the projects. They both have reviewed the study for council.)</p>
<p>5. ARPA Program Update</p>	<p>Kelly Workman, Director, Office of Broadband</p> <p>Director Workman provided council with an update on ARPA funding and future projects. Below is a summary of what the Office of Broadband has been working on regarding ARPA.</p> <ul style="list-style-type: none"> • Current projects are moving forward. • Currently, \$103 million dollars has been awarded for projects. • Second round of LEAD projects opened up on February 17, 2023 and will close on March 22, 2023 • Second round of MBPS projects opened up on March 9, 2023, and the funding cycle will close on April 20, 2023 • Round 2 – MBPS will be open specifically to our Gig Ready Technical Assistance applicants. <p>Director Workman will provide a more detailed update on the IJJA BEAD and Digital Equity programs to council in April 2023.</p>
<p>6. Broadband Data Act; FCC New National Broadband Map</p>	<p>Jamie Hoffmann, Program Manager, Office of Broadband</p> <p>Jamie Hoffman provided new information regarding the new dates and timelines regarding challenges.</p> <p>The FCC is keeping an open mind on how they are receiving challenges, which allows the Office to perfect its mapping and show as many unserved locations accurately as we can.</p> <p>The Office has submitted more than 4,000 challenges that have been accepted, and currently has 2,000 fixed wireless locations pending approval. The Office will provide updates as we receive answers from the FCC.</p> <p>The next location challenge, regarding missing locations, is due on March 15, 2023.</p> <p>Availability challenges will be due in June 2023.</p>

	<p>The Office of Broadband is working every day to perfect our maps and the ISP's have assisted us while working on these maps. In this regard, the Office has published a request for ISP partners in West Virginia to submit their the BDC data to the Office following submission to the FCC. This will help the Office reduce gaps between program administration, data releases, by improving the accuracy of the State broadband map.</p>
<p>6. FCC Wireless and Mobility Challenge; Consideration of request to purchase Ookla Mobility, Cell Analytics, and Tower Source Data.</p>	<p>Jamie Hoffmann, Program Manager, Office of Broadband</p> <p>Jamie Hoffman provided the Council with a quote from Ookla for the datasources listed below, at a cost of \$79,000. This would expand our data sets and broadband activity.</p> <p>Speedtest Intelligence – Mobile</p> <ul style="list-style-type: none"> • Online portal access and CSV files of aggregated and analyzed Speedtest fixed mobile data from the State of West Virginia that allows users to visualize and understand network performance for mobile networks. • Includes 12-months of historical mobile test data and 12-months of ongoing access. <p>Cell Analytics</p> <ul style="list-style-type: none"> • Hundreds of thousands of coverage scans on the Speedtest Android app and partners collecting anonymized data from thousands of apps around the world, Cell Analytics surfaces real-world data on wireless service quality, RF measurements, data usage, user density and other key mobile network performance metrics. • Includes 12-months of ongoing access. <p>Tower Source</p> <ul style="list-style-type: none"> • The U.S. tower industry's largest and most comprehensive independent vertical asset database focusing on ownership and management of wireless infrastructure assets. • Online platform with one CSV file of tower assets across West Virginia included. <p>Several council members posed questions concerning how IOS and Android data would be available, and the number of users by type. Jamie Hoffmann stated he could pull the data based on fixed and he could pull the number and provide council members with an update.</p> <p>Frederic Feit, Tilsen Technology, stated he is familiar with the Ookla data. With Android users, there can be tests provided to the user without the Android user knowing through background testing. IOS will not allow their users to be tested in the background.</p> <p>Working with the ARPA Capital Projects Fund and will be working with the IJA funding, most of those projects will not be with mobile network wireless other than some projects included within Middle Mile Projects.</p> <p>The FCC improved mapping will be utilized to determine Mobile Service. Jamie Hoffman reiterated that with Ookla we still get the IOS data and it all should be the same and that this would include access to IOS and Android. He stated that he would make sure and get more clarity regarding the propagation on every tower.</p>

	Chairman Morris made a motion to approve; Michael Holstine moved, Second by Bob Cole. Motion approved.
7. SB246; Legislative Update	<p>Peter Markham, Bowles Rice, provided council with any Legislature regarding the Broadband Council including Senate Bill 246. (Copy of bill is provided in packet) No changes except code language. The only other bill that Mr. Markham reviewed is HB3473 because it is on its second reading. Passed the house at a vote of 83-8 with 9 absent. This will require there be a working group regarding the Dig Once data. (Copy provided in the packet).</p> <p>Chairman Morris stated that as soon as the Governor signs SB246 into law and will ask the Governor to appoint Mike Holstine and Roger Calhoun into the vacant seats. This is one of Chairman Morris's priorities but is confident this will be fixed and will not cause issues for the council. Thanks to AARP for assisting the council with this matter.</p>
8. ARC Power Applications Due April 19, 2023	<p>www.arc.gov/power/</p> <p>Letters of Intent were due March 8, 2023</p> <p>Applications are due April 19, 2023</p>
10. Affordable Connectivity Program	<p>The number of applicants for this program has grown to 93,956 to date. We are very hopeful soon that number will reach 100,000 or more.</p>
11. Public Comment	<p>Daniel Bennett – Homeowners Choice – Stated that he echoed Michael Holstine with the confusion of the FCC mapping. Stated that they are looking at residents over the county lines but adjacent to a neighborhood that is being served. Also stated that he would work with the council and bring to the council any new addresses or new home builds that would affect the number of Targeted Addresses within a project or the number of unserved addresses within WV.</p> <p>Michael Holstine asked for an update on First Energy and why we haven't heard anything regarding First Energy? First Energy stated before that they would like to see how ARDOLF plays out. Kelly Workman stated that that the Office of Broadband would reach out and get a read on what FE might be willing to consider since our mapping is much more refined and updated.</p>
12. Meeting adjournment	Next meeting will be Thursday, April 13 th @ 10am.



MEETING MINUTES | April 13, 2023

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: https://docs.google.com/forms/April2023		P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Council Member	Representing	
X	Robert L. Morris, Jr. Chair	Urban Residential User	X
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	-
-	David L. Roach	WV Dept. of Education, State Superintendent	-
X	Tim Conzett	Representing David Roach	X
-	Joshua D. Spence	WV Office of Technology, Chief Technology Officer	-
X	James Dixon	Representing Joshua Spence	-
X	Jeff Whitman	Representing Joshua Spence	-
-	Matt Turner	WV Higher Education Policy Commission Vice Chancellor	-
-			-
-	The Honorable Scott Edwards	Rural Business User, Congressional District 2	
	Representative	Agency	
X	Kelly Workman, Jamie Hoffmann	WV Department of Economic Development	-
-	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	-
Agenda Item		Details/Minutes	
1. Call to Order; Roll Call; Opening Remarks		Quorum was met	
2. Approval of March 2023 Meeting Minutes, Financial Statement		-Motion for approval Michael Holstine; 2nd-Roger Callhoun; Motion passed -Dotti Underwood, Finance Manager, WV Office of Broadband	
3. Infrastructure Investment and Jobs Act (IIJA)		BEAD Five-Year Action Plan Program	
A. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) 5-year Plan		<ul style="list-style-type: none"> WV BEAD Planning Grant Approved by NTIA, Nov. 14, 2022, in the amount of \$5 million. Plan due within 270 days of approval (August 2023). 	
B. IIJA Digital Equity Planning Grant		IIJA Digital Equity (DE) Planning Grant	
C. Middle Mile Program		<ul style="list-style-type: none"> Digital Equity Planning Grant Approved by NTIA Sept. 30, 2022, in the amount of \$728,000. Plan Due within 1 year of approval (October 2023). 	

	<p style="text-align: center;">BEAD/DE Deliverables to NTIA, Funding, and the Role of Partnerships. Presented by Andrew Joseph</p> <ul style="list-style-type: none"> -Information was given on the topic of funding and deliverables overtime. -The four main deliverables were reviewed for BEAD and the Digital Equity plan funding amounts were elaborated on. -The focus on partnership includes: NTIA, Broadband Enhancement Council, WV Public Institutions, Private Sector, and Nonprofits -Partnership highlights were given for the Workforce Development Council: Membership, Task, and Milestones
	<p style="text-align: center;">BEAD: Timeline, Accomplishments, and Next Steps Presented by Brian Williams</p> <ul style="list-style-type: none"> -The presentation began with an overview, which included details regarding the goals and plan for BEAD. -The Five-Year Action Plan Status: Preparation and Strategy, Data Collection/Research, Analysis of Data, Drafting, Internal Drafting Milestones -BEAD Key Accomplishments: Broadband Mapping and Data Collection, Policy, Reg. Inventory, and Best Practices, Stakeholder Questionnaire, Assessment of Relevant State and Local Plans, Workforce Dev. Council Formed and Working
	<p style="text-align: center;">Five Year Action Plan Drafting Timeline Presented by Andrew Joseph</p> <ul style="list-style-type: none"> -Drafting Timeline Includes: What we learned in the previous chapters, Strategy Options and Discussion, Internal Review, Public Reviews and Comments, Revisions, Submission to NTIA -Takeaways: Current state of broadband and digital inclusion, Gaps between current state and target, Asset Inventory, Existing programs and partnerships,
	<p style="text-align: center;">Digital Equity Presented by Derek Zelkowski</p> <ul style="list-style-type: none"> -The presentation began with a full overview of Digital Equity -Digital Equity Timeline: Preparation and Strategy, Data Collection/Research, Analysis of Data, Drafting, Public Comment -Digital Equity Key Accomplishments: Engagement of DE Steering Committee, Demographic Analysis and Mapping, Establishing Listening Sessions and Process, Asset Inventory, Questionnaire, Analysis, Policy Best Practices, Goals, and KPIs
	<p style="text-align: center;">Communications and Outreach Plan Presented by Andy Malinoski</p> <p style="text-align: center;">Investing in Outreach</p> <ul style="list-style-type: none"> -ACP Participation Marketing Plan: The goal for this plan is to have 61% of WV households participating in this program. -Listening Sessions Marketing Plan: The goal for this plan is to drive attendance at statewide listening sessions -Organic Reach: Earned Media and Inter-Agency Collaboration -ACP Marketing Plan: Paid and earned media utilizing new and existing networks *Paid: Radio, Facebook, Twitter, Digital Ads, Google Search *Organic: Press Release, social media, Podcasts -Listening Session Marketing Plan: Community driven activity to reach underserved populations *Paid: Radio and Newspaper *Organic: social media and Podcasts

	<p style="text-align: center;">Our Asks of BEC and Partners Presented by Kelly Workman</p> <p style="text-align: center;">Requests From the Council</p> <ul style="list-style-type: none"> -Completion and Distribution of Survey -Focused Meetings with State Agencies -Continued Support: Encouraging further collaboration and partnership building -Further assistance from the Council and Chairman Morris to continue positive outreach and expansion -Spreading the information thoroughly and quickly to continue building is very necessary and beneficial
	<p style="text-align: center;">Vertical Real Estate Program Presented by Jeffrey Whitman</p> <p>The Vertical Real Estate Management and Availability Act</p> <ul style="list-style-type: none"> -Establishes a process for the State to leverage its vertical real estate to: <ul style="list-style-type: none"> *Promote broadband access across the state *Generate revenue to enable reinvestment in those assets -Implementation: <ul style="list-style-type: none"> *State will seek a partnership with a commercial vendor to help manage the program *Vendor will assist in developing the real estate portfolio, market the assets, facilitate lease agreements between publicly owned vertical real estate and service providers *State will create and solicit an RFP to identify the right vendor -Phase 1: Design Program and Draft RFP -Phase 2: Issue and Award RFP -Phase 3: Framework for Sustained Success

<p>4. USDA Broadband Programs and Funding Opportunities</p>	<p>Ryan Thorn, State Director, West Virginia, USDA Rural Development: Spoke on Community Connect, Outreach, Webinars, and Future Agenda</p> <p>Richard E. Jenkins, General Field Representative, VA, WV, MD, DE: Spoke on Reconnect Programs, Funding, Progress, Community Connect Grant Program, -Presentation Included: Website Information, Outreach Goals, Spoke on Match Amount of 15%, and Future Agenda</p>
<p>5. WV Vertical Asset Management Study Update</p>	<p>Jeff Whitman, WV Office of Technology</p>
<p>6. Affordable Connectivity Program Communications and Outreach Plan</p>	<p><u>Affordable Connectivity Program</u>: This FCC program provides a monthly discount on internet service for qualifying households and one device discount on a laptop, tablet, or desktop computer.</p> <p>As of April 3, approximately 96,943 West Virginians have registered. For details, visit https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claims-tracker/</p>
<p>7. Public Comment</p>	<p>Sign-In for Public Comment</p> <p>Homeowners Voice Daniel Bennett –They will be sending out surveys, and letters of support to Secretary Mitch Carmichael. The letter will be sent out as a request for funding to expand broadband coverage across more counties.</p>
<p>8. Next Meeting</p>	<p>Google Meet and Onsite: Next meeting with be Thursday, May 11th @10am</p>
<p>9. Adjournment</p>	

Action Items

No.	Description	Assigned To	Month Identified	Target Completion Date
1.	NTIA/National Broadband Availability Map	K. Workman, J. Hoffman	February 2019	Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021



MEETING MINUTES | March 9, 2023

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: https://docs.google.com/forms/March2023				P = Present; TC = Teleconference. VC = Videoconference; _ = Absent	
	Council Member	Representing		Council Member	Representing
X	Robert L. Morris, Jr. Chair	Urban Residential User	-	Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X	Jeff Proctor	Vice Chairman Representing Secretary Carmichael
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	-	Robert Cole	Rural Residential User Congressional Dist. 1
-	David L. Roach	WV Dept. of Education, State Superintendent	X	Dennis Lee	Business User, Large Scale Broadband
-	Tim Conzett	Representing David Roach	X	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)
X	James Dixon	Representing Joshua Spence	-	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)
X	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)
X	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
X	Kelly Workman, Jamie Hoffmann, Vic Sprouse	WV Department of Economic Development	X	Steffani Sanders, Fred Feit, Chris Campbell, Adolfo Torres	Tilson Technology Management
X	Jim Kelsh	Bowles Rice Legal Counsel	-		
Agenda Item			Details/Minutes		
1. Call to Order; Roll Call; Opening Remarks			Quorum was met.		
2. Approval of February 2023 Meeting Minutes, Financial Statement			Motion for approval Mike Holstine; 2 nd – Jeff Proctor; Motion Passed		
3. WVPSC Show Cause Petition, Case No. 22-0885-E-T-SC			Jim Kelsh, Bowles Rice, provided an update on this matter. The WVPSC has scheduled a hearing for April 19, 2023. There are 9 issues regarding poles that will be reviewed as part of the case. Robbie Morris, Chairman, Broadband Council opened the floor for any questions. There were none.		
4. Jon Webster, External Affairs Manager, Appalachian Power			Jon Webster, External Affairs Manager, AEP had an updated slide presentation regarding AEP's Feasibility Study #2.		
			A summary of Mr. Webster's presentation is provided below. <ul style="list-style-type: none"> First presented the Middle Mile Initiative – Feasibility Study to council back in October 2022. The study includes 100,000 businesses and residents. 658 miles of Middle Mile fiber 		

	<ul style="list-style-type: none"> • Includes 5 counties included – McDowell, Mercer, Raleigh, Summers, and Wyoming counties. • Estimated cost of \$113 million • Appalachian Power and Wheeling Power will fund. • Will work with the Broadband Council to select ISP(s) partners. • Initially study presented a number of 4 poles per mile, has been found that it will be 2 poles per mile so there was some cost savings <p>Appalachian Power would like to continue working on agreements with ISP(s) and holding discussion regarding interest for the 5 counties. Future plans include to continue refining the Middle Mile Network and working hand in hand with ISPs to ensure that the digital handoff will be efficiently working in the best way possible for customers, providers, and West Virginia. The WVPSC has up to 180 days to approve once everything is submitted.</p> <p>Jeffrey Proctor made a motion to approve; Ron Pearson seconded the motion. The motion passed.</p> <p>Chairman Morris stated that council was very excited to pair up with Appalachian Power regarding this project. (Jim Kelsh, Bowles Rice along with Fred Feit, Tilson Technology, gave their reviews of the projects. They both have reviewed the study for council.)</p>
<p>5. ARPA Program Update</p>	<p>Kelly Workman, Director, Office of Broadband</p> <p>Director Workman provided council with an update on ARPA funding and future projects. Below is a summary of what the Office of Broadband has been working on regarding ARPA.</p> <ul style="list-style-type: none"> • Current projects are moving forward. • Currently, \$103 million dollars has been awarded for projects. • Second round of LEAD projects opened up on February 17, 2023, and will close on March 22, 2023 • Second round of MBPS projects opened up on March 9, 2023, and the funding cycle will close on April 20, 2023 • Round 2 – MBPS will be open specifically to our Gig Ready Technical Assistance applicants. <p>Director Workman will provide a more detailed update on the IJA BEAD and Digital Equity programs to council in April 2023.</p>
<p>6. Broadband Data Act; FCC New National Broadband Map</p>	<p>Jamie Hoffmann, Program Manager, Office of Broadband</p> <p>Jamie Hoffman provided new information regarding the new dates and timelines regarding challenges.</p> <p>The FCC is keeping an open mind on how they are receiving challenges, which allows the Office to perfect its mapping and show as many unserved locations accurately as we can.</p> <p>The Office has submitted more than 4,000 challenges that have been accepted, and currently has 2,000 fixed wireless locations pending approval. The Office will provide updates as we receive answers from the FCC.</p> <p>The next location challenge, regarding missing locations, is due on March 15, 2023.</p> <p>Availability challenges will be due in June 2023.</p>

	<p>The Office of Broadband is working every day to perfect our maps and the ISP's have assisted us while working on these maps. In this regard, the Office has published a request for ISP partners in West Virginia to submit their the BDC data to the Office following submission to the FCC. This will help the Office reduce gaps between program administration, data releases, by improving the accuracy of the State broadband map.</p>
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**WEST VIRGINIA BROADBAND
ENHANCEMENT COUNCIL
CHARLESTON**

RESOLUTION

WHEREAS the West Virginia Broadband Enhancement Council (“Council”) is authorized pursuant to *West Virginia Code* §31G-4-5 to review and render a decision upon a feasibility study for a middle-mile broadband expansion project proposed by an electric utility;

WHEREAS Appalachian Power Company (“APCo”) and Wheeling Power Company (“WPCo”, collectively “Applicants”) submitted a Broadband feasibility study (“Study”) proposing a project to install 658 miles of new broadband fiber and utilize 297 miles of existing fiber within portions of McDowell, Mercer, Raleigh, Summers, and Wyoming Counties to the Council on January 9, 2023.

WHEREAS the Council posted a link to the Study on the Council’s website for public comment more than seven days in advance of the Council’s March 9, 2023 meeting, in compliance with *W.Va. Code* §31G-4-5(e);

WHEREAS, the Council provided proper notice of the agenda and meeting date, time and place for its March 9, 2023, Council meeting;

WHEREAS, the Applicant has solicited internet service providers with interest in leasing the internet capacity which would be created if the Study is implemented.

WHEREAS, upon the Council’s approval of the Study with the terms and conditions referenced herein, the Applicants, in consultation with the Staff of the Council agree to issue a request for proposals for internet service providers to confirm specific interest in leasing broadband facilities based upon the Study.

WHEREAS, in response to such a request for proposals, the Applicants are expected to enter into lease agreements with internet service providers, which will be made contingent upon receiving approval from the Council of the terms and conditions in leases, and an order from the Public Service Commission of West Virginia (“PSC”) ruling upon a request from the Applicants for recovery of Study implementation expenses;

WHEREFORE, the Council makes the following determinations:

1. The Study includes the evaluation of all items identified in subsection (d) of *W.Va. Code* §31G-4-5.
2. The Council has complied with the notice requirements of *W.Va. Code* §31G-4-5(e).
3. The Council has identified internet service providers that have a serious interest in leasing the middle mile broadband internet capacity to be created by the Study if it is implemented.
4. The terms and conditions attached hereto as Appendix A and incorporated herein by reference, are reasonable for the purpose of providing a sufficiently defined framework for bidding or negotiating with internet service providers for leases of the capacity that will be created if the Study is implemented; and the Council recognizes that the final terms of any lease will be subject to further negotiations among the parties, and submission to the Council for final approval.
5. The Applicants have not estimated lease revenue if the Study is implemented. The effect of implementation of the Study upon the Applicants’ rates to its electric utility customers cannot be known until the Applicants negotiate leases with internet service providers, and the PSC rules upon a petition from the Applicants for recovery of Study.

implementation expenses. The Applicants have stated that they will require assurance of recovery of Study implementation expenses from the PSC before proceeding to construction.

6. It is in the public interest to increase the availability and quality of broadband in rural West Virginia to support the retention and expansion of businesses, community services, and improvement of residential living standards.


7. The Council finds that the Study meets the requirements of *W.Va. Code* §31G-4-5, that the Council has identified last-mile broadband interest service providers that may lease the capacity that would be created by the Study if implemented, and the attached terms and conditions are reasonable.

8. Following approval of this Resolution, the Applicants will issue a request for proposals from internet service providers, a process which is expected to culminate in the development of leases between the Applicants and Internet service providers.

Number of Members Voting in Favor of the Resolution 9

Number of Members Voting Against the Resolution 0

The Resolution is Approved/Fails (circle one)

Attest: 
2023, Michael J. Holstine, Secretary-Treasurer

March 9,

Below you will find the names of all Broadband Enhancement Council members who participated in the vote, along with whether they voted Opposed or Unopposed.

Robert L. Morris	Unopposed
Michael J. Holstine	Unopposed
Roger Calhoun	Unopposed
James Dixon	Unopposed
Jeff Whitman	Unopposed
Dr. Carl R. Powell	Unopposed
Jeff Proctor	Unopposed
Dennis Lee	Unopposed
Honorable Ronald G. Pearson	Unopposed

APPENDIX A

Dark Fiber Lease Terms and Conditions

A dark fiber lease permits a lessee to utilize some number of available fiber optic strands within a cable or cables owned by the lessor (in this case, Appalachian Power Company ("APCo") and Wheeling Power Company ("WPCo", collectively "Applicants")). A fiber optic cable includes multiple individual strands, and the lease grants the lessee the use of particular strands within particular parts of the lessor's network.

This document identifies and describes common subjects for Terms and Conditions in a dark fiber lease. *Italicized* text shows an example illustrating how the term or condition might typically be deployed in a lease agreement. Examples are not intended to be prescriptive for the terms and conditions between the Applicants and a dark fiber lessee.

Key Definitions

Several key terms for a dark fiber lease include:

- **Demarcation Point** refers to the point at which the lessor and lessee's systems will connect via a physical "handoff" via the fiber optic cabling whereby the lessor's cable will connect to the lessee's cable.
- **Maintenance** means work that must be performed on or to the lessor's fibers to ensure acceptable signal transmission continuity through the fibers (in conformance with the manufacturer's specifications), and capable of enabling the lessor to meet the performance metrics, or to ensure the safety and reliability of the fiber assets.
- **Repair** means restoration of the fiber optic cable functionality to meet the transmission objectives in accordance with the specifications section defined in the lessor's contract.
- **Outage** means any condition that causes degradation of the fiber optic cable functionality so that it does not meet the transmission objectives in accordance with the specifications section defined in the lessor's contract.

Construction

Construction terms define roles and responsibilities in the construction of both the lessor and lessee sides of the fiber. It is not uncommon to see either direct or indirect references to fiber characteristics that will make up the lessor's network and provide technical definition in the contract, for example:

Lessee assumes ownership, installation and maintenance responsibility for Lessee's infrastructure beginning at the agreed Demarcation Point located one foot from Lessor's splice point. At this point there will be a stubbed-out conduit with a cable length of 25 feet to which the lessee can splice to connect their network.

Fiber construction type will be single mode with a core or cladding size with a nominal 9/125 μ m. Fiber will have dual-window construction and capability to transmit at 1310nm and 1550nm. The nominal attenuation of each fiber will be 0.4 db/Km at 1310nm and 0.3 db/Km at 1550nm. Where required, each fiber shall either be terminated with an SC- type 2.5mm bayonet connector or spliced to an SC-type 2.5mm bayonet connector pigtail. The average splice loss of a given span will not exceed .10 dB. The maximum loss of the connector or jumper termination will not exceed 1 dB. Where required, each fiber shall either be terminated with an SC- type 2.5mm bayonet connector or spliced to an SC-type 2.5mm bayonet connector pigtail.

Service Delivery and Acceptance

These are designed to put boundaries around responsibilities for delivering the dark fiber to a lessee and describe at a summary level the expectations of testing and acceptance by the lessee. Typically, most of this responsibility and its related tasks lie with the lessee, which include verification of the delivered facility as well as equipment responsibilities. Additionally, acceptance testing specifics may be denoted, for example:

Lessee will conduct testing of the leased infrastructure and related attachment points upon receipt of notice of completion and/or verification testing by Lessor. Lessee is solely responsible for ensuring it has installed the necessary infrastructure and obtained entrance agreements to complete its own acceptance testing as defined in the Acceptance Testing provisions and fiber Performance Specifications. Acceptance testing will be confirmed in writing.

In the event Lessee rejects in writing (with evidence in the form of Optical Time-Domain Reflectometer traces) the acceptance of leased infrastructure or attachment points, Lessor will use commercially reasonable efforts to correct or repair the Leased Infrastructure that are not in compliance. A notice of completion will be given with respect to the item(s) indicated in the rejection and will continue until all defect's are remedied. Once it is demonstrated by the Lessor, or if the cited defects do not materially affect the leased infrastructure's performance, consistent with industry standards, Lessee shall immediately execute a Notice of Acceptance. Lessee shall not unreasonably withhold acceptance.

Lessee acceptance of leased infrastructure shall be based on conformance of the Performance Specifications exhibit of the lease.

Acceptable Use

Within the scope of fiber lease agreements, the Acceptable Use Policy (AUP), refers to the use of the physical fiber on the lessor's system by the lessee. Although the exact use of the fiber is within the realm of the lessee's discretion, certain rules must be observed. Additionally, it's not uncommon for providers to take an "all or nothing" approach to encourage acceptance and verification of more than one set of fiber strands, for example:

Lessee will use reasonable care to monitor, maintain and operate its equipment in accordance with industry standard practices. Lessor has no obligation for the installation, maintenance or repair of Lessee's equipment. Upon notification from Lessor, Lessee shall eliminate any hazard, interference or product obstruction that may be caused by Lessee's equipment as reasonably determined by Lessor.

Lessee shall not use any part of the Leased Infrastructure or additional Leased Infrastructure until acceptance of the entire Leased Infrastructure occurs.

Lease Costs and Cost Identification

Payment for the use of the dark fiber can be structured in a variety of ways, depending on the commercial requirements of the parties. A recurring charge per strand or per strand-mile leased is common, as is a lump-sum up-front payment with smaller recurring maintenance payments over the life of the agreement. The life of the agreement may range in length from months to decades, depending on the needs of the parties, and longer-term commitments typically have a discount over shorter-term agreements when offered. Alternative methods of cost calculation include a charge per connection that the lessee makes on the network or a share of revenue it derives for services provided over the network. Cost calculation also typically identifies the categories of costs that the payment does not cover, for example:

Lessee understands it will procure any equipment necessary to implement its services on Leased Infrastructure. Lessee is responsible for connecting to the Demarcation Point between the Lessor and Lessee. Lessee is responsible for any collocation costs needed to attach its equipment for use of the Lease Infrastructure separately from the Leased Infrastructure cost. Lessee is responsible for all power and cooling needed and the related costs, separately from the Leased Infrastructure cost.

Monitoring, Maintenance, and Repair

These support components are crucial terms in any dark fiber contract. The most important subcomponents of support include:

- Definitions of roles and responsibilities for monitoring, maintenance, and repair between the lessee and lessor.
- Leased infrastructure availability goals. Agreements vary but may contain very specific components and metrics. The most common metric used for dark fiber leases is Mean Time to Repair (MTTR).
- Outage response and notification (scheduled and unscheduled). A minimum notice period for scheduled maintenance and required maximum interval for response in the event of an unscheduled event are both common.
- Credits and financial incentives for performance.

The examples below illustrate these items.

Example of Lessor's Responsibility for Maintenance:

During the lease term, Lessor will monitor and maintain the structural aspects of Leased Dark Fiber in good operating condition, utilizing sound engineering practices and in accordance with [X]. If Lessor fails at any time to meet the Specifications in as timely and expedited a manner as reasonably possible, Lessor will provide notification to all Lessees in an outage situation regardless of whether the outage is a result of scheduled or unscheduled maintenance.

Example for Scheduled and Unscheduled Maintenance:

Lessor will use commercially reasonable efforts to notify Lessee at least ten (10) days prior to the date of any Scheduled Maintenance that may result in an outage or degradation in the use of Assets, and as soon as possible, but in no event later than four (4) hours after becoming aware of the need for Unscheduled Maintenance. In the event that Scheduled Maintenance is canceled or delayed as previously notified, the Lessor will use commercially reasonable efforts to notify Lessee at the Lessor's earliest opportunity, but in no event less than forty-eight (48) hours after cancellation, and will comply with the above-provisions for any re-scheduled activity.

"Mean Time to Repair" (MTTR) is the average time required to restore the Lessee Fibers to an operational condition. The Lessor will respond to any interruption of service or a failure as quickly as possible, but in no event later than four (4) hours after becoming aware of the failure or interruption, in accordance with the procedures set forth herein. Lessor will deploy onsite within 4 hours of becoming aware of the problem. The problem will be addressed by working diligently to enable restored service as soon as technically practical and commercially reasonable, in accordance with the procedures set forth herein. In order to accomplish such objectives, Lessee acknowledges that such repairs may be temporary in nature. In such event, within forty-eight (48) hours after completion of any such Unscheduled Maintenance, Lessor will commence its planning for permanent repair, and thereafter promptly notify Lessee of such plans, and shall use commercially reasonable efforts to implement such permanent repair as soon as possible thereafter. Lessor's employees are available 24/7 for 365 days, including observed holidays.

If Lessor fails to repair a fiber within four (4) hours of notice from Lessee of an outage, Lessee may be entitled to a credit.

Both the Lessor and Lessee agree to cooperate and coordinate, and each shall use the escalation list of the other, as updated from time to time pursuant to the escalation list or other notice provision, to report and seek immediate initial redress of exceptions noted in the performance of each other in meeting maintenance service objectives.

Example for Credits:

In the event of an Outage, Lessee may be entitled to a credit. An outage begins upon the earlier of Lessor's actual knowledge of the Outage or Lessor's receipt of notice from Lessee of the Outage, and end when the Lessee fibers are operational and in material conformance with the Specifications.

Credits will be calculated as follows: 1/30th of the Monthly Recurring Charge {MRC} of the affected fibers for each consecutive 24-hour period after the MTTR definition up to a maximum of 50% of the MRC. This applies to a single outage event, not the sum total of multiple outages.

In no event will Lessor's total liability for all Outages and/or failure to meet any objectives or parameters in any month exceed a credit equal to fifty percent {50%} of the MRC for the affected product for such month.

Lessee must submit a written request to claim an Outage credit no later than thirty {30} days following the event. Failure to request a credit within such period shall constitute a waiver of any claim for an Outage credit. Lessee shall not receive any credit for any Outage, failure to meet any objectives or parameters, or delay in performing repairs in whole or in part, by an electrical power failure, forfeiture of release of fibers for Lessor testing, Lessee equipment failures, Force Majeure events or disconnection/suspension events.

Although the preceding examples identify the lessor in many scenarios, successful execution requires a partnership on both sides and a willingness to develop a two-way performance conversation and regular, recurring status updates.

Dispute Resolution

Dispute resolution language generally follows typical legal language for resolution of disputes in commercial agreements. Potential lessees can reduce risk of a dispute by addressing major events that may arise. A prime example, is to state what happens if the Lessor sells the dark fiber it is leasing, for example:

Sale or Abandonment of Assets. In the event that Lessor sells, assigns or otherwise transfers title in, or abandons the Assets prior to the expiration term, Lessee's rights to use the Assets during the term shall not be affected and any such sale shall be explicitly made subject to and conditioned upon continuation of the Lease granted by this agreement (including associated payment obligations).



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | May 11, 2023

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; Meeting Link: https://docs.google.com/forms/May2023 hold comments until public comment portion of agenda					P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Council Member	Representing			Council Member	Representing
_X	Robert L. Morris, Jr. Chair	Urban Residential User	-		Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary
_X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	_X		Jeff Proctor	Vice Chairman Representing Secretary Carmichael
_X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_X		Robert Cole	Rural Residential User Congressional Dist. 1
-	David L. Roach	WV Dept. of Education, State Superintendent	-		Dennis Lee	Business User, Large Scale Broadband
_X	Tim Conzett	Representing David Roach	_X		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)
_X	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)
X	Steve White	Representing Matt Turner WVNET	-		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
X_	Kelly Workman, Jamie Hoffmann	WV Department of Economic Development	-		Steffani Sanders, Fred Feit, Chris Campbell	Tilson Technology Management
-	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	-			
Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks			-Save the Date: Proposed WV Broadband Summit to be jointly sponsored by Council, WVDED Office of Broadband and WV Economic Development Council (WVEDC) , Embassy Suites, Charleston July 25-26 -Quorum was met			
2. Approval of April 2023 Meeting Minutes, Financial Statement			-Dotti Underwood, Finance Manager, WV Office of Broadband -Motion for approval Ronald Pearson; 2nd-Roger Calhoun; Motion passed			

<p>3. WV Broadband Workforce Council</p>	<p>Kent Sowards, Associate Director Diana Long, Director of Workforce Development and Education -Both Kent and Diana were present, and their presentation is outlined below:</p> <p>Kent Sowards: -Required by NTIA to put together a Workforce plan -3 primary areas of focus including an education partnership -WV Workforce Data Sources-website links given -Occupation makeup was discussed-the top 20 occupations identified in the Brookings report make up more than two thirds of the employment share -WV perspective on occupation data was given -WV demand occupation chart was briefly discussed</p> <p>Diana Long: -Broadband Industry reviews were completed between February and March, which came to a total of 19 interviews -Reports were sent out to all participants, and survey questions were asked -Employers gave a variety of recommendations for the future that will influence the outcome -Future abilities and changes were reviewed to further the success of the program</p> <p>This work is coordinated by the Appalachian Transportation Institute (ATI), Center for Business and Economic Research (CBER), Marshall University Research Corporation</p>
<p>4. Infrastructure Investment and Jobs Act (IIJA) 1. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) 5-year Plan</p>	<p>BEAD Five-Year Action Plan Program</p> <ul style="list-style-type: none"> ● WV BEAD Planning Grant Approved by NTIA, Nov. 14, 2022, in the amount of \$5 million. Plan due August 2023. <p>Andrew Joseph, Tilson Technology presenting: -Overview of the 5 year plan-Context, Mapping and Analysis, Examples of Barriers, and Preparation for the June Meeting -Bead and DE deliverables to NTIA and funding -Mapping and Analysis-Broadband service map across WV that represented served and underserved areas -The overview of Existing Broadband funding was given which represented how BEAD funding can properly used -Internet adoption in WV-Overview of how cost can affect internet usage -Estimating costs and preparing for the next steps-This section involved future planning points, and how to successfully move forward</p> <p>Barriers faced by ISP's: -WVDED has been working with ISP's to understand the barriers that would prevent them from participating in BEAD or impact their ability to do so efficiently -During this section, an overview was given of the potential barriers and the effects of the barriers -Impact and status of barriers: Workforce, Supply Chain, Pole Attachments, Rights-of-Way, Permitting Time, and Program Design Specific Examples Include: Workforce, Letter of Credit and Matching</p>

<p>2. IJA Digital Equity Planning Grant</p>	<ul style="list-style-type: none"> ● NTIA BEAD Model Challenge Process; WV Comment on NTIA Challenge Process Submitted to NTIA May 5, 2023. See comment attached in packet. <p>IJA Digital Equity (DE) Planning Grant</p> <ul style="list-style-type: none"> ● Digital Equity Planning Grant Approved by NTIA Sept. 30, 2022, in the amount of \$728,000. Plan Due September 30, 2023. <p>Derek Zelkowski gave DE current updates.</p> <p>-The challenge was briefly addressed</p>			
<p>5. WV ARPA Update</p>	<p>WV Office of Broadband</p> <p>-All projects are moving forward, and a more detailed overview will be provided in future meeting</p>			
<p>6. Affordable Connectivity Program Communications and Outreach Plan</p>	<p>Affordable Connectivity Program: As of May 8, approximately 101,000 West Virginians have registered. For details, visit https://www.usac.org/about/affordable-connectivityprogram/acp-enrollment-and-claims-tracker/</p>			
<p>7. Public Comment</p>	<p>Sign-In for Public Comment</p>			
<p>8. Next Meeting</p>	<p>Google Meet: June 8, 2023 at 10:00am</p>			
<p>9. Adjournment</p>				
<p>Action Items</p>				
<p>No.</p>	<p>Description</p>	<p>Assigned To</p>	<p>Month Identified</p>	<p>Target Completion Date</p>
<p>1.</p>	<p>NTIA/National Broadband Availability Map</p>	<p>K. Workman, J. Hoffman</p>	<p>February 2019</p>	<p>Two-year project. 5/10/2019 NBAM 2. 5 Release 3/2021</p>



MEETING MINUTES | June 8, 2023

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 Meeting Link: https://docs.google.com/forms/June2023 .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	
_X	Robert L. Morris, Jr. Chair	Urban Residential User		-	Mitch B. Carmichael	WV Dept. of Economic Development Cabinet Secretary	
_X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		_X	Jeff Proctor	Vice Chairman Representing Secretary Carmichael	
_X	Roger Calhoun	Rural Residential User Congressional Dist. 3		_X	Robert Cole	Rural Residential User Congressional Dist. 1	
-	David L. Roach	WV Dept. of Education, State Superintendent		-	Dennis Lee	Business User, Large Scale Broadband	
-	Tim Conzett	Representing David Roach		X	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)	
_X	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)	
_X	Matt Turner	WV Higher Education Policy Commission Vice Chancellor		-	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)	
-	Steve White	Representing Matt Turner WVNET		-	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	
_X	Kelly Workman, Jamie Hoffmann	WV Department of Economic Development		X	Steffani Sanders, Fred Feit, Chris Campbell	Tilson Technology Management	
-	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel		-			
Agenda Item				Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks							
2. Approval of May 2023 Meeting Minutes, Financial Statement				Dotti Underwood, Finance Manager, WV Office of Broadband - Motion for approval Matt Turner; 2nd-Ronald Pearson; Motion passed			
3. WV Broadband Survey				Cecilia Harry, CEcD Director, Economic Development Thomas P. Miller Associates https://www.tpma-inc.com/ Cecilia Harry Speaking: -Brief summary of progress was given along with purpose and plan for the survey that will be distributed.			

	<p>-The survey will take roughly 10 minutes, and will be primarily digital, and paper copies will be available at all local libraries.</p> <p>-The purpose of the survey is to bring awareness and receive feedback regarding to Broadband</p>
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<p>broadband.wv.gov/broadbandavailability</p>	<p><i>Available to ISPs to collect availability data prior to the Broadband Data Collection filing window open from July to September 2023 and incorporated into the map in Fall 2023.</i></p> <ul style="list-style-type: none">• West Virginia in the top 10 states that gained the most unserved locations from v.1 to v.2. Between December 2022 and May 2023, West Virginia gained 86,833 unserved locations, increasing from 184,764 to 271,597 unserved locations.• West Virginia gained 3,105 Broadband Serviceable Locations (BSLs) between v.1 and v.2 of the map.• Between December 2022 and May 2023, providers made significant improvements to the representation of fixed wireless availability in West Virginia, with 269,337 corrections made by providers to fixed wireless service offerings at BSLs across the state. <p>Caleb Bryant Speaking:</p> <p>-Website usage was reviewed, as far as the explanation of the website to represent served locations</p>
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<p>5.</p> <p>Infrastructure Investment and Jobs Act (IIJA)</p> <p>1. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) 5-year Plan</p> <p>2. IIJA Digital Equity Planning Grant</p>	<p>BEAD Five-Year Action Plan Program</p> <ul style="list-style-type: none"> ● WV BEAD Planning Grant Approved by NTIA, Nov. 14, 2022, in the amount of \$5 million. Plan due August 12, 2023. ● Plan includes Digital Equity Plan, Workforce Plan ● Concurrent Phases in the Process: <ul style="list-style-type: none"> ○ Opportunities for input and review ○ NTIA BEAD Model Challenge Process ○ Initial Proposal ○ Final Proposal <p>Chris Campbell Speaking:</p> <ul style="list-style-type: none"> -Continued conversations of funding disbursements -Agenda and status were both reviewed along with requirements and recommendations -The community anchor institutions were briefly reviewed -The five-year plan has five internal sections including: executive summary, overview, goals, and objective, current state of broadband and digital inclusions, obstacles and barriers, and the implementation plan -Plan draft generally follows NTIA template for the organization -NTIA spending waterfall for BEAD (steps regarding to broken down plan) -Broadband action plan draft goals: availability and supporting investment goals -BEAD broadband infrastructure investment: -General BEAD program design requirements: timeframe and overall project selection process -Eligibility Requirements: Requirements for West Virginia’s subgrantees under BEAD -BEAD eligible subgrantee applicants -Performance of awarded BEAD projects -Required BEAD match -Applicant Capability -Proposal Prioritization: Requirements for ranking proposed projects under BEAD -BEAD project prioritization -Priority groups for proposed projects: Priority among projects competing for the same locations
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	<ul style="list-style-type: none"> -Weight within priority groups briefly discussed -Recommendation for BEAD program -Addressing community anchor constitutions -WV core locations: colleges/universities, k-12 schools, hospitals, police stations, fire stations, libraries <p>IIJA Digital Equity (DE) Planning Grant</p> <ul style="list-style-type: none"> ● Digital Equity Planning Grant Approved by NTIA Sept. 30, 2022, in the amount of \$728,000. Plan Due September 30, 2023. ● Outreach Campaign ● Digital Equity Pilot Program ● WV Broadband Survey ● WV Broadband Listening Sessions <p>Derek Zelkowski Speaking</p> <ul style="list-style-type: none"> -Current update regarding drafting from public listening tour was given -Digital Equity pilot program: accepting applications until June 15th
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<p>6. WV ARPA Update</p>	<p>WV Office of Broadband Field Reviews: Completed for three projects week of May 15, 2023 Kelly Workman Speaking -Field visits were made for three projects that have been completed -Field verifications have been done and we are currently waiting for reports -All projects are being pushed along -Multiple applications have closed -Additional reports will be given at the next council meeting</p>
<p>7.</p> <p>WVPSC Show Cause Petition, Case No. 22-0885E- T-SC</p>	<p>Jim Kelsh, Peter Markham, Bowles Rice FRONTIER WEST VIRGINIA, INC. and MONONGAHELA POWER COMPANY THE POTOMAC EDISON COMPANY Petition to the Commission to required Frontier West Virginia, Inc. to show cause why the Commission Should not prohibit Frontier from requiring duplicative Pole attachment applications, timelines, and fees. http://www.psc.state.wv.us/WebDocket/default.htm Peter Markham Speaking -Additional time is required, and there is no current filing for a proposed resolution -Regarding the pole attachment issue</p>
<p>8.</p> <p>Affordable Connectivity Program</p>	<p>Affordable Connectivity Program: As of May 8, approximately 105,376 West Virginians have registered. For details, visit https://www.usac.org/about/affordable-connectivity-program/acpenrollment-and-claims-tracker/ -Those eligible are encouraged to spread knowledge</p>
<p>9. Public Comment</p>	<p>Sign-In for Public Comment</p>
<p>10. Next Meeting</p>	<p>Google Meet: July 13, 2023</p>
<p>11. Adjournment</p>	



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | July 13, 2023

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	Robert L. Morris, Jr., Chair	Location:	Online Meeting
Call information available upon registration. Please register for public comment; hold comments until public comment portion agenda. https://docs.google.com/forms/July2023			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Council Member	Representing	
_X	Robert L. Morris, Jr.	Chairman Urban Residential User	_ Mitch B. Carmichael WVDED Cabinet Secretary
_X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	_X Jeff Proctor Vice Chairman Representing Secretary Carmichael
_X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_X Robert Cole Rural Residential User Congressional Dist. 1
_	Michele Blatt	WV Dept. of Education, State Superintendent	_ Dennis Lee Business User, Large Scale Broadband
_X	Tim Conzett	Representing Michele Blatt	_ Honorable Ron 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)
_X	James Dixon	Representing Josh Spence	_ The Honorable Mark Maynard WV Senate (R) (Ex-Officio/Advisory Member)
_	Jeff Whitman	Representing Josh Spence	_ The Honorable Riley Keaton WV House (R) (Ex-Officio/Advisory Member)
_X	Matt Turner	WV Higher Education Policy Commission	_ The Honorable Joey Garcia WV House (D) (Ex-Officio/Advisory Member)
_	Steve White,	Executive Director, WVNET	_ Vacancy: Rural Business User Congressional Dist. 1
_	The Honorable Scott Edwards	Rural Business User, Congressional District 2	_ Vacancy: Urban Business User
	Representative	Agency	
_	Kelly Workman, Jamie Hoffmann	WVDED	_ Steffani Sanders, Fred Feit, Chris Campbell Tilson Technology Management
_	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	_
Agenda Item		Details/Minutes	
1. Call to Order; Roll Call; Opening Remarks			
2. Approval of June 2023 Meeting Minutes, and Financial Statement		Motion by Jeff Proctor, 2 nd Matt Turner, Motion passed Quorum met Dotti Underwood, Finance Manager, Office of Broadband	

<p>3. Broadband Mapping and Data Update</p> <p>1. FCC National Broadband Map V2 Analysis broadbandmap.fcc.gov</p> <p>2. WV Broadband Project Dashboard</p>	<p>Fabric v.2: <i>This version of the Fabric was made available to ISPs on January 3, 2023, to collect ISP availability data. Fabric v.2 was incorporated the BEAD allocation announcements o June 26, 2023. This is the Fabric resulting from the March 15 Challenge.</i></p> <p>-Version 2 is currently being used, and adjustments have been made since the March 15th challenge</p> <p>-This version is used to determine the BEAD allocation</p> <p>-We were able to secure 86,000 addresses along with other major improvements</p> <p>Next UP - Fabric v.3: <i>This version of the Fabric incorporating challenges made to Fabric v.2 by March 15, 2023. Fabric v.3 was released to license holders on Jul 3, 2023. Available to ISPs to collect availability data prior to the Broadband Data Collection filing window open from July to September 2023 and incorporated into the map in Fall 2023.</i></p> <p>-Version 3 will be used next, and will be used to determine the next steps in the process of Broadband expansion</p> <p>-Improvements are always being made to ensure that we are getting the best possible results</p> <p><i>In addition to the Broadband Availability Map presented at the June 2023, the Office of Broadband is preparing a project dashboard.</i></p> <p>-This dashboard will allow residents to see the status of projects, and the funding for them</p> <p>-Since the dashboard will be public facing, residents will be given a better idea of what we are doing as we continue to expand across the State</p> <p>-Improvements are currently being made to ensure that the dashboard is as informative as possible</p> <p>-The dashboard is all around meant to be used as a planning tool</p>
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<p>4. Infrastructure Investment and Jobs Act (IIJA) 1. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) 5-year Plan</p> <p>2. IIJA Digital Equity Planning Grant</p>	<p>BEAD Five-Year Action Plan Program</p> <ul style="list-style-type: none"> ● WV BEAD Planning Grant Approved by NTIA, Nov. 14, 2022, in the amount of \$5 million. Plan due August 12, 2023. ● Plan includes Digital Equity Plan, Workforce Plan <p>-This is the next step, and the goal is to submit the 5 year plan a day early on August 11th</p> <p>-There is no public comment period for this plan, but there will be an internal review</p> <p>-The Workforce plan will be a part of this along with many others</p> <p>-The initial proposal will come after the plan is submitted, and will be broken into 2 sections</p> <p>-The first section will include 3,5,6, and will be ready in October</p> <p>-Section 2 will follow the initial proposal</p>
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	<p>-Once the 5 year plan, and initial proposal are approved, NTIA will release 20% of the State funding. This will start the challenge process that will need to be approved.</p> <p>IIJA Digital Equity (DE) Planning Grant</p> <ul style="list-style-type: none"> ● Digital Equity Planning Grant Approved by NTIA Sept. 30, 2022, in the amount of \$728,000. Plan Due September 30, 2023. (<i>Due to NTIA administrative procedures, WV may not receive 12 months to complete the plan, and the plan may be due August 30, 2023. The Office of Broadband has requested a correction which would result in a 12-month deadline of September 30, 2023.</i>) ● Outreach Campaign ● Digital Equity Pilot Program ● WV Broadband Survey ● WV Broadband Listening Sessions <p>-The new timeline will be August 30th for the Digital Equity plan due to administrative changes, but will be submitted a day early on August 29th</p> <p>-Internal reviews are being finished up, and will be posted along with the plan for public comment</p> <p>-The plan will be posted online and in hand for those that are currently unserved, to receive community feedback</p> <p>-This will be available for public review from July 17th to August 21st</p> <p>-The Broadband office submitted an application on June 30th for the FCC National Competitive Outreach Program for promoting ACP enrollment in West Virginia</p> <p>-We should receive confirmation on an answer to whether we will receive the grant funds in September</p> <p>-The program period of performance would start in November, and last a full year</p>
<p>5. WV ARPA Update</p>	<p>WV Office of Broadband</p> <p>Field Reviews: Completed for three projects week of May 15, 2023</p> <p>Additional project announcements June 7, 2023:</p> <p>https://broadband.wv.gov/gov-justice-announces-over-18-million-ingrant-funding-for-broadband-improvement-projects-across-westvirginia/</p> <p>-On June 7th additional awards were granted</p> <p>-Those awards included multiple projects</p> <p>-The program is going very well, and the field reviews are being completed successfully</p> <p>-The field reviews enable solidification that the projects are being completed correctly and efficiently</p>
<p>6. WVPSC Show Cause Petition, Case No. 220885- E-T-SC</p>	<p>Jim Kelsh, Peter Markham, Bowles Rice</p> <p>FRONTIER WEST VIRGINIA, INC. and MONONGAHELA POWER COMPANY THE POTOMAC EDISON COMPANY Petition to the Commission to required Frontier West Virginia, Inc. to show cause why the Commission Should not prohibit Frontier from requiring duplicative Pole attachment applications, timelines, and fees.</p> <p>http://www.psc.state.wv.us/WebDocket/default.htm</p>
<p>7. WV Broadband Summit</p>	<p>-The key pillars are reviewed, and the first half of the second day is dedicated to the Workforce Council.</p> <p>-Many topics to be discussed during the 2 day Summit, and all presentations will elaborate on the future plans for Broadband.</p>

<p>8. Affordable Connectivity Program</p>	<p>Affordable Connectivity Program: As of July 3, approximately 110,145 West Virginians have registered. For details, visit https://www.usac.org/about/affordable-connectivityprogram/acp/enrollment-and-claims-tracker/</p> <p>-Continued encouragement to enroll in this program, and to check availability</p>
<p>9. Public Comment</p>	<p>Sign-In for Public Comment</p>
<p>1. Next Meeting</p>	<p>Google Meet: August 10, 2023 @10am</p>
<p>11. Adjournment</p>	

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the PUBLIC SERVICE COMMISSION OF WEST VIRGINIA
in the City of Charleston on the 21st day of June 2023.

CASE NO. 22-0885-T-E-SC

FRONTIER WEST VIRGINIA, INC. and
MONONGAHELA POWER COMPANY AND
THE POTOMAC EDISON COMPANY

Petition to the Commission to require Frontier
West Virginia, Inc. to show cause why the
Commission should not prohibit Frontier from
requiring duplicative pole attachment applications,
timelines and fees.

COMMISSION ORDER

The Commission accepts a Joint Stipulation and Agreement for Settlement.

BACKGROUND

On May 13, 2022, Commission Staff (Staff) filed a Show Cause Petition (Petition) requesting that the Commission initiate a proceeding to require Frontier to show cause why the Commission should not prohibit Frontier from requiring duplicative pole attachment applications, timelines and fees. Staff stated that telecommunications carriers currently are applying for pole attachments as part of the deployment of broadband in West Virginia, under the provisions of the Commission Rules for the Government of Pole Attachments, 150 C.S.R. 38 (Pole Attachment Rules). Some of the telecommunications carriers are seeking to attach to poles under joint use by MP/PE and Frontier.

Staff explained that under the terms of a 1988 Agreement Covering the Joint Use of Poles Between Monongahela Power Company and the Chesapeake and Potomac Telephone Company of West Virginia (Joint Use Agreement or JUA), Frontier has the right to license third-parties to attach telecommunications facilities, such as broadband fiber, to joint use poles. Telecommunications carriers seeking to attach broadband fiber to joint use poles were submitting applications for access and application fees to MP/PE and Frontier. MP/PE is performing the substantive application review and survey described in Pole Attachment Rule 10.3 and providing the estimates required by Pole Attachment Rule 10.4.

Staff stated that, notwithstanding the application review, survey, and provision of estimates being completed by MP/PE for Joint Use Poles, telecommunications carriers requesting attachment must also submit applications for attachment and application fees to Frontier. Staff asserted that the requirement for duplicate application fees and timelines is unreasonable and may cause harmful delays to telecommunications carriers seeking attachment where MP/PE has granted approval but the applicants are awaiting expiration of the forty-five day response timeline to the application by Frontier.¹

Staff also asserted that after MP/PE have granted access to telecommunications carriers, there is a likelihood for substantial harm or work stoppage while waiting for the full forty-five day response window associated with the duplicate Frontier application to expire. Staff requested that the Commission grant interim relief to pole attachment applicants who have approval from MP/PE but remain in the forty-five day attachment application process to Frontier, and allow these pole attachment applicants to proceed with attachment.

On September 28, 2022, the Commission issued an Order requiring responses from MP/PE and Frontier to Staff's request for interim relief.

On October 3, 2022, MP/PE filed a response. In the response, MP/PE stated that they have no objection to the requested interim relief and they support Commission action to avoid unnecessary attachment delays.

On October 5, 2022, Frontier filed a response to the September 28, 2022 Order. Frontier stated, among other things, that the 1988 Joint Use Agreement between MP/PE and Frontier requires that the telecommunications carrier review requests for attachments in the telecommunications space. Frontier asserted that a show cause proceeding is unnecessary and requested that Staff, MP/PE, any interested third-party attachers, and Frontier meet to discuss the pole attachment application process and how to ensure compliance with the Joint Use Agreement and avoid duplication and delay.

On October 6, 2022, Citynet filed a Petition for Leave to Intervene.

On October 14, 2022, Frontier filed a response to Citynet's Petition.

On November 10, 2022, Staff filed an Initial Joint Staff Memorandum (Initial Memorandum). Staff stated that Staff, MP/PE, and Frontier met on October 26, 2022. MP/PE and Frontier agreed to establish MP/PE as the entity to review pole attachment applications for joint use poles and were negotiating an agreement to

¹ Rule 10.3.3 of the Rules for the Government of Pole Attachments provides that the utility must respond by granting access or denying access within 45 days of the receipt of a complete application.

file with the Commission. Staff also reported that stakeholders held a separate meeting to discuss the application process and that, based on that meeting, there was no indication of any additional work stoppages.

On November 30, 2022, the Commission issued an Order granting Staff's Petition, granting Citynet's petition to intervene, requiring MP/PE and Frontier to file a proposed addendum to their 1988 Joint Use Agreement to expedite and reduce the costs and fees to process third-party requests to attach to poles or a new, separate agreement to supersede the process covered by the 1988 Joint Use Agreement, requiring MP/PE to file their policy and procedure for review of pole attachment applications and requiring MP/PE and Frontier to file information about the number of joint use poles and jointly owned poles.

On December 15, 2022, MP/PE filed a response to the Commission November 30, 2022 Order. With the response, MP/PE provided amendments to the 1988 Joint Use Agreement for Commission approval, a pole count and classification, and the FirstEnergy Communications Pole Attachment Design Guidelines. MP/PE also reported that MP/PE, Frontier, and Staff had reached an agreement to resolve the issues raised by Staff. MP/PE indicated a possibility that Citynet would join the agreement and that a joint stipulation would be filed within a week.

On January 13, 2023, the Commission issued an Order requiring that (i) a joint stipulation be filed within ten days or, (ii) if a fully agreed upon joint stipulation among all parties was imminent, but not quite complete, MP/PE file a status report, within ten days, that provides information describing any unresolved issues and a date when a joint stipulation will be filed.

On January 27, 2023, MP/PE filed a Joint Stipulation and Agreement for Settlement (Joint Stipulation) among MP/PE, Frontier, and Staff. The Joint Stipulation stated that it resolves all issues raised by the Staff Petition. Citynet did not join in the Joint Stipulation.

On January 31, 2023, Citynet filed a Response to the Joint Stipulation.

On February 10, 2023, MP/PE and Frontier each filed a Reply to the Citynet Response.

On February 21, 2023, Citynet filed a Reply to the replies filed by MP/PE and Frontier.

By Order issued on February 27, 2023, the Commission set this matter for hearing on April 19, 2023. In the February 27, 2023 Order, the Commission listed

several questions about the pole attachment process that the parties should be prepared to address.

On April 5, 2023, Micrologic, Inc. (Micrologic) filed a Motion to Intervene and Protest (Motion) which was granted by Order dated April 7, 2023. In the April 7, 2023 Order the Commission also required that any exhibits the parties planned to introduce at the hearing be pre-filed on or before April 17, 2023 and that the parties file an agreed order of witnesses no later than April 18, 2023.

MP/PE, Frontier and Micrologic filed exhibits on April 17, 2023.

Citynet filed exhibits on April 18, 2023 and presented confidential exhibits at the hearing.

The hearing was held as scheduled on April 19, 2023. Gary A. Jack appeared as counsel for MP/PE. Ronay Tenny, Engineering Director for First Energy, testified on behalf of MP/PE and presented the Joint Stipulation among MP/PE, Frontier, and Staff. Joseph J. Starsick appeared as counsel for Frontier. Amanda West, Engineering Manager, testified for Frontier. Rebecca D. Pomeroy appeared as counsel for Citynet. James R.J. Martin, II, CEO and President of Citynet, testified on behalf of Citynet. Clayton T. Harkins appeared as counsel for Micrologic. Rob Hinton, CEO and President of Micrologic, testified on behalf of Micrologic. Wendy Braswell appeared as counsel for Staff. James Weimer, Engineer, testified on behalf of Staff. At the close of the hearing the Commission required certain post-hearing exhibits, set a briefing date and required that the parties endeavor to file, within thirty days, a joint stipulation agreed to by all parties.

On June 9, 2023, counsel for MP/PE filed a Joint Stipulation and Agreement for Settlement among all parties. (June 9 Joint Stipulation)

DISCUSSION

This proceeding was instituted to investigate and find ways to avoid duplication of review of pole attachment applications in order to streamline the review process to make it as efficient and expeditious as possible while maintaining applicable safety standards. The parties have made significant progress toward that end and the Commission commends the parties for their efforts.

The operative provisions of the Joint Stipulation are found at paragraph six and provide as follows:

- a. Joint Pole Agreement
The Current Joint Use Agreement between Mon Power and

Frontier, which governs the joint ownership arrangement between the two companies, shall be amended to reflect this arrangement and submitted to the Commission for approval. This Joint Stipulation is not intended to alter or amend the Joint Use Agreement, unless set forth specifically herein.

b. Third-Party Applications for Attachment

- i. Duplicate applications to both Mon Power and Frontier for third-party attachments will no longer be required. Instead, applications for third-party attachments for jointly-owned poles will be made in SPANS (a software platform utilized by Mon Power and others for pole attachments) to Mon Power solely.
- ii. SPANS applications will be reviewed for completeness by Mon Power.

c. Third-Party Application Fee

- i. Mon Power will charge applicable application fee(s) to the third-party.
- ii. No application or application fee will be submitted by the third-party to Frontier.

d. Mon Power Engineering Review of Third-Party Applications

- i. When necessary, Mon Power and/or its approved contractor will perform engineering review for the communication and power spaces respectively within the timelines established by the Pole Attachment Rules.
- ii. Mon Power will invoice the third-party applicants for reasonable costs for the engineering review. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request.
- iii. Mon Power agrees to be transparent with the rates charged and, upon request, will provide the rates to be charged for engineering review work completed by it and/or its contractors and affirm that the rates of a given person for a specific contractor or Mon Power are being charged uniformly to all third-party attachers for a given rate option.

- iv. Mon Power will issue the permit or denial for third-party attachments through SPANS in accordance with the timelines established by the Pole Attachment Rules to the best of its ability understanding that any attacher can avail themselves of self-help or request a delay.
- e. Make-Ready Construction
 - i. Mon Power will notify Frontier (through SPANS) of required telecommunications make-ready construction that is necessary to accommodate third-party attachments.
 - ii. Mon Power will invoice the third-party for the make-ready construction performed by Mon Power and/or its approved contractor. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request. Make-ready construction will be scheduled once the invoice is paid.
 - iii. Mon Power and/or its approved contractor will perform make-ready construction related to its facilities that is necessary to accommodate third-party attachments.
 - iv. Frontier will invoice the third-party for the make-ready construction performed by Frontier. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request.
 - v. Frontier will perform make-ready construction related to its facilities that is necessary to accommodate third-party attachments.
 - vi. Existing third-party attachers will be notified by Frontier in accordance with the Pole Attachment Rules to perform make-ready work related to their facilities that is necessary to accommodate the new third-party attachment. Frontier will invoice the new third-party attacher for Frontier's reasonable and actual costs in providing this notice to existing third-party attachers.
 - vii. Make-ready construction to be performed by Mon Power and/or Frontier will be completed in a timely manner in accordance with the Pole Attachment Rules to the best of their ability. Nothing in this Joint Stipulation is intended to restrict a proposed attacher from lawfully utilizing the

self-help remedies available to it should Mon Power and/or Frontier not timely complete their portion of the make-ready construction as contemplated by the Pole Attachment Rules.

viii. Existing Systems

Unless otherwise agreed in writing, all invoices, estimates and processes must be reasonably compatible and compliant with the capabilities of existing systems, including but not necessarily limited to SPANS.

By the terms of the June 9 Joint Stipulation, Frontier is removed from the application and engineering review process and only will be involved in the make-ready process in the communications space. While the Commission hoped that the parties would agree to a process for "one stop shopping" with MP/PE as the only pole owner involved in the process, the parties have agreed that Frontier must be responsible for make-ready in the telecommunications space. Under the circumstances, the June 9 Joint Stipulation is reasonable and in the public interest because it eliminates the duplicative review process and multiple application fees that had been delaying approval of pole attachment applications, resolving the issue raised in the Staff Petition, and will be approved. The rights of third-party attachers to employ self-help remedies are not restricted by the Joint Stipulation, and in fact are affirmed.

MP/PE and Frontier have committed to amend the current JUA to reflect the new review process embodied in the June 9 Joint Stipulation. The Commission desires to keep on course in resolving issues related to pole attachments and will require MP/PE and Frontier to file an amended JUA for Commission review in a separate proceeding within sixty days of the date of this Order. An extension of this deadline may be granted by the Commission upon good cause shown.

The Commission is aware that issues may arise from time to time related to the pole attachment process that are beyond the scope of this proceeding. Those issues, if not resolved through negotiation among the parties, may be the subject of a separate complaint proceeding brought under the Pole Attachment Rules complaint procedures.

FINDINGS OF FACT

1. Prior to the institution of this proceeding, pole attachers desiring to attach to poles subject to the JUA between MP/PE and Frontier were subject to a duplicative review process. Staff Petition, Tr. at 21.

2. All parties entered into the June 9 Joint Stipulation that removes Frontier from the pole attachment application review process. Joint Stipulation.

CONCLUSIONS OF LAW

1. A joint stipulation is a recommendation by the stipulating parties as to what they regard to be a reasonable settlement of the issues for consideration by the Commission. Appalachian Power Company and Wheeling Power Company, Case No. 14-0546-E-PC, (Dec. 30, 2014), Comm'n Order at 15, Conclusion of Law ¶1.

2. The June 9 Joint Stipulation is reasonable and in the public interest because it eliminates the duplicative application review process that had been delaying approval of pole attachment applications, resolving the issue raised in the Staff Petition, and will be approved.

ORDER

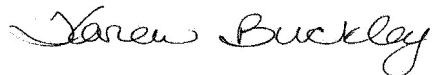
IT IS THEREFORE ORDERED that the terms and conditions set forth in the Joint Stipulation, attached to this Order as Appendix A, are accepted by the Commission in full resolution of this proceeding.

IT IS FURTHER ORDERED that Monongahela Power Company and The Potomac Edison Company and Frontier West Virginia, Inc. file, in a separate proceeding, either a proposed new joint use agreement or an amended joint use agreement, that reflects the terms of the June 9 Joint Stipulation, within sixty days of the date of this Order.

IT IS FURTHER ORDERED that upon entry of this Order, this case shall be removed from the Commission's docket of open cases.

IT IS FURTHER ORDERED that the Executive Secretary of the Commission serve a copy of this Order by electronic service on Monongahela Power Company and The Potomac Edison Company, Frontier West Virginia, Inc, the West Virginia Department of Economic Development – Office of Broadband, the West Virginia Broadband Enhancement Council, and on Citynet, LLC and Micrologic, Inc. by electronic service and, if Citynet, LLC or Micrologic, Inc. do not have an e-service agreement by United States First Class mail, and on Commission Staff by hand delivery.

A True Copy, Teste,



Karen Buckley, Executive Secretary

RMA/lcw
220885ch.sca

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**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

Case No. 22-0885-T-E-SC

**FRONTIER WEST VIRGINIA, INC, and
MONONGAHELA POWER COMPANY and
THE POTOMAC EDISON COMPANY**

Petition to the Commission to require Frontier West Virginia, Inc. to show cause why the Commission should not prohibit Frontier from requiring duplicative Pole attachment applications, timelines and fees.

JOINT STIPULATION AND AGREEMENT FOR SETTLEMENT

Pursuant to W.Va. Code § 24-1-9(f) and Rule 13.4 of the Public Service Commission's Rules of Practice and Procedure, Monongahela Power Company and The Potomac Edison Company ("Mon Power")¹ the ("Companies"), Frontier West Virginia, Inc. ("Frontier"), Citynet, LLC ("Citynet"), Micrologic, Inc. ("Micrologic"), and the Staff of the Public Service Commission of West Virginia ("Staff") (collectively, the "Stipulating Parties") hereby enter into this Joint Stipulation and Agreement for Settlement ("Joint Stipulation").

Introduction

1. In this Joint Stipulation, the Stipulating Parties propose and recommend to the Commission an agreement outlining a resolution to the issues raised in the Staff's Petition.

¹ The Potomac Edison Company joins in this settlement but is unaffected by the settlement since it has no jointly owned poles with Frontier. Only Mon Power has jointly owned/use poles with Frontier.

2. On September 28, 2022, the Commission issued an order requesting responses to Staff's request for interim relief.

3. During the course of the proceeding, Citynet and Micrologic, as telecommunications companies who submit applications for pole attachments, moved to intervene in the case.

3. The Stipulating Parties undertook extensive discussions and meetings in an effort to resolve the issues raised by Staff.

The Joint Stipulation

4. The Stipulating Parties have addressed or eliminated all issues expressly raised by Staff in the pending case to reach an overall resolution solely of those issues, but not all issues related to the pole attachment process have been resolved between these parties. The parties reserve the right to bring those issues in a separate proceeding. Nothing in this Joint Stipulation shall prevent any party or parties from negotiating any other lawful agreement related to pole attachments or pole attachment issues.

5. To avoid the additional expense that would result from a fully litigated presentation of this case before the Commission, and in an attempt to achieve certainty in the outcome, and to promote the extension of broadband in a faster and more efficient fashion, the Stipulating Parties agree and recommend, based upon the discussions and compromises made among them, that the Commission adopt the Joint Stipulation as the basis for its resolution of the issues expressly raised in the Staff's Petition. This Joint Stipulation shall be ineffective, or not

binding on the Stipulating Parties, until and unless approved by the Commission in all material terms and without modification. Absent approval of this Joint Stipulation, the Stipulating Parties reserve their rights to fully advocate their positions, unlimited by the terms of the Joint Stipulation.

6. The provisions of the Joint Stipulation, each of which the Stipulating Parties believes to be an essential and integral element of a fair and reasonable resolution that is in the public interest, consist of the terms and conditions set forth below. The Stipulating Parties agree and recommend that the Commission should adopt and approve the Joint Stipulation, without modification, which provides for the following:

a. Joint Pole Agreement

The Current Joint Use Agreement between Mon Power and Frontier, which governs the joint ownership arrangement between the two companies, shall be amended to reflect this arrangement and submitted to the Commission for approval. This Joint Stipulation is not intended to alter or amend the Joint Use Agreement, unless set forth specifically herein.

b. Third-Party Applications for Attachment

- i. Duplicate applications to both Mon Power and Frontier for third-party attachments will no longer be required. Instead, applications for third-party attachments for jointly-owned poles will be made in SPANS (a software

platform utilized by Mon Power and others; for pole attachments) to Mon Power solely.

- ii. SPANS applications will be reviewed for completeness by Mon Power.
- c. Third-Party Application Fee
 - i. Mon Power will charge applicable application fee(s) to the third-party.
 - ii. No application or application fee will be submitted by the third-party to Frontier.
- d. Mon Power Engineering Review of Third-Party Applications
 - i. When necessary, Mon Power and/or its approved contractor will perform engineering review for the communication and power spaces respectively within the timelines established by the Pole Attachment Rules.
 - ii. Mon Power will invoice the third-party applicants for reasonable costs for the engineering review. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request.
 - iii. Mon Power agrees to be transparent with the rates charged and, upon request, will provide the rates to be charged for engineering

review work completed by it and/or its contractors and affirm that the rates of a given person for a specific contractor or Mon Power are being charged uniformly to all third-party attachers for a given rate option.

iv. Mon Power will issue the permit or denial for third-party attachments through SPANS in accordance with the timelines established by the Pole Attachment Rules to the best of its ability understanding that any attacher can avail themselves of self-help or request a delay.

e. Make-Ready Construction

i. Mon Power will notify Frontier (through SPANS) of required telecommunications make-ready construction that is necessary to accommodate third-party attachments.

ii. Mon Power will invoice the third-party for the make-ready construction performed by Mon Power and/or its approved contractor. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request. Make-ready construction will be scheduled once the invoice is paid.

- iii. Mon Power and/or its approved contractor will perform make-ready construction related to its facilities that is necessary to accommodate third-party attachments.
- iv. Frontier will invoice the third-party for the make-ready construction performed by Frontier. The invoice will provide a detailed, itemized estimate sufficient to determine the basis of the charges in accordance with the Pole Attachment Rules. Available billing details on a pole-by-pole basis will be provided upon request.
- v. Frontier will perform make-ready construction related to its facilities that is necessary to accommodate third-party attachments.
- vi. Existing third-party attachers will be notified by Frontier in accordance with the Pole Attachment Rules to perform make-ready work related to their facilities that is necessary to accommodate the new third-party attachment. Frontier will invoice the new third-party attacher for Frontier's reasonable and actual costs in providing this notice to existing third-party attachers.
- vii. Make-ready construction to be performed by Mon Power and/or Frontier will be completed in a timely manner in accordance with the Pole Attachment Rules to the best

their ability. Nothing in this Joint Stipulation is intended to restrict a proposed attacher from lawfully utilizing the self-help remedies available to it should Mon Power and/or Frontier not timely complete their portion of the make-ready construction as contemplated by the Pole Attachment Rules.

viii. Existing Systems

Unless otherwise agreed in writing, all invoices, estimates and processes must be reasonably compatible and compliant with the capabilities of existing systems, including but not necessarily limited to SPANS.

7. The Stipulating Parties acknowledge and represent to the Commission that each and every one of these provisions is a reasonable resolution of each such issue, to which each of the Stipulating Parties has agreed within the overall context of the Joint Stipulation.

8. The Stipulating Parties support this Joint Stipulation and represent that each and every one of its provisions acceptably resolves the issues expressly raised by the Staff's Petition. Based on the record, the Stipulating Parties agree and recommend that the Commission accept this Joint Stipulation in complete resolution of the issues expressly raised in the Staff's Petition. It is also acknowledged there may be outstanding issues concerning pole attachment applications and fees between the parties. The parties preserve the right to raise

additional issues in an appropriate proceeding and to respond to any additional issues raised by other parties.

9. This Joint Stipulation is entered into subject to the acceptance and approval of the Commission. It results from a review of all filings in this case, and extensive, good faith negotiation. The Joint Stipulation embodies substantial compromises and modifications by the Stipulating Parties of their respective positions in these cases and is being proposed to expedite and simplify the resolution of the issues expressly raised in the Staff's Petition.

10. The Stipulating Parties agree and recommend that the Commission adopt this Joint Stipulation as being in the public interest, without adopting or recommending the adoption of any of the compromise positions set forth herein as principles applicable to future regulatory proceedings. The Stipulating Parties further acknowledge that it is the Commission's prerogative to accept, reject, or modify any stipulation, but they respectfully reiterate that each component of the Joint Stipulation, and in particular the resolution of disputed issues and the provisions of this paragraph, is integral to and inseparable from the others. None of the Stipulating Parties advocates the Commission's resolution of any issue as proposed in this Joint Stipulation other than in the context of their support for the Joint Stipulation as a whole. Accordingly, in the event that the Joint Stipulation is modified or rejected by the Commission, in whole or in part, it is expressly understood that the Stipulating Parties are not bound to accept the Joint Stipulation

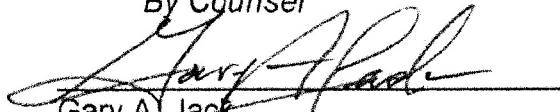
as modified or rejected and may avail themselves of whatever rights are available to them under law and the Commission's Rules of Practice and Procedure.

WHEREFORE, the Stipulating Parties on the basis of all of the foregoing respectfully recommend and request that the Commission make appropriate findings of fact and conclusions of law adopting and approving the Joint Stipulation, without modification, in its entirety.

Dated and effective this 9th day of June 2023.

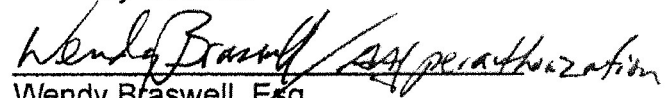
MONONGAHELA POWER COMPANY and
THE POTOMAC EDISON COMPANY

By Counsel


Gary A. Jack
Senior Corporate Counsel
FirstEnergy
5001 NASA Boulevard
Fairmont, WV 26554

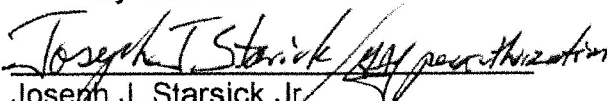
STAFF OF THE PUBLIC SERVICE
COMMISSION OF WEST VIRGINIA

By Counsel


Wendy Braswell, Esq.
Public Service Commission
201 Brooks Street
P O Box 812
Charleston, WV 25323

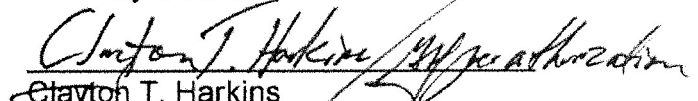
FRONTIER WEST VIRGINIA INC.

By Counsel


Joseph J. Starsick Jr.
Gregory Brubaker
1500 MacCorkle Ave SE
Charleston, WV 25396
joseph.starsick@ftr.com

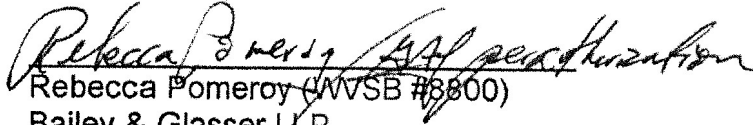
MICROLOGIC, INC.

By Counsel


Clayton T. Harkins
Dinsmore & Shohl LLP
707 Virginia Street East, Suite 1300
Charleston, West Virginia 25301
clayton.harkins@dinsmore.com

Jill Cranston Rice
Dinsmore & Shohl LLP
215 Don Knotts Boulevard, Suite 310
Morgantown, WV 26501
jill.rice@dinsmore.com

CITYNET, LLC
By Counsel

Handwritten signature of Rebecca Pomeroy in cursive script, written over the typed name.

Rebecca Pomeroy (WVSB #8800)

Bailey & Glasser LLP

209 Capitol Street

Charleston, WV 25301

(304) 345-6555

(304) 342-1110 *facsimile*

bpomeroy@baileyglasser.com



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | August 10, 2023

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.	
Chairman	Robert L. Morris, Jr., Chair	Location:	Online Meeting	
Call information available upon registration. Please register for public comment. Hold comments until public comment portion of agenda. https://docs.google.com/forms/July2023			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Member	Representing	Council Member	Representing
_X	Robert L. Morris, Jr.	Chairman Urban Residential User	_X	Mitch B. Carmichael WVDED Cabinet Secretary
—	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	—	Jeff Proctor Vice Chairman Representing Secretary Carmichael
_X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_X	Robert Cole Rural Residential User Congressional Dist. 1
—	Michele Blatt Superintendent	WV Dept. of Education	—	Dennis Lee Business User Large Scale Broadband
_X	Tim Conzett	Representing Michele Blatt	_X	Honorable Ron Pearson Rural Residential User Cong. Dist. 2
—	Heather Abbott	WV Office of Technology, Chief Technology Officer	_X	The Honorable Robert Plymale WV Senate (D) (Ex-Officio/Advisory Member)
_X	James Dixon	Representing Josh Spence	—	The Honorable Mark Maynard WV Senate (R) (Ex-Officio/Advisory Member)
—	Jeff Whitman	Representing Josh Spence	—	The Honorable Riley Keaton WV House (R) (Ex-Officio/Advisory Member)
—	Matt Turner	WV Higher Education Policy Commission	—	The Honorable Joey Garcia WV House (D) (Ex-Officio/Advisory Member)
_X	Steve White, WVNET	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
— X	Kelly Workman, Jamie Hoffmann	WVDED		— X	Steffani Sanders, Fred Feit, Chris Campbell	Tilson Technology Management
—	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel		—		
Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks						
2. Approval of June 2023 Meeting Minutes, and Financial Statement			<p>Motion by Ron Pearson; 2nd by Steve White, Quorum met.</p> <p>Dotti Underwood, Finance Manager, WV Office of Broadband -Financial statement was given, and expanded upon with current remaining funds</p>			
3. Recap of 2023 WV Broadband Summit			<p>Kelly Workman, Director, WV Office of Broadband <i>https://broadband.wv.gov/business-community-and-electedofficials-gather-to-discuss-broadband-in-west-virginia/</i></p> <p>-Governor Justice deemed this the Inaugural Broadband Summit, and attended the 2nd day of the event to speak for attendees on behalf of the Office of Broadband -Day 1 was an overview of up-to-date progress, requirements, and recognition of completed projects -Demonstrations took place by Corning -BEAD: Overview of progress for the 5 year plan was given along with requirements for this program -Workforce: Available programs were reviewed to represent growth in our state -Direct presentations were given on federal funding -Day 2 also provided great information that covered our approach, and the importance of partnerships</p>			
WVPSC Show Cause Petition, Case No. 22-0885- E-T-SC			<p>Jim Kelsh, Peter Markham, Bowles Rice FRONTIER WEST VIRGINIA, INC. and MONONGAHELA POWER COMPANY THE POTOMAC EDISON COMPANY Petition to the Commission to required Frontier West Virginia, Inc. to show cause why the Commission Should not prohibit Frontier from requiring duplicative Pole attachment applications, timelines, and fees. http://www.psc.state.wv.us/WebDocket/default.htm -Details and overview of current status were discussed in detail -Further action and processes were elaborated on to give a better understanding of where everything is currently standing</p>			

4. Infrastructure Investment and Jobs Act (IIJA)

1. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) 5-year Plan

2. IIJA Digital Equity Planning Grant

(Due to NTIA administrative procedures, WV may not receive 12 months to complete the plan, and the plan may be due August 30, 2023. The Office of Broadband has requested a correction which would result in a 12-month deadline of September 30, 2023.)

BEAD Five-Year Action Plan Program

- WV BEAD \$5 million Planning Grant Approved by NTIA, Nov. 14, 2022.
 - Plan due August 11, 2023.

-The 5 year plan will be submitted on August 11th, and also posted online

-The next part of the process will be the 1st volume after the initial proposal. The period of public comments will be open by the end of August. Following volume 1 will be the next volume around September.

-Overview and current timelines were elaborated on along with deadlines for submitted necessary documents

-Spring 2024 will be the main execution point for the entire grant program if all deadlines are met as planned. The grant program will be fully functional and open to applications by summer 2024.

- **Plan includes companion Workforce Development Plan in development by MU CBER.**

- Onsite meeting conducted with 10-15 Workforce Council members at Broadband Summit
- Morning of Day 2 at Summit devoted to Workforce.

-The Workforce plan is a part of the 5 year goal, and Kent will be presenting on this later in the year.

IIJA Digital Equity (DE) Planning Grant

- WV Digital Equity \$728,000 Planning Grant Approved by NTIA Sept. 30, 2022. Plan due August 30, 2023.

- Draft Plan for Public comment through August 21-online and paper versions. <https://broadband.wv.gov/west-virginias-digital-equity-planpublic-comment/>
- Steering Committee Comments
- WV Broadband Listening Sessions Report
 - RPDC Conference Report
 - Bluefield State University
 - West Virginia State University
 - WVU Extension
- Digital Equity Pilot Program
- WV Broadband Survey Update

-Goals for this plan were discussed, along with accessibility, and current details for this topic. Public comment outcome was discussed, along with affordability.

	<ul style="list-style-type: none"> -Public listening tours were briefly discussed to elaborate on the benefits, and information gathered from them -The ARC conference was discussed to go over information, and details of what this event included -Updates were recently given at the SFI meeting -Upcoming events were mentioned, and our staff will be attending these conferences -Digital Equity Pilot Program and the Broadband Survey were covered during the update based on current progress
<p>5. WV ARPA Update</p> <p>https://governor.wv.gov/News/pressreleases/2023/Pages/Gov-Justice-announcespreliminary-approvals-for-West-Virginia-BroadbandInvestment-Plan,-LEAD,-and-MBPS-programs.aspx</p>	<p>New Project Announcements</p> <p>On July 26, Governor Justice announced the preliminary approval of more than \$32 million under two programs of the West Virginia Broadband Investment Plan. This announcement included applications received under the LEAD and MBPS programs.</p> <p>Upon completion, these projects will provide service to 6,000 targeted locations with the deployment of approximately 793 miles of new infrastructure. In addition to grant funds awarded, over \$16 million in matching funds will bring the total investment to over \$48 million.</p> <p>Quarterly Reports</p> <p>Submitted for SLFRF and CPF programs.</p> <ul style="list-style-type: none"> -Arpa is currently at 37 projects, 17 capitol project funds, 20 State and local fiscal recovery funds, 52,632 targeted locations, and over 4,000 miles of fiber to be installed -Pole attachments are in progress -Returning ISP's include Prodigy and Shentel -Frontier will be partnering with Berkley County, Micrologic and Shentel will be partnering with Grant County. Also, both partnering companies will be part of MBPS.
<p>8. Affordable Connectivity Program</p> <p>For details, visit https://www.usac.org/about/affordable-connectivity-program/acp-enrollment-and-claimstracker/</p>	<p><u>Affordable Connectivity Program:</u></p> <p>Registrations:</p> <ul style="list-style-type: none"> ➤ July 3, 110,145 ➤ July 31, 113,325 <p>-Almost 3,200 have newly enrolled in this program, which has currently pushed the enrollment number over 114,000.</p>
	<ul style="list-style-type: none"> ➤ August 7,
<p>9. Public Comment</p>	<p>Sign-In for Public Comment</p> <ul style="list-style-type: none"> -Homeowners Voice, Daniel Speaking

	-Spoke on behalf of a few counties that are currently underserved, and continuing to push for Broadband outreach
10. Next Meeting	Google Meet: September 14, 2023
11. Adjournment	



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

MEETING MINUTES | September 14, 2023

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	Robert L. Morris, Jr., Chair	Location:	Online Meeting
Please register for public comment. Call information available upon registration.			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Member	Representing	Council Member Representing
X	Robert L. Morris, Jr.	Chairman Urban Residential User	_
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_
_	Michele Blatt Superintendent	WV Dept. of Education	_
X	Tim Conzett	Representing Michele Blatt	X
_	Heather Abbott Chief Technology Officer	WV Office of Technology	_
X	James Dixon Jeff Whitman	Representing Heather Abbott	_
X	Matt Turner Vice Chancellor	WV Higher Education Policy Commission	_
X	Steve White, WVNET	Representing Matt Turner	_
X	The Honorable Scott Edwards	Rural Business User Congressional District 2	_
	Representative	Agency	Agency
X	Kelly Workman, Jamie Hoffmann	WVDED	X
X	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	X
Agenda Item		Details/Minutes	
1. Call to Order; Roll Call; Opening Remarks			
2. Approval of September 2023 Meeting Minutes, and Financial Statement		Dotti Underwood, Financial Manager, Office of Broadband, gave a financial update for end of month balance; council approved.	

<p>3. IJA NTIA: Broadband Equity, Access and Deployment (BEAD)</p>	<p>Kelly Workman, Director, Office of Broadband, Jamie Hoffmann, Program Manager, Office of Broadband, along with Tilson Management, Inc. gave an update on West Virginia’s progress in the BEAD process.</p> <p>The programs and funding that will be upcoming for the BEAD program were also reviewed so Council could get a grasp on where the future of this program is headed.</p> <p>Jamie Hoffmann provided an update on how the challenge process will proceed and work that is currently underway to address any issues that may arise during the challenge process. PPT is available for the council to view.</p>
<p>4. Infrastructure Investment and Jobs Act (IIJA)</p>	<p>Derek Zelkowski provided the Council with an update on the Digital Equity Planning Grant process.</p> <ul style="list-style-type: none"> • NTIA approved the request for an extension on submission of final draft – November 13, 2023 • Working on incorporating and going through the public comments received during the Public Comment period. • Chairman Morris brought to council’s attention that it is important for council to address to its Congressional delegates on refilling the ACP program funding pool due to the program set to run out of funding sometime in 2024. <p>Overview and current timelines were elaborated on and all deadlines for document submission will be met by the Office of Broadband and team.</p>
<p>5. WV ARPA Update</p>	<p>The dashboard for all ARPA project summaries is available on www.broadbandwv.gov. Jamie Hoffmann, Program Manager, reviewed the dashboard for council and presented what information and numbers the dashboard will show.</p>
<p>6. WVPSC Show Cause Petition, Case No. 22-0885- E-T-SC http://www.psc.state.wv.us/WebDocket/default.htm</p>	<p>Kelly Workman, Director, Office of Broadband emphasized that we all need to continue to work together and address the issues in this matter. Pole attachment issues are being monitored and we will be continue addressing and finding solutions for this matter.</p> <p>Jim Kelsh provided Council with a more in depth look at this issue.</p> <p>Michael Holstine brought a motion to council to intervene with the matter so that Council can intervene in the pole</p>

	attachment agreements; Jeff Proctor -Second the motion; Motion carries.
7. Public Comment	No Public Comment
8. Next Meeting	Google Meet: October 12, 2023
9. Adjournment	Meeting Adjourned



MEETING MINUTES | October 12, 2023

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	Robert L. Morris, Jr., Chair	Location:	Online Meeting
Please register for public comment. Call information available upon registration.			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Member	Representing	Council Member
X	Robert L. Morris, Jr.	Chairman Urban Residential User	_ Mitch B. Carmichael WVDED Cabinet Secretary
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X Jeff Proctor Vice Chairman Representing Secretary Carmichael
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_ Robert Cole Rural Residential User Congressional Dist. 1
-	Michele Blatt Superintendent	WV Dept. of Education	X Dennis Lee Business User Large Scale Broadband
X	Tim Conzett	Representing Michele Blatt	X Honorable Ron Pearson Rural Residential User Cong. Dist. 2
-	Heather Abbott Chief Technology Officer	WV Office of Technology	_ The Honorable Robert Plymale WV Senate (D) (Ex-Officio/Advisory Member)
X	James Dixon Jeff Whitman	Representing Heather Abbott	_ The Honorable Mark Maynard WV Senate (R) (Ex-Officio/Advisory Member)
	Matt Turner Vice Chancellor	WV Higher Education Policy Commission	_ The Honorable Riley Keaton WV House (R) (Ex-Officio/Advisory Member)
	Steve White, WVNET	Representing Matt Turner	X The Honorable Joey Garcia WV House (D) (Ex-Officio/Advisory Member)
X	The Honorable Scott Edwards	Rural Business User Congressional District 2	_ Vacancy: Urban Business User Vacancy: Rural Business User Congressional Dist. 1
	Representative	Agency	Agency
X	Kelly Workman, Jamie Hoffmann	WVDED	X Steffani Sanders, Fred Feit, Chris Campbell, Andrew Joseph Tilson Technology Management
X	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	
Agenda Item		Details/Minutes	
1. Call to Order; Roll Call; Opening Remarks			
2. Approval of September 2023 Meeting Minutes, and Financial Statement		Dotti Underwood, Financial Manager, Office of Broadband, gave a financial update for end of month balance; council approved.	

**3. Jon Webster, External Affairs Manager,
Appalachian Power**

Appalachian Power submitted to NTIA the application for the 5-county project for the \$25 million in funding and it was approved.

AEP is now in the process of finding an ISP partnership. 13-14 different in state ISP's have contacted AEP regarding the project and even some ISP's from outside the state have contacted AEP regarding partnership for this project. AEP will continue negotiations with the ISP's and the week of October 16, 2023, should have at least one if not two ISP partners in place and under contract. Jon Webster did say that he would want to send the contract for Kelly Workman and Jim Kelsh's review on terms and conditions and to ensure that the information is ok to share with the Broadband Enhancement Council. If everything is complete, AEP would like to come back to the council in November to take any questions or comments and then AEP will file the project with the PSC in mid-November.

**4.IIJA: Broadband Equity, Access and
Deployment (BEAD)**

Kelly Workman, Director, Office of Broadband provided the council with an update on where the State of WV is regarding the BEAD application process.

- Completed 5-year Action Plan
- NTIA approved the 5-year Action Plan
- Not quite through the ½ way point, but progressing well, with the BEAD application for the \$1.2 Billion award from NTIA
- Completed the states Initial Proposal Volume 1, as well as the required Public Comment Period (completed on September 30, 2023)
- Revisions are currently being made to the Initial Proposal Volume 1 based upon the Public Comment Period
- Will submit final version of Volume 1 to NTIA by the end of October 2023
- Working on Initial Proposal Volume 2 currently
- Will be entering the Public Comment Period for Volume 2 by mid-October 2023
- Revisions based upon the Public Comment Period will be made throughout mid November 2023
- Office of Broadband will submit the state's Initial Proposal Volume 2 on or around December 1, 2023; which will continue the State of WV remaining ahead of other states in this process because the deadline isn't until December 27, 2023
- Once Initial Proposal Volume 1 is approved, WV will proceed to the challenge period (90-120 days)

- Beginning March or April of 2024, the Office of Broadband will execute grant programs to support its goal of getting reliable connectivity to all residents of West Virginia.

Chip Spann, NTIA, State of WV representative, stated that he is currently reading a draft of Volume 2. Mr. Spann stated that he was very impressed and satisfied with the State of West Virginia and how WV is leading the pack in many different ways in the BEAD application process.

Andrew Joseph, Tilson Technology, gave a PPT presentation to council regarding the contents/public comments that we received in regards to Volume 1 and how Volume 2 is being drafted to address those comments and other requirements from NTIA.

Workforce Update

- Kelly Workman, Director, Office of Broadband/Kent Sowards gave an update on the Workforce Council, which was a requirement of NTIA, and part of the BEAD application process.
- Broadband Workforce Council was established January 2023
- Made up of Broadband Enhancement Council members along with other state stakeholders, Industry Leaders, and agencies in West Virginia
- MUCBER and WVU StartUp WV are part of the Broadband Workforce Council and has assisted with the development of the State of WV Workforce plan
- Council can assist with labor needs and other demographic information we will need to ensure that the work is complete
- Restructuring the Workforce council to smaller committees to develop 4 different committees within the council: Education and Training, Industry and Labor, Adult and Dislocated Workers, and Outreach and Events

Digital Equity - Kelly Workman, Director, Office of Broadband

- Currently planning next set of meetings/listening sessions between the regional councils and the Office of Broadband
- Digital Equity Plan is near completion and almost ready to submit
- Meetings will begin on October 19 - November 7; which corresponds with Volume 2 submission for BEAD
- We received extra funding from NTIA so the total amount of funding for Digital Equity now is \$732,639
- Planning an in-depth review of the statewide broadband survey on November 9, 2023
- We have received the preliminary report which has been very useful in completing future plans for Digital Equity

	<ul style="list-style-type: none"> ● State of WV has received a \$400,000 grant from the FCC for the Affordable Connectivity Program (ACP). Currently, we are in the process of working through the details with Commerce Communications. Most likely we will be working with Digital Relatively for future strategy. ● ACP is scheduled to run out of funding by 2024, so time is of the essence.
5. WV ARPA Update	<p>Jamie Hoffmann, Program Manager, ARPA</p> <ul style="list-style-type: none"> ● Currently we are at 37 projects ● Two projects are now complete, Hardy Telecommunications - East Hardy Project and Citynet - Green Valley Project ● By the end of 2023, we will have a total of 14 projects under construction ● Working on getting the projects to design phase as quickly as possible ● Biggest issue and delay - Pole attachment issues ● Dashboard is up regarding these projects- www.broadband.wv.gov ● Dashboard is updated frequently but not on a set schedule but will be updated frequently as new awards are announced and projects move on to different phases
6. WVPSC Show Cause Petition, Case No. 22-0885- E-T-SC http://www.psc.state.wv.us/WebDock et/default.htm	<p>Kelly Workman, Director, Office of Broadband emphasized that we all need to continue to work together and address the issues in this matter. Pole attachment issues are being monitored and we will continue addressing and finding solutions for this matter. Jim Kelsh provided the Council with a more in-depth look at this issue.</p>

7. Public Comment	No Public Comment
8. Next Meeting	Google Meet: November 9, 2023
9. Adjournment	Meeting Adjourned



MEETING MINUTES | November 9, 2023

Meeting Title		WV Broadband Enhancement Council		Time		10:00 a.m.	
Chairman		Robert L. Morris, Jr., Chair		Location:		Online Meeting	
Please register for public comment. Call information available upon registration.						P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Member	Representing			Council Member	Representing	
X	Robert L. Morris, Jr.	Chairman Urban Residential User		-	Mitch B. Carmichael	WVDED Cabinet Secretary	
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3		X	Jeff Proctor	Vice Chairman Representing Secretary Carmichael	
X	Roger Calhoun	Rural Residential User Congressional Dist. 3		-	Robert Cole	Rural Residential User Congressional Dist. 1	
-	Michele Blatt Superintendent	WV Dept. of Education			Dennis Lee Business User	Large Scale Broadband	
X	Tim Conzett	Representing Michele Blatt		X	Honorable Ron Pearson	Rural Residential User Cong. Dist. 2	
-	Heather Abbott Chief Technology Officer	WV Office of Technology		-	The Honorable Robert Plymale	WV Senate (D) (Ex-Officio/Advisory Member)	
X	James Dixon Jeff Whitman	Representing Heather Abbott		-	The Honorable Mark Maynard	WV Senate (R) (Ex-Officio/Advisory Member)	
	Matt Turner Vice Chancellor	WV Higher Education Policy Commission		-	The Honorable Riley Keaton	WV House (R) (Ex-Officio/Advisory Member)	
X	Steve White, WVNET	Representing Matt Turner		X	The Honorable Joey Garcia	WV House (D) (Ex-Officio/Advisory Member)	
	The Honorable Scott Edwards	Rural Business User Congressional District 2		-	Vacancy: Urban Business User Vacancy: Rural Business User Congressional Dist. 1		
	Representative	Agency			Agency		
X	Kelly Workman, Jamie Hoffmann	WVDED		X	Steffani Sanders, Fred Feit, Chris Campbell, Andrew Joseph	Tilson Technology Management	
	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel					
Agenda Item				Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks				President Morris called meeting to order; quorum met			
2. Approval of October 2023 Meeting Minutes, and Financial Statement				<ul style="list-style-type: none"> ● Dotti Underwood, Financial Manager, Office of Broadband, gave a financial update for the end of month balance; council approved. ● Beginning Balance of \$1,124,387.14 ● Invoices paid for the month of October: <ul style="list-style-type: none"> OOKLA - \$79,000.00 Tilson - \$1,350.00 Bowles Rice - \$2,876.00 <li style="text-align: right;">\$2,050.00 ● October Ending Balance: \$1,039,111.14 			

	<ul style="list-style-type: none"> ● October meeting minutes approved and will be filed
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<p>3. WV Statewide Broadband Survey Results</p>	<p>Cecilia Harry, CecD Director, Economic Development provided an update on survey results. TPMA and the Office of Broadband have been working on the survey results since May. The survey wrapped up in late September and the beginning of October. Please see findings below:</p> <ul style="list-style-type: none"> ● May 2023 work began on the statewide broadband survey. ● Survey Topics Included: <ul style="list-style-type: none"> ○ Access to the Internet ○ Type of internet/Internet provider ○ Internet Usage Locations ○ Satisfaction with the internet ○ Speed Testing ○ Knowledge regarding the Affordable Connectivity Program (ACP) and Lifeline
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	<ul style="list-style-type: none"> ● Requirements stated that at least 1,000 participants 18 years and older should participate. ● 422/1,000 responses were from highly unserved zip codes. ● Demographics from respondents include: <ul style="list-style-type: none"> ○ Gender ○ Education ○ Household Income ○ Age matched population as a whole ● Some Key Findings include: <ul style="list-style-type: none"> ○ 90% of respondents have home internet access. ○ Issues from respondents included barriers to access, lack of availability, reliability and cost. ○ DSL and Cable were the most reported internet types. ○ Frontier was the most common ISP that served respondents surveyed. ○ 66% of respondents have speeds less than 25/3 Mbps. ○ 50% of respondents were dissatisfied with their ISP's. ○ 50% of West Virginia's report paying \$59.99 - \$119.99 for internet
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	<ul style="list-style-type: none"> ○ Satellite connections pay more for service and 66% pay \$100 or more per month for service. ○ Most West Virginia’s reported using the internet at least once per day - which shows how the internet and broadband are so important to West Virginia as a whole. <ul style="list-style-type: none"> ● Those without home internet gained access by using a family member or friends’ internet, access through a department store or restaurant, and access through parking lots. ● Almost all respondents stated they had more than 1 internet enabled device in their home; Smartphones were the most popular. ● Cost and lack of internet access are the most reported barriers to internet enabled device usage. ● Affordable Connectivity Program (ACP) - 70% of respondents were not aware of free or reduced-price internet enabled device programs, device loan programs; 30% responded that they were aware of the benefits offered. This finding shows that more work needs to be done to get information to West Virginia regarding the Affordable Connectivity Program (ACP). ● The final stages are in the process of finalizing the report. Once the report is finalized, this report will be made available and will be very beneficial with informing the BEAD, Broadband Enhancement Council, Digital Equity Planning Committee on broadband speed and reliability in WV.
<p>4. Jon Webster, External Affairs Manager, Appalachian Power update on AEP Middle Mile Initiative</p>	<p>Jon Webster provided the council with an update regarding the 5-county project in southeast WV. Below are some updates provided:</p> <ul style="list-style-type: none"> ● They have found an ISP partner for this project. ● Verbal agreement has been made with this ISP for this project. ● Looking to send a draft of the written agreement to the Office of Broadband along with the Broadband Enhancement Council, to review by mid- next week. ● Looking to come back to the Broadband Enhancement Council’s December meeting and let the process play out along with the Council's approval.

	<ul style="list-style-type: none"> ● Looking to file the project with the PSC in December then the PSC would have 6 months to approve the project (150 days), but it could be sooner. ● Design Phase would be next and hopeful that in early 2024 the Design Phase would be in process. ● This time next year, the project will begin construction. ● Early 2025, fiber replacement would begin along with building new fiber. <p>Mr. Webster addressed the Logan/Mingo County project and gave council a brief review regarding the project.</p> <ul style="list-style-type: none"> ● 300 plus miles are expected to be built internally. ● Gigabeam has 80 miles of last mile fiber in the Logan/Mingo project. ● 150 miles have been built in Logan County through Middle Mile ● Gigabeam is currently running advertisements for Middle Mile to Logan County <p>Mr. Webster wrapped up by stating that Logan and Mingo have been very successful and that they are using this project as a guide for the 5-county project that will begin shortly.</p>
<p>5. WV ARPA Update</p>	<p>Jamie Hoffmann, Program Manager, Office of Broadband gave the Broadband Enhancement Council an update on ARPA and where the projects funded by ARPA are currently. Below are some things he presented to council:</p> <ul style="list-style-type: none"> ● LEAD Round 3 application deadline is November 20, 2024 ● The Office of Broadband has received many applicants for LEAD Round 3 funding and interest has surpassed the Office of Broadband’s expectations. ● Currently we have 37 projects. Out of the 37 we have 35 under contract. ● We do have 5 projects under construction and have discovered that once construction begins on these projects it moves very quickly. ● With the 5 projects that are under construction around 1200 connections have been made within these 5 ● Permitting has been a major issue and a hold-up when it comes to getting projects to construction, but we are working on solutions to make this process easier for the grantees.

	<ul style="list-style-type: none"> ● Pole Permitting is still an issue and currently is almost considered a new phase of these projects. Pole Permitting is being tracked so solutions can be found going forward. <p>An update will be provided to the Broadband Enhancement Council next month at the December meeting. 2024 will be a big year for these projects and seeing progress throughout the State of WV. Public dashboarding and monthly reporting will be something that we will present in the future.</p>
<p>6. WVpsc 23-0695-E-T-P</p>	<p>Jim Kelsh nor Peter Markham, Bowles Rice, were able to attend the November Council meeting. They will provide an update regarding this case during the December meeting.</p>
<p>7. IJA NTIA: Broadband Equity, Access and Deployment (BEAD)</p>	<p>Kelly Workman, Director, Office of Broadband provided the council with an update regarding IJA/NTIA/BEAD. Below are updates that were provided:</p> <ul style="list-style-type: none"> ● Prep work for BEAD has been ongoing for 18 months. ● NTIA’s dashboard regarding visual placeholders for states is showing that West Virginia is in the top tier of having completed 5 out of 8 required steps in the BEAD application process. ● Only two other states, Virginia and Louisiana, have completed 7 out of 8 of the required steps in the BEAD application process. ● 5-year action plan has been approved ● Initial Proposal Volume 1 - Public Comment period has been completed and is pending NTIA’s approval. ● Initial Proposal Volume 2 is lengthier but is currently out for public comment. ● The public comment for Initial Proposal Volume 2 began on October 20 and will run through November 20. ● Expecting to hear from ISP’s and other stakeholders regarding Volume 2 ● Concerns regarding the Letter of Credit and low-cost broadband option have been addressed by NTIA. Through stakeholders, NTIA is offering options for companies in WV that would like to

participate in the BEAD program, but the Letter of Credit has been a barrier for them.

- Low-Cost Broadband Service Option is a concern. NTIA stated that a range can be offered, and a variety of things can be done, but to participate in the federal program, this would be and remains a requirement.
- Office of Broadband has submitted to NTIA a draft of Volume 2
- Comments have been very positive and stated that West Virginia's proposal is one of the strongest to date across the nation.
- TMPA has been a part of the BEAD and DE presentation in a big way and a very important part of this process.
- The Office of Broadband used the professional survey for recommendations and has been beneficial and plans on using the survey again for measuring our process in the future.

Andrew Joseph and Chris Campbell, Tilson Technology, presented the Broadband Enhancement Council with a PowerPoint Presentation regarding the application process under Volume 2. See bullets below:

Draft Deployment Procedures

Draft Deployment Procedures

- Background BEAD & Initial Proposal Volume 2
 - 42.5 billion dollars available nationally
 - 5 million awarded in planning funds to WV.
 - 1.2 billion allocations for WV
 - Allocations were based on the FCC National Broadband Map - June 2023

Focus of today's presentation: Deployment of Program Procedures

- Program Overview/Fundamentals
 - Funding made available through the BEAD program managed by NTIA.
 - The timeline for projects must be completed within 4 years of the award.
 - Requirements 100/20 Mbps with 100 ms latency
 - 1/1 Gbps for Community Anchor Institutions (CSI)

Program Requirements

- Phase 1 - Pre-Application phase, collection of majorities of information from the applicants

	<ul style="list-style-type: none"> ● Phase 2 - Application phase, qualified applicants from Phase 1 will submit more details on proposed project(s) and material specific to each. ● Phase 3- Sustainability Review <p><u>Project Creation/Timeline</u></p> <ul style="list-style-type: none"> ● 2024-Program Announcement will be formally remained ● Pre-Application phase or Phase 1 - will begin early spring 2024. ● Application Phase or Phase 2 - projected to begin midsummer 2024. ● Sustainability Review or Phase 3 - projected to start fall 2024. ● Construction of awarded projects will have 4 years from the award date for completion. <p>For more information on program procedure requirements and project selection process, please see presentation that has been provided to with council</p>
<p>8. IJA Digital Equity Planning Grant</p>	<p>Kelly Workman, Director, Office of Broadband provided the council with an update regarding the DE planning grant. See bullets below:</p> <ul style="list-style-type: none"> ● 3 projects awarded to date for Digital Equity Pilot Program. Awarded projects include Town of Paw Paw, Upshur County Library, and Bridgeport Library ● A final review was completed by NTIA and currently revisions are being made based on the review provided. ● The final plan should be submitted today or tomorrow. ● Seen great participation from partners throughout the state. ● Everything is moving forward and looking great within the Digital Equity Program
<p>9. Affordable Connectivity Program (ACP)</p>	<p>Kelly Workman, Director, Office of Broadband provided the council with an update regarding the ACP program. See bullets:</p> <ul style="list-style-type: none"> ● Office of Broadband has been awarded a \$400,000 grant for ACP promotion. ● The Office of Broadband along with Commerce Communications are working on advertisements to promote the ACP program.

	<ul style="list-style-type: none"> ● November - December advertisements will start running for ACP through radio ads and other platforms. ● Local organizations can apply for direct grants to conduct onsite events and attention to assist West Virginia in applying for and receiving ACP benefits
10. Public Comment/Next Meeting	<p>No public comment</p> <p>Next meeting will be held on December 14, 2023, at 10:00 am via Google Meet</p>
11. Adjournment	Meeting Adjourned



MEETING MINUTES | December 14, 2023

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	Robert L. Morris, Jr., Chair	Location:	Online Meeting
Please register for public comment. Call information available upon registration.			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent
	Member	Representing	Council Member
X	Robert L. Morris, Jr.	Chairman Urban Residential User	_
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3	X
X	Roger Calhoun	Rural Residential User Congressional Dist. 3	_
_	Michele Blatt Superintendent	WV Dept. of Education	X
X	Tim Conzett	Representing Michele Blatt	X
_	Heather Abbott Chief Technology Officer	WV Office of Technology	_
X	James Dixon Jeff Whitman	Representing Heather Abbott	_
	Matt Turner Vice Chancellor	WV Higher Education Policy Commission	_
	Steve White, WVNET	Representing Matt Turner	X
	The Honorable Scott Edwards	Rural Business User Congressional District 2	_
	Representative	Agency	Agency
X	Kelly Workman, Jamie Hoffmann	WVDED, Office of Broadband	X
	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel	
Agenda Item		Details/Minutes	
1. Call to Order; Roll Call; Opening Remarks		Chairman Morris called meeting to order; quorum met	
2. Approval of October 2023 Meeting Minutes, and Financial Statement		<ul style="list-style-type: none"> ● Dotti Underwood, Financial Manager, Office of Broadband, gave a financial update for the end of month balance; council approved. ● Beginning Balance of \$1,039,111.14 ● Invoice total paid for the month of November: \$29,196.55 December Ending Balance: \$1,015,914.59 ● November meeting minutes approved and will be filed. 	

<p>3. Jon Webster, Appalachian Power Middle Mile Initiative Update (agenda item 4)</p>	<p>Jon Webster, Appalachian Power, provided the Council with an update on the status of the five-county, Southeastern West Virginia Middle Mile project. APCO has an agreement that has been signed by the ISP partner that they will be working with. APCO has forwarded the agreement to Kelly Workman, Director, Office of Broadband and Jim Kelsh, Bowles Rice, to review. The Broadband Council has also been provided with the contract for review. Jim Kelsh spoke to Council and stated that the lease is consistent with the lease terms that Council recommended to APCO back in March and the only resolution that needs to be adopted is that the ISP must get registered with the Secretary of State as an active business/contract in the state of West Virginia. Michael Holstine made the motion for Council to adopt the resolution and approving the Middle Mile Project with APCO; Roger Callhoun seconds the motion, with zero opposed. Resolutions will be circulated throughout the Council for signatures.</p>
<p>4. Statewide broadband survey results (agenda item 3)</p>	<ul style="list-style-type: none"> • The final TPMA Survey report has been shared with Council members and will be posted to broadband.wv.gov. • Funds have been added to the BEAD budget to repeat the survey twice to measure progress moving forward
<p>4. WVPSC 23-0695-E-T-P</p>	<p>Jim Kelsh, Bowles Rice, provided council with an update on the standing of this matter</p>
<p>5. IJJA NTIA: Broadband Equity, Access and Deployment (BEAD)</p>	<p>Kelly Workman, Director, Office of Broadband provided council with an update on BEAD.</p> <ul style="list-style-type: none"> • WV continues working through the BEAD application process. • Initial Proposal Volumes I and II have been submitted to NTIA. • Waiting for approvals • Final curing on digital equity • WV has submitted a solid plan to NTIA and are looking forward to getting approval and starting the challenge process. <p>Andrew Joseph with Tilson provided Council with comments that were received from the public during the public comment period for IPV II:</p> <ul style="list-style-type: none"> • 41 public comments were received in total. • Comment groups are broken into 5 different categories. • 21 comments from Industry, Advocacy Groups, and Delegates

	<ul style="list-style-type: none"> • 10 comments were based upon Infrastructure Deployment and Internet Service Issues • 6 comments addressing Education and Workforce • 2 comments based upon the Affordability of Internet Service • Remaining 8 were considered “other.” <p>The revised version of IVP II will be posted on the website upon NTIA approval and these comments will assist with in creating a plan that addresses issues in expanding broadband throughout West Virginia.</p> <p>Jamie Hoffmann, Program Manager, Office of Broadband, provided the Council with an update on the Challenge Process moving forward with BEAD.</p> <ul style="list-style-type: none"> • Challenge process for IPVII will start in January. • BEAD challenge process will mimic the same process that was used with ARPA. • Cost Quest is assisting with the challenge process. • READY.net will also be launching and assisting with this challenging process. <p>Workforce Council Update:</p> <p>Kelly Workman provided the Council with an update on the Workforce Enhancement Council. Kent Sowards spoke with the Council in October to give an update on the 2023 year and what the workforce council has been working on. Currently we have over 40 stakeholders that are assisting with Broadband Workforce Council with needs for WV. A published guide/report will be up on the broadband.wv.gov website in the near future.</p>
<p>8. IJA Digital Equity Planning Grant</p>	<p>Kelly Workman, Director, Office of Broadband provided the Council with an update regarding the DE planning grant. See bullets below:</p> <ul style="list-style-type: none"> • Draft of the Digital Equity plan was submitted in November. • NTIA has given all positive feedback and WV’s Digital Equity Plan has really stood out among other states’ plans and we are in a great place regarding this program. • 2024 will include DE capacity grant funding and we will be applying in March or April and/or upon release of further details by NTIA.

	<ul style="list-style-type: none"> ● October/November competitive grant funding will open up for digital inclusion. ● 2024 is a big year regarding Digital Equity and broadband in WV
9. Affordable Connectivity Program (ACP)	<ul style="list-style-type: none"> ● Please continue to share information about this program. ● 122,000 WV households have been enrolled. ● Goal: 350,000 households to get enrolled ● Push on Federal level to secure additional funding on ACP ● April of 2024 – concerns of funding running out
10. Public Comment/Next Meeting	No public comment
11. Next Meeting	January 11, 2024, at 10:00 am via Google Meet
12. Adjournment	Meeting Adjourned