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Coronavirus Relief Fund – Committee Recommendations
House Committee on Energy and Technology – June 10, 2020

* * * Legislative Findings and Intent * * *

Sec. 1. LEGISLATIVE FINDINGS AND INTENT

(a) The General Assembly finds that:

(1) Never has the need for reliable, affordable, high-speed broadband connectivity been so critical. The COVID-19 pandemic and the required social distancing it has engendered have served as an accelerant to the socioeconomic disparities between the connected and the unconnected in our State.

(2) Vermonters who cannot access or cannot afford broadband connectivity, many of whom are geographically isolated, face challenges with respect to distance learning; remote working; accessing telehealth services; accessing government programs and services, including our institutions of democracy, such as the court system; and otherwise trying to maintain some form of social connection and civic engagement in these trying times.

(3) The pandemic has highlighted the extent to which robust and resilient broadband networks are critical to our economic future as a whole and provide a foundation for our educational, health care, public health and safety, and democratic institutions.

1 (4) Data collected by the Department of Public Service underscore the
2 magnitude of the State’s connectivity needs. Of the 308,082 addresses in our
3 State:

4 (A) 6.8 percent (20,978 addresses) do not have access to broadband
5 that meets a minimum speed of 4/1 Mbps.

6 (B) 23 percent (69,899 addresses) do not have access to broadband
7 that meets the FCC’s benchmark of 25/3 Mbps.

8 (C) 82.5 percent (254,000 addresses) do not have access to
9 broadband that meets a minimum speed of 100/100 Mbps.

10 (5) Last year, the General Assembly took significant steps to close the
11 digital divide. Through Act 79, *an act relating to broadband deployment*
12 *throughout Vermont*, we not only provided financial incentives and
13 streamlined processes for broadband deployment, we also supported numerous
14 innovative approaches to shore up community efforts to design and implement
15 their own broadband solutions.

16 (6) Due to the COVID-19 public health emergency, we must accelerate
17 our efforts. With haste and precision, the State must redouble its efforts to go
18 where the market will not.

19 (7) The measures taken in this act complement and advance the State’s
20 long-term goal of achieving the universal availability of 100 Mbps
21 symmetrical service by the year 2024.

1 (A) \$800,000 to the COVID-Response Connected Community
2 Resilience Program established in Sec. 3 of this act.

3 (B) \$2,000,000 to the COVID-Response Line Extension Customer
4 Assistance Program established in Sec. 4 of this act.

5 (C) \$11,000,000 to the Get Vermonters Connected Now Initiative
6 established in Sec. 5 of this act.

7 (D) \$500,000 to support the COVID-Response Telecommunications
8 Recovery Plan established in Sec. 6 of this act.

9 (E) \$800,000 to support the COVID-Response Telehealth and
10 Connectivity Initiative established in Sec. 8 of this act.

11 (F) \$466,500 to be disbursed, in consultation with the Vermont
12 Access Network, among the State’s access media organizations for staffing and
13 operational costs incurred due to unbudgeted and unplanned coverage of public
14 meetings and events in response to the COVID-19 pandemic, as well as for
15 unplanned and unbudgeted expenditures related to increased production and
16 technical support for live-streaming government and community-based
17 organizations.

18 (G) \$20,000,000 to fund ratepayer arrearages as they pertain to
19 utilities affected by the Public Utility Commission’s moratorium on utility
20 disconnections issued on March 18, 2020, as further amended and revised by
21 the Commission, and as established in Sec. 9 of this act.

1 (2) \$3,000,000 to the Agency of Digital Service to fund efforts to
2 mitigate cybersecurity risks posed by State employees working from home as a
3 result of the COVID-19 pandemic.

4 (3) \$4,000,000 to the Agency of Digital Service to reimburse costs
5 incurred for unbudgeted and unplanned expenditures for the purpose of
6 Unemployment Insurance Claims Modernization. It is the intent of the
7 General Assembly to increase Vermonter’s access to unemployment insurance
8 claims services in response to the COVID-19 public health emergency through
9 a modernization move to a technical solution that ensures seamless access for
10 citizens throughout Vermont.

11 (4) \$350,000 to the Agency of Digital of Services to support municipal
12 officials in addressing cybersecurity risks and mitigate vulnerabilities posed by
13 closed municipal offices, municipal employees and elected officials working
14 from home, and using teleconferencing platforms as a result of the COVID-19
15 pandemic.

16 (5) \$152,000 to the Enhanced 911 Fund for necessary expenses incurred
17 due to unbudgeted and unplanned critical public health and safety activities
18 and services directly caused by or provided in response to the COVID-19
19 public health emergency.

20 (6) \$200,000 to the Agency of Education to be allocated as follows:

1 (A) \$100,000 to Vermont Public Broadcasting Service to reimburse
2 costs incurred for unbudgeted and unplanned specialized learning content and
3 other educational programming aired in response to school closures during
4 COVID-19 pandemic.

5 (B) \$100,000 to Vermont Public Radio for unbudgeted and
6 unplanned expanded educational programming aired in response to school
7 closures during the COVID-19 pandemic.

8 (b) Of the appropriations made pursuant to this section, any unexpended
9 funds as of December 20, 2020 shall be transferred to [relevant State account].
10 Recipients of the appropriations under this section shall make every effort to
11 both obtain and retain documentation demonstrating that expenses are eligible
12 for reimbursement under section 601(d) of the Social Security Act.

13 * * * COVID-Response Connected Community Resilience Program * * *

14 Sec. 3. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE
15 PROGRAM

16 (a) There is established the COVID-Response Connected Community
17 Resilience Program, a grant program to be administered by the Commissioner
18 of Public Service. The purpose of the Program is to fund recovery planning
19 efforts of communications union districts, particularly with regard to
20 accelerating their deployment schedules. Accelerated deployment is necessary
21 in direct response to the COVID-19 public health emergency, which has

1 caused communications union districts to rapidly reassess the connectivity
2 needs in in their respective service areas and to reevaluate their deployment
3 objectives going forward, either independently or collaboratively. Conditions
4 of the Program shall include the following:

5 (1) Costs eligible for funding under this Program include consultant
6 fees, administrative expenses, and any other recovery planning costs deemed
7 appropriate by the Commissioner.

8 (2) A grant award may not exceed \$100,000.00.

9 (b) The Commissioner shall develop policies and practices for Program
10 implementation consistent with the purposes of this section and also with
11 section 601(d) of the Social Security Act, including standards for expense
12 verification and records retention.

13 * * * COVID-Response Line Extension Customer Assistance Program * * *

14 Sec. 4. COVID-RESPONSE LINE EXTENSION CUSTOMER ASSISTANCE
15 PROGRAM

16 (a) There is established the COVID-Response Line Extension Customer
17 Assistance Program to be administered by the Commissioner of Public Service.
18 The purpose of the program is to provide financial assistance for the residential
19 customer costs associated with line extensions to unserved locations. The
20 Commissioner shall develop guidelines and procedures to implement this
21 Program and may incorporate relevant provisions of PUC Cable Rule 8.313,

1 including the formula for assessing contributions in aid of construction.

2 Conditions of the Program shall include the following:

3 (1) To be eligible, line extensions must be capable of delivering
4 broadband service that is capable of speeds of at least 25/3 Mbps.

5 (2) An unserved location means an area without access to 25/3 Mbps.

6 (3) Per customer financial assistance may not exceed \$3,000.00.

7 (4) If the line extension is in the service territory of a communications
8 union district, financial assistance under this Program shall not be awarded
9 unless notice of the proposed line extension is provided to the communications
10 union district and the Department receives a written letter of support for the
11 project from the governing board or board designee of the affected
12 communications union district or 30 days have elapsed since notice was
13 provided and no communication was delivered to the Department, whichever is
14 sooner.

15 (5) Households at locations eligible for financial assistance shall provide
16 to the Department household data related to connectivity needs as they pertain
17 to remote learning, telehealth, telework needs.

18 (6) A health care provider may apply for assistance on behalf of a
19 patient residing in Vermont for a line extension so that the patient can receive
20 telehealth or telemedicine services from the health care provider. Any K-12
21 educational institution, including a public or private school or school district,

1 may apply for a line extension on behalf of a student, provided the student's
2 service location is in Vermont and the student needs the broadband service to
3 receive remote instruction from the educational institution.

4 (7) The Commissioner may retain any award of financial assistance
5 under this section until he or she determines that eligible expenses have been
6 incurred and properly documented by the grantee in a form and manner
7 prescribed by the Commissioner.

8 (b) On or before July 15, 2020, the Commissioner shall publish guidelines
9 and procedures for the administration of the Program. The guidelines shall
10 specify that funds shall be available for the most cost-effective and site-
11 appropriate line extension. Funds shall be disbursed on a rolling basis until
12 funds in the Program are expended or December 20, 2020, whichever occurs
13 first. The Program shall cease to exist on December 31, 2020.

14 (c) The Commissioner's guidelines and procedures shall be consistent with
15 section 601(d) of the Social Security Act and shall incorporate provisions for
16 ensuring that the Program will significantly increase broadband capacity for
17 distance learning, telehealth, and telework during the public health emergency.

18 * * * Get Vermonters Connected Now Initiative * * *

19 Sec. 5. GET VERMONTERS CONNECTED NOW INITIATIVE

20 (a) There is established the Get Vermonters Connected Now Initiative to be
21 administered by the Commissioner of Public Service. Notwithstanding any

1 provision of law to the contrary, funds shall be distributed through the
2 Connectivity Initiative established under 30 V.S.A. 7515b. The purpose of the
3 Program is to provide financial assistance to Internet service providers to offset
4 the customer costs of fiber-to-the-premises installations, which include
5 underground conduit installations, where required, and service drops, and to
6 expand fixed wireless coverage to unserved or underserved areas of the State.

7 Conditions of the Program shall include the following:

8 (1) Projects involving installation of underground conduit, where
9 required, that would result in broadband access to low-income households with
10 remote learning, telehealth, and telework needs shall be prioritized.

11 (2) Both FTTP and fixed wireless installations supported by this
12 Program shall reflect the Department’s ongoing efforts with both the Agency
13 of Education and the Vermont Program for Quality in Health Care, Inc. to
14 identify addresses and clusters of students or vulnerable or high-risk
15 Vermonters, or both, who do not have access to broadband connectivity.

16 (3) If a project to be funded under this Program is in the service territory
17 of a communications union district, financial assistance under this Program
18 shall not be awarded unless notice of the proposed project is provided to the
19 communications union district and the Department receives a written letter of
20 support for the project from the governing board or board designee of the
21 affected communications union district or 30 days have elapsed since notice

1 was provided and no communication was delivered to the Department,
2 whichever is sooner.

3 (4) To the extent it is administratively feasible within the time
4 constraints of section 601(d) of the Social Security Act, the Department may
5 provide temporary subsidies for customer broadband monthly subscriptions to
6 increase broadband adoption rates where installations are performed pursuant
7 to this section.

8 (5) The Commissioner may retain any award of financial assistance
9 under this section until he or she determines that eligible expenses have been
10 incurred and properly documented by the intended recipient in a form and
11 manner prescribed by the Commissioner.

12 (b) The Commissioner shall establish guidelines and procedures consistent
13 with section 601(d) of the Social Security Act and shall incorporate provisions
14 for ensuring, to the greatest extent possible and based on the best available
15 data, that the Program will significantly increase broadband capacity for
16 distance learning, telehealth, and telework during the public health emergency.
17 The location and capacity of infrastructure funded through this Program shall
18 be part of a permanent, public data base maintained by the Department.

19 * * * COVID-Response Telecommunications Recovery Plan * * *

20 Sec. 6. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY

21 PLAN

1 The Commissioner of Public Service shall retain a consultant to assist with
2 preparation of a COVID-Response Telecommunications Recovery Plan. The
3 purpose of the Recovery Plan is to reassess the State’s critical connectivity
4 needs in light of the COVID-19 public health emergency and to reevaluate
5 broadband deployment objectives going forward. On or before December 20,
6 2020, the Recovery Plan shall be submitted to the House Committee on Energy
7 and Technology and the Senate Committee on Finance.

8 Sec. 7. 2019 Acts and Resolves No. 79, Sec. 23, subsection (a) is amended to
9 read:

10 (a) It is the intent of the General Assembly that, regardless of when the
11 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or
12 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures
13 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted
14 on or before ~~December 1, 2023, and so on~~ June 30, 2024, and every three years
15 thereafter.

16 * * * COVID-Response Telehealth Connectivity Program * * *

17 Sec. 8. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

18 (a) The General Assembly finds that:

19 (1) Since the onset of COVID-19, telehealth utilization in Vermont has
20 increased exponentially. During this pandemic, telehealth has become an

1 essential tool to minimize the spread of COVID-19 and provide clinicians the
2 tools they need to treat patients.

3 (2) According to recent survey data, a significant majority of health care
4 providers indicated that lack of patient access to a smartphone or video
5 capability was a barrier to accessing telehealth services, and similarly indicated
6 that a patient’s inability to operate digital equipment was a barrier.

7 (b) There is established a temporary COVID-Response Telehealth
8 Connectivity Program to be administered by the Vermont Program for Quality
9 in Health Care, Inc. (VPQHC) consistent with its mission under 18 V.S.A. §
10 9416 and with its Connectivity Care Packages pilot proposal. The purpose of
11 the Program is to support equitable access to telehealth services by providing
12 outreach and educational opportunities that improve digital literacy skills of
13 patients and providers and also by providing the equipment needed to support
14 telehealth needs during the COVID-19 public health emergency, particularly in
15 areas that are digitally and medically underserved, and distributed
16 geographically across the State. Conditions of the Program shall include:

17 (1) To the extent feasible under the timing and funding constraints of
18 this Program, VPQHC shall make every effort to identify and prioritize
19 assistance to vulnerable and high-risk patients in all regions of the State.

1 (2) VPQHC shall ensure that all expenditures made pursuant to this
2 Program are properly documented and retained, consistent with the
3 requirements of section 601(d) of the Social Security Act.

4 (c) Funds shall be disbursed on a rolling basis until all funds are fully
5 expended or on December 20, 2020, whichever occurs first. Any unexpended
6 funds shall be transferred to the State on or before December 20, 2020. This
7 Program shall sunset on December 31, 2020.

8 (d) On or before January 15, 2021, VPQHC shall report to the House
9 Committees on Health Care and on Energy and Technology and the Senate
10 Committees on Health and Welfare and on Finance an evaluation of the
11 Program’s effectiveness to date.

12 * * * Utility Ratepayer Arrearages * * *

13 Sec. 9. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

14 For the purpose of simultaneously minimizing financial hardship caused by
15 the COVID-19 pandemic and also mitigating utility rate increases ultimately
16 shared by all ratepayers, the Commissioner of Public Service shall develop
17 policies and practices for providing financial support to utility ratepayers to
18 cover account arrearages of ratepayers likely to face disconnection when the
19 moratorium ends. For purposes of this section, a “utility” means a utility
20 affected by the Public Utility Commission’s moratorium on utility
21 disconnections issued on March 18, 2020, as further amended and revised by

1 the Commission. Funds shall be disbursed on a rolling basis until all funds are
2 fully expended or December 20, 2020, whichever occurs first. The
3 Commissioner may contract with an independent third party to assist with
4 program administration. Customer information submitted pursuant to this
5 program shall be exempt from disclosure under the Vermont Public Records
6 Act; such data may only be disclosed on an anonymized and aggregated basis.