



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

APPROVED MINUTES/February 13, 2025

Meeting Title	WV Broadband Enhancement Council	Time	10:00 a.m.
Chairman	William D. 'Bill' Bissett, Chair	Location	Online Meeting
https://docs.google.com/forms/register Call information available upon registration.		Register for public comment. Hold comments until public comment portion of agenda.	P = Present; TC = Teleconference; VC = Videoconference; _ = Absent

	Member	Representing		Council Member	Representing
P	William D. (Bill) Bissett Chairman	Large Scale Broadband		P	The Honorable Scott Edwards Rural Business User, Congressional District 1
P	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3 / (Now Rural Residential User District 1)		—	Michael R. Graney WVDED Acting Secretary
P	Roger Calhoun	Rural Residential User Congressional Dist. 3 /Now Urban Residential User (1 of 2)		P	Jeff Proctor Vice Chairman Representing Secretary Graney
—	Michele Blatt Superintendent	WV Dept. of Education		—	Robert Cole Rural Residential User Congressional Dist. 1/(Now 2)
—	Tim Conzett, WVDE Office of Data Management	Representing Michele Blatt		P	Honorable Ron Pearson Rural Residential User Cong. Dist. 2/ Now Urban Residential User (2 of 2)
—	Heather D. Abbott Chief Technology Officer	WV Office of Technology		—	The Honorable Robert L. Morris, Jr. WV Senate (R) (Ex-Officio/Advisory Member)
P	James Dixon Jeff Whitman	Representing Heather Abbott		—	The Honorable Jarred Cannon WV House (R) (Ex-Officio/Advisory Member)
—	Matt Turner Vice Chancellor	WV Higher Education Policy Commission HEPC		—	WV Senate (D) (Ex-Officio/Advisory Member)
P	Steve White Director, WVNET	Representing Matt Turner		—	WV House (D) (Ex-Officio/Advisory Member)
—	Representative	Agency		Representative	Agency
P	Kelly Workman, Jamie Hoffmann	WVDED - Office of Broadband		P	Steffani Sanders Chris Campbell Andrew Joseph Tilson Technology Management
P	Jim Kelsh, Peter Markham	Bowles Rice Legal Counsel			

VACANCIES:

- Urban Business User (2 Members, Any District) and Rural Business User, District 2

Agenda Item	Details/Minutes
1. Call to Order; Roll Call; Opening Remarks	Welcome New Senate Ex-Officio Member, The Honorable Robert L. Morris, Jr.! We are very pleased he will remain involved with Broadband Council. If you see him, please congratulate him.
2. Approval of December 2024 Meeting,	Minutes: Motion to approve, Judge Ron Pearson - first, Roger Calhoun -

<p>Minutes, and Financial Statement</p>	<p>second. Minutes to be filed.</p> <p>Financial statement by Sabrina Stollings As of Dec. 1, beginning balance of \$806,941.31 Three invoices paid: Tilson \$6,075.00 Bowles Rice \$1,798.00 Commerce Communication \$48.15 Total December expenses \$7,921.15 Ending balance \$799,020.16</p> <p>As of Jan. 1 beginning balance of \$799,020.16 4 Invoices paid and a payroll allocation Tilson \$5,287.50 3 Bowles Rice Invoices 1st \$320.50 2nd \$1,674.00 3rd \$652.50 Payroll allocation \$1,278.81 Total January expenses \$9,213.31 Jan. 31 Ending balance \$789,806.85 Report to be filed for audit.</p>
<p>3. Public Service Commission of West Virginia Pole Attachment Task Force CASE NO. 24-0703-T-E-CTV-GI Designation of Council representative(s). https://www.psc.state.wv.us/WebDocket/default.htm</p>	<p>Peter Markham, Bowles Rice On August 23, 2024, in consultation with the Office of Broadband, the Commission created a task force to consider and recommend incorporating by General Order and/or rule modification to the Commission's Rules for the Government of Pole Attachments (Pole Attachment Rules), 150 C.S.R. 38.</p> <ul style="list-style-type: none">● Final Report Issued January 31, 2025 <p>1st - Recommends the establishment of a Rapid Response Team within the PSC. If an ISP has an issue with attaching to a pole, they can initiate mediation with the Rapid Response Team, to hopefully get on the pole quickly by resolving the dispute. We wanted the Office of Broadband to be included in these mediations as needed, representing the granting agency. The commission will consider that moving forward.</p> <p>2nd - Requiring utility pole owners to share their pole inspection reports to any potential attachers. Apparently not all utilities gather the same information, so we suggested that the PSC adopt a uniform data pole information standard. The Office of Broadband is working to build a database for this type of information.</p> <p>3rd - Require Utility companies to report annually their compliance with applicable laws and regulations.</p> <p>4th - The main pole owner utilities compiled a list of engineers to perform changes for attachments. The final report recommends that these changes go into effect immediately. The Council and Office have also requested to continue a working group to ensure the rules are being implemented and additional issues are handled moving forward. They agreed.</p>

<p>4. Verizon to Acquire Frontier CASE NO 24-0853-T-PC; Council consideration of Petition to Intervene</p>	<p>Jim Kelsh, Bowles Rice Verizon and Frontier jointly filed a petition with the WV Public Service Commission for approval of the transfer of Frontier to Verizon on October 31, 2024. The Commission recommends a decision by May 29, 2025.</p> <ul style="list-style-type: none"> • Update on Council's Petition to Intervene <p>The commissioners of the PSC are keeping this case, will not be referred to the Division of Administrative Law of Judges. The joint applicants are scheduled to file testimony by March 3rd. For the interveners, which includes the BEC, testimony is due by April 3rd. Rebuttal testimony by May 15th, Public comment Hearing June 11, Evidentiary Hearing at the PSC June 12th and 13th. In the process of preparing Discovery, mostly to Verizon regarding its pole attachment practices, hoping to have that in by the end of week, then have 20 days to respond to that. We intend to file testimony by April 3rd.</p>
<p>5. ARPA Project Update by Jamie Hoffman</p>	<p>ARPA Progress Report Active Grant Overview. Projects are moving forward. 24 in Permitting and Design, 3 in Close Out, 1 Complete. The majority are delayed in Permitting and design due to the pole attachment issues, which is why the task force is so important.</p> <p>ARPA Dashboard www.wvbroadband.maps.arcgis.com Search by Funding, Availability, and Statewide Statistics Maps. Also County Maps, current projects, even by Provider, who is served and who is underserved.</p>
<p>8. IJJA NTIA: Broadband Equity, Access and Deployment (BEAD) by Andrew Joseph</p>	<p>B.E.A.D Progress Report Key Milestones Five year Action Plan, approved 9/2023, Initial Proposal Vol. 1, approved 01/2024, Initial Proposal Vol. 2 Approved 4/2024, State Challenge Process approved 8/2024, Project Selection in process that is projected to be complete Q1 2025, then the final proposal due to NTIA by 4/16/2025 and Project implementation occurs from 2025-2029.</p> <p>What is included in the Final Proposal? Results of Deployment Project Selection, Completed and Planned Subgrantee Selection Process and the Status of Compliance with Requirements.</p> <p>Public Comment period should occur Mid-March</p>
<p>9. Public Comment</p>	<p>Sign-In for Public Comment, no public comments.</p>
<p>10. Next Meeting / Adjournment</p>	<p>Google Meet: March 13, 2025</p>



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APPROVED MINUTES / March 13, 2025

Meeting Title		WV Broadband Enhancement Council		Time		10:00 a.m.	
Chairman		William D. 'Bill' Bissett, Chair		Location		Online Meeting	
https://docs.google.com/forms/register Call information available upon registration.			Register for public comment. Hold comments until public comment portion of agenda.			P = Present; TC = Teleconference; VC = Videoconference; _ = Absent	
	Member	Representing			Council Member	Representing	
X	William D. (Bill) Bissett Chairman	Large Scale Broadband			X	The Honorable Scott Edwards	Rural Business User, Congressional District 1
X	Michael J. Holstine Secretary-Treasurer	Rural Business User Congressional Dist. 3 / (Now Rural Residential User District 1)			—	Michael R. Graney	WVDED Acting Secretary
X	Roger Calhoun	Rural Residential User Congressional Dist. 3 /Now Urban Residential User (1 of 2)			X	Jeff Proctor	Vice Chairman Representing Secretary Graney
—	Michele Blatt Superintendent	WV Dept. of Education			—	Robert Cole	Rural Residential User Congressional Dist. 1/(Now 2)
X	Tim Conzett, WVDE Office of Data Management	Representing Michele Blatt			—	Honorable Ron Pearson	Rural Residential User Cong. Dist. 2/ Now Urban Residential User (2 of2)
—	Heather D. Abbott Chief Technology Officer	WV Office of Technology			—	The Honorable Robert L. Morris, Jr.	WV Senate (R) (Ex-Officio/Advisory Member)
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—	Representative	Agency				Representative	Agency
X	Kelly Workman, Jamie Hoffmann Jim Kelsh, Peter Markham	WVDED - Office of Broadband Bowles Rice Legal Counsel			X	Steffani Sanders Chris Campbell Andrew Joseph	Tilson Technology Management
COUNCIL VACANCIES: Urban Business User (2 Members, Any District) and Rural Business User, District 2							
Agenda Item				Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks				Quorum met			

<p>2. Approval of February 2025 Meeting, Minutes, and Financial Statement</p>	<p>February 2025 Minutes Motion to approve minutes by Jeff Proctor, Michael Holstine seconded. February minutes to be filed.</p> <p>February 2025 Financial Report by Sabrina Stollings Beginning balance: \$789,806.85 Total February Expenses: \$20,109.12 Ending February Balance: \$769,697.73</p> <p>Jeff Proctor made a motion to approve, Mike Holstine seconded. All in favor. The February 2025 Financial Report will be filed.</p>
<p>3. Public Service Commission of West Virginia (Commission) Pole Attachment Task Force CASE NO. 24-0703-T-E-CTV-GI Designation of Council representative(s). https://www.psc.state.wv.us/WebDocket/default.htm</p>	<p>Jim Kelsh, Bowles Rice On August 23, 2024, the WVPSC created a task force to consider and recommend incorporating by General Order and/or rule modification to the Commission's Rules for the Government of Pole Attachments (Pole Attachment Rules), 150 C.S.R. 38.</p> <ol style="list-style-type: none"> 1.) All parties agreed upon the pole owners joint list of outside contractors and engineers, the PSC approved that list which pole owners are required to update on a quarterly basis. 2.) Rapid Response Teams, designated people at PSC, ready to address in proper manner complaints by pole attachers regarding pole owners actions. The Rapid Response Team can reach out to the Office of Broadband on a case by case basis. 3.) Pole inspection reporting, the Council asked the Commission to require more extensive information on each pole, when the pole was installed, what attachers are on it, pole height, and other details. This was deferred to continued proceedings by the Task Force. 4.) Pole Attachment Annual Report requirement, deferred to continued proceedings by the Task Force. <p>The Commission asked parties to file a procedural proposal by March 8 and the comments be filed by March 27th, the PSC Staff has submitted a proposal hoping to hear the outcome soon.</p>
<p>4. Verizon to Acquire Frontier CASE NO 24-0853-T-PC; Council consideration of Petition to Intervene</p>	<p>Jim Kelsh, Bowles Rice Verizon and Frontier jointly filed a petition with the WV Public Service Commission for approval of the transfer of Frontier to Verizon on October 31, 2024. The Commission recommends a decision by May 29, 2025.</p> <ul style="list-style-type: none"> • Procedural Schedule issued in this case Verizon and Frontier pre-filed written direct testimony on March 3. Other parties must submit testimony by April 3, and this includes the Council. • Rebuttal testimony due May 15th. The evidentiary hearing is scheduled June 12 & 13th at the PSC headquarters. • It is Verizon's intent to continue Frontier's broadband efforts. • In regard to pole issues, they plan to quickly resolve disputes and develop solutions. • Frontier, due to its financial position, would not be able to take on additional financial debt for further broadband expansion, whereas Verizon is capable of funding further broadband expansion. • We are fairly certain that the Commission will approve the transfer of Frontier to Verizon. real question is what terms

	<p>will be included in a joint stipulation to make Verizon accountable moving forward.</p> <p>➤ Motion presented to give Chairman Bissett the Council's authority to approve the testimony for filing and to enter into a settlement agreement. Motion by Mike Holstine, Jeff Proctor seconded. All in favor. Motion carries.</p>
5. ARPA Project Update	<p>Progress Report by Jamie Hoffmann</p> <p>39,617 Targeted Locations within 41 Counties. 4 Projects have completed, Preconstruction 6, Permitting and Design 17, Construction 15. Anticipating 26 projects to be completed by the end of 2025 and 16 by end of 2026.</p> <p>WV Pole Attachment Concerns:</p> <ol style="list-style-type: none"> 1. Workforce Management/scheduling and completing make ready work. 2. High volume attachments requiring power make ready. 3. Miscommunication 4. Changes in pole owner attachment policy. 5. Disputes in pole betterment, so that the cost of replacing a pole is not placed solely upon the ISP. <p>Jeff Hartley</p> <p>4,060 of 39,617 hit so far. Overview of our ARPA rural Broadband Development per ISP and project.</p>
8. IIJA NTIA: Broadband Equity, Access and Deployment (BEAD) Update	<p>Progress Report by Kelly Workman</p> <p>WV broadband fiber deployment in 2019 compared to 2024, 240% increase. Also important, tracking speed and performance. Thanks to Ookla, speed tests give a voice to the consumer, as well as progression for our state.</p> <p>BEAD</p> <ul style="list-style-type: none"> • \$1.2 Billion allocation to WV approved: April 18, 2024 • Challenge Process Final Results Approved: August 20, 2024 • 60 Day Full Application Phase August 26-October 24, 2024 • Planned Extension Phase: November 13-December 19, 2024 • December 2024 through January - March 2025 <ul style="list-style-type: none"> ◆ Application review, potential award determinations, data submission and validation, development of Final Proposal, NTIA Special Awards Conditions Meeting, Public Comment and Response • We expect to release the Final Proposal for public comment near the end of March and meet the April 18, 2025 deadline. <p>Total BEAD Eligible Locations 114,178 Total WV Broadband Serviceable Locations 900,408 Final Proposal Next, then once NTIA approval is received, we will begin Implementation with a 4 year build out period.</p> <p>Changes to program: We are confident we can adjust or modify the proposal as needed. Some outcomes discussed could be very beneficial, such as expediting the permitting phase. If there is a pause, we hope it will be short.</p> <p>BEAD Workforce</p> <p>Many broadband industry positions pay a higher wage than many others in WV. These include a mix of manual,</p>

	<p>specialized, supervisory roles and many others. We are working with many educational institutions to make sure we can fill the need in the build out and continue maintenance of the infrastructure once built.</p> <p>Continuous Mapping of Broadband Infrastructure, the map always changing and must be constantly updated and accessible to all West Virginians.</p>

Public Comment	Sign-In for Public Comment, no public comment.
Next Meeting / 10. Adjournment	Google Meet: April 17, 2025 (<i>WVDED Note-This date is incorrect. The next meeting date is April 10. 2025</i>).



WEST VIRGINIA BROADBAND ENHANCEMENT COUNCIL

Approved Minutes/April 10, 2025

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Agenda Item			Details/Minutes			
1. Call to Order; Roll Call; Opening Remarks						

<p>2. Approval of March 2025 Meeting, Minutes, and Financial Statement</p>	<p>Minutes approved by Jeff Holstein, second by Jeff Proctor. Minutes approved unanimously and shall be filed.</p> <p>Financial Statement by Sabrina Stollings \$769,697.73 March beginning balance Expenses: \$ 281.25 Tilson Technologies \$4,634.50 Bowles Rice \$1,302.00 Bowles Rice \$1,994.75 Bowles Rice \$ 142.51 Payroll Allocation \$8,355.01 March Total Expenses \$761,342.72 March Ending Balance</p> <p>(Ookla payment has been delayed by processing issues and will be included in the next report.)</p> <p>Motion to approve Mike Holstein, Second by Jeff Proctor. Financial statement accepted.</p>
<p>3. Public Service Commission of West Virginia Pole Attachment Task Force CASE NO. 24-0703-T-E-CTV-GI www.psc.state.wv.us/WebDocket/default.htm</p>	<p>Peter Markham, Bowles Rice On August 23, 2024, the WVPSC created a task force to consider and recommend incorporating by General Order and/or rule modification to the Commission's Rules for the Government of Pole Attachments (Pole Attachment Rules), 150 C.S.R. 38.</p> <ul style="list-style-type: none"> • Final Report Issued January 31, 2025 • Procedural Schedule Issued March 3, 2025 • May 7th deadline for parties to give testimony. • June 9th for rebuttal testimony. • June 9th and 10th Hearing. • The final schedule remains pending. • In its filing, the Council recommended that pole owners and providers, PSC Staff, and Office of Broadband be included in the advisory working group. We included models that are working for other states that we may be able to implement. Pole Attachment Working Group is the suggested name, which is also used in Pennsylvania. Additional information will be provided in April.
<p>4. Verizon to Acquire Frontier CASE NO 24-0853-T-PC</p>	<p>Jim Kelsh, Bowles Rice Verizon and Frontier jointly filed a petition with the WVPSC for approval of the transfer of Frontier to Verizon on October 31, 2024. The Commission recommends a decision by May 29, 2025.</p> <ul style="list-style-type: none"> • Update on Procedural Filings and Schedule • April 3, the Council filed testimony. • Rebuttal testimony is due May 15 • Evidentiary Hearing June 12th • Settlement discussions are expected. Verizon will take on current projects previously awarded to Frontier, and the Council also would push for Verizon to take on the BEAD program projects that are soon to be awarded. • Frontier also planned to include fiber to 150,000 homes by 2027, a \$200 million dollar investment. The Council notes that Verizon will be accountable for this investment. • Verizon's Forward program, packages that are offered as low as \$20 per month. • Verizon should report quarterly on their broadband expansion, as well as their success with their promotions.

8. IJA NTIA: Broadband Equity, Access and Deployment (BEAD) Update

Progress Report on West Virginia's \$1.2 Billion BEAD Allocation

Kelly Workman, WVDED Office of Broadband

For baseline data, Broadband is a Target Industry in WV. Broadband supports all other Economic Development throughout the State.

Governor Morrisey has requested a 90-day extension of the original April 18, 2025, deadline. The new deadline is roughly July 18, 2025. What will the State do in the extra time?

We have been reviewing what is in the purview of anticipated changes from NTIA to be more in alignment with upcoming changes, such as programmatic changes. These revisions can be administrative, however, items that are within the IJA statute may not be easily changed without action from Congress.

Possible **Administrative** program revisions may include:

1. Davis-Bacon, prevailing wage, the opportunity would be to relax administrative load.
2. Environmental Permitting, how quickly we can get projects to construction and would streamline this process.
3. Letter of Credit, reduction of amount, would be helpful.
4. Procurement requirements, streamline with less reporting.
5. Climate Resiliency Requirements, streamline with less reporting.
6. Eligible Entity, NTIA setting rates, NOFO items related to states imposing low-cost rates could be amended by NTIA.
7. 25% Non-refundable Match Requirement, Note: While part of IJA, NTIA has discretion to waive upon State or subgrantee request.

Possible considerations in IJA Statute:

1. Prohibition on BEAD funds for covered communications equipment or services. (Secure and Trusted Communications Networks Act of 2019)
2. Build America, Buy America (BABA) (The U.S. Department of Commerce has already issued a Limited Waiver)
3. Prohibition of Fiber Cable/Equipment from China
4. 4. BEAD Program Speed and Latency/Maximum Allowable Network Outages Requirements
5. 5. Conduit Access Points requirements (for underground fiber) Requirement to include access points at regular intervals for interconnection by unaffiliated entities.

West Virginia Seeks Clarity from NTIA Regarding Program Revisions

West Virginia's program has been approved in all steps, and all requirements have been met. West Virginia's plan expands broadband to all corners of West Virginia.

Any revisions by the federal agency should incorporate all work completed and approved to date. The State should not be required to repeat completed work. It would be less than beneficial to discount or leave out all of the work that has been done to date.

Along with our network of partners, the Office of Broadband has conducted numerous community outreach events, where there is so

	<p>much skepticism, to be expected. We had assured the people of West Virginia that this time would be different. Hopefully, West Virginia's plan will align with the direction from the Federal Government and meet approval.</p>
<p>Public Comment</p>	<p>Sign-In for Public Comment.</p> <p>Derek B.: Do you know if providers will have to resubmit applications from the beginning?</p> <p>Kelly Workman: It would be counterproductive to repeat activities that have already been completed. The Office of Broadband wants to preserve the significant time and effort that has already been put forth and the results that have been achieved. No one is opposed to the work. We are willing to put in the hard work, we just need clarity from the federal agency.</p>
<p>Next Meeting / 10. Adjournment</p>	<p>Michael Hostine motion to adjourn, Tim Conzett seconded.</p> <p>Google Meet: May 8, 2025</p>