

BROADBAND COMMITTEE MEETING MINUTES

Virtual Zoom Meeting

Thursday, May 21, 2020

Present:

Broadband Committee Members: Barry Cohen, Charles Gallanter, Una Lee, Charlotte Reber, Rob Rodriguez, Robin Story

Also Present: Lea Kilvadyova, Brian Story, Doug Molde, Mark Woodward, Kyle Archer, Brian Vandorn

1. Call to Order

Meeting called to order 5:42 PM.

2. Minutes from previous meeting

The minutes from the previous meeting on February 27th were approved without changes needed.

3. Outreach Updates

Charles asked for any updates from reaching out to local ISPs. Rob said he'd had no response from MC Fiber. Charles said he'd had no response from Consolidated Communications.

Charles said VEDA would not require any payment for two years, and the interest rate would be around 6%.

Charles invited Mark Woodward to provide an update from the Johnson Electric Co-op. Mark said he'd spoken with the chair of the tech committee in Norwich, and with Green Mountain Power, who were interested in having utilities play an active role in fiber.

Mark said the Co-op has received a \$35,000 grant to conduct a feasibility study into fiber. Charles asked if the Co-op is in a position to make use of the federal funding that expires at the end of 2020. Mark said he couldn't speak to that, but said that the Co-op's annual meeting is next week, after which point he may know more. He said that the legislative changes necessary for the Co-op to begin working with fiber seemed likely to happen soon.

Mark also said the Co-op was trying to determine whether they, as a nonprofit, could give other nonprofits (such as a CUD) free lease to use their poles for fiber infrastructure. Charles asked what percentage of Co-op used poles were actually owned by the Co-op as opposed to Consolidated. Mark said it was roughly 20,000-30,000, well over 50% of the poles but not nearly 100%.

4. Forming a FTTH (Fiber to the Home) Entity

Charles asked the committee to discuss what form of FTTH entity the committee wished to support, listing the following options: public committee (continuation of current arrangement), CUD (Communications Union District), REDI, 501(c)(3) Nonprofit, Public/Private Partnership (P3), Private, or other.

Charlotte asked for clarification on the difference between a CUD, Nonprofit, and Public/Private Partnership. Robin said that a CUD would be eligible for feeder money from the state, while other options would require money to be found through some other means.

Charles said the deadline for forming a CUD was already past. Lea Kilvadyova clarified that the Vermont state legislature would be voting the following day (May 22) on a bill brought forward by Rep. Lucy Rogers that would allow for the creation of a CUD during the COVID-19 pandemic simply by vote of the Selectboard.

Lea also clarified that a CUD technically is a public/private partnership, but that the network is owned by the district, rather than by a corporation. This means that it is open access, and that the ISP is flexible / changeable. If the district did not own the infrastructure, it would be a contract for service, in which the ISP would build the network as well as provide the service. Lea said that the State is doing everything in its power to make CUDs succeed.

Reporting on behalf of the Lamoille Valley Planning Commission, Lea said that they have worked with 7 out of 10 towns towards getting fiber, including securing funds for feasibility studies and business plans.

Barry and Charlotte asked whether other Lamoille towns are interested in forming or joining a CUD. Lea said that Hyde Park, Waterville, and Wolcott are all interested. Lea said she recommends the CUD model with confidence, and would like to know from the committee how LVPC can support this. With regard to whether to join an existing CUD or form a new one, Lea said that one advantage to joining the newly-formed Northeast Kingdom Fiber CUD would be that they are ahead of Lamoille in the process and are ready to bid in the October auction.

Charles asked Lea to clarify the point about the auction, since an organization needs to have at least a year of audited financial records to enter the auction, and NEK was only formed a few months ago. Lea said that an existing ISP, such as EC Fiber, could bid on behalf of the CUDs. Charles asked whether EC Fiber was amenable to this; Lea said that it was in fact EC Fiber's own idea.

Lea said that the CUD structure provides towns with a voice in the process, but that it was up to the towns to make the decision. She also said that based on the progress of the existing CUDs in Vermont, EC Fiber (the first) and Central Vermont (CV) Fiber (the second), it takes at least a year for CUDs to get going. However, that speed is likely to now increase.

Charles asked whether there are contractors available to begin work if a CUD was formed. Lea recommended investing all 2020 government funding wherever possible now, such as in training workers and doing make-ready work, in anticipation of the CUD.

Barry brought up Lea's comment that CV Fiber has existed for two years now without laying any fiber. He asked whether there were lessons to be learned from this, or whether it should be seen as a success story. Lea said that one of the pitfalls of CUDs is that they are purely volunteer organizations, and that just initially getting organized and finding money for legal work can take a lot of time. However, the State is waking up to this and supporting CUDs now in ways they never were before, so she anticipates progress will now move faster.

Kyle Archer said that at town meeting, one of the state representatives had said the Co-op couldn't get involved legally in fiber. Lea said that the Co-op is interested in investing in fiber in ways that also serve the interests of the Co-op's existing electrical service, but are not getting directly involved yet. Charles agreed that the Co-op is not interested in being an ISP.

Charles called for a poll of committee members to see where people stood. Barry and Robin both said they supported creating a new Lamoille CUD. Rob said he also supported a new Lamoille Cud, but wanted it limited to 1 or 2 towns, not seven. Una said she supported a new Lamoille CUD, but had concerns about how the CUD would handle privacy and neutrality, and also wanted the committee to discuss temporary access in the meantime for people in need. Charlotte said she supported a new Lamoille CUD but would consider joining NEK as a second option. Charles said he supported a local CUD.

Barry asked Charles to confirm that the vote had been unanimous, and asked what the next steps then were. Doug Molde, acting as liaison to the committee, said he would bring it to the Johnson Selectboard. He believes the Selectboard is in favor of the CUD, but reminded the committee that the Selectboard cannot actually take any action on it unless the legislation is passed which allows them to.

5. Direction of the Committee: Leadership, Membership, and Priorities

Charles stated his willingness to step down as chair of the committee but remain on as a member if anyone was interested in replacing him. There were no takers.

Charles also offered the reminder that there is an existing vacancy on the committee and that anyone interested in joining should contact the Town Administrator.

Una reiterated her priorities for the CUD, including digital privacy, a consentful ISP, and security. She noted that this is especially important in current times, when federal privacy protections are being eroded and dismantled. Robin seconded this, and added that it might set the CUD apart from Comcast and other providers who offer no such protections.

Barry seconded the need for security, and asked Una and Robin if they could provide a list of examples of ISPs that are and are not providing security etc. Charlotte asked if there was any actual way for the CUD to hold the ISP accountable to such regulations. Charles said the only way to do so would be to make it a condition of their bid.

Charles said his priority for the CUD was 100% coverage of Johnson, and that anything else was secondary. In clarification to a question from Kyle, he said that he doesn't expect the fiber to be

rolled out to every part of Johnson / the CUD towns at once, but he does expect the ISP to provide 100% coverage instead of only partial coverage. As Robin put it, Johnson does not want another Comcast situation.

The meeting was adjourned at [6:30 PM.]