

1                   **Coronavirus Relief Fund – Committee Recommendations**  
2                   *House Committee on Energy and Technology – June 10, 2020*  
3                    *Revisions Highlighted in Yellow*  
4                    *June 10, 2020 HE&T Revisions in Blue*  
5

6                                   \* \* \* Legislative Findings and Intent \* \* \*

7                   Sec. 1. LEGISLATIVE FINDINGS AND INTENT

8                    (a) The General Assembly finds that:

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

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

19                                   (3) The pandemic has highlighted the extent to which robust and  
20                    resilient broadband networks are critical to our economic future as a whole and  
21                    provide a foundation for our educational, health care, public health and safety,  
22                    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           (8) The faster and more thoroughly we react, the sooner and more  
2           completely we will recover.

3           (b) Intent. In response to the COVID-19 pandemic and the critical need for  
4           access to broadband connectivity, it is the intent of the General Assembly to  
5           support rapid response recovery planning and broadband solutions that will  
6           significantly increase rural broadband capacity for distance learning, remote  
7           working, telehealth, and other critical services during the public health  
8           emergency and to do so in a manner that is consistent with the criteria of the  
9           Coronavirus Relief Fund as established by section 601(d) of the Social  
10           Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and  
11           Economic Security (CARES) Act, Pub. Law 116-136, as amended, and any  
12           guidance and regulations issued pursuant thereto.

13                                   \* \* \* Appropriations \* \* \*

14           Sec. 2. FISCAL YEAR 2021 ONE-TIME CORONAVIRUS RELIEF FUND  
15                                    APPROPRIATIONS

16           (a) Of the coronavirus relief funds allocated to Vermont pursuant to section  
17           601(d) of the Social Security Act, as added by section 5001 of the CARES Act,  
18           the amount of [\$43,268,500] shall be appropriated as follows:

19                    (1) To the Department of Public Service to be allocated as follows:

20                                    (A) [\$800,000] to the COVID-Response Connected Community

21           Resilience Program established in Sec. 3 of this act.

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

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

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

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

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

17           (G) [~~\$30,000,000~~ \$20,000,000] to fund ratepayer arrearages as they  
18           pertain to utilities affected by the Public Utility Commission’s moratorium on  
19           utility disconnections issued on March 18, 2020, as further amended and  
20           revised by 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 for the purpose of Unemployment  
6           Insurance Claims Modernization. It is the intent of the General Assembly to  
7           increase Vermonter’s access to unemployment insurance claims services in  
8           response to the COVID-19 public health emergency through a modernization  
9           move to a technical solution that ensures seamless access for citizens  
10          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  
17          incurred due to unbudgeted and unplanned critical public health and safety  
18          activities and services directly caused by or provided in response to the  
19          COVID-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, as well as for unbudgeted and unplanned expenditures  
5           related to critical public health and safety communications concerning the  
6           current public health emergency.

7           (B) [\$100,000] to Vermont Public Radio for unbudgeted and  
8           unplanned expanded educational programming aired in response to school  
9           closures during the COVID-19 pandemic, as well as for unbudgeted and  
10           unplanned expenditures related to critical public health and safety  
11           communications concerning the current public health emergency.

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

17           \* \* \* COVID-Response Connected Community Resilience Program \* \* \*

18           Sec. 3. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE  
19           PROGRAM

20           (a) There is established the COVID-Response Connected Community  
21           Resilience Program, a grant program to be administered by the Commissioner

1 of Public Service. The purpose of the Program is to fund recovery planning  
2 efforts of communications union districts, particularly with regard to  
3 accelerating their deployment schedules. Accelerated deployment is necessary  
4 in direct response to the COVID-19 public health emergency, which has  
5 caused communications union districts to rapidly reassess the connectivity  
6 needs in in their respective service areas and to reevaluate their deployment  
7 objectives going forward, either independently or collaboratively. Conditions  
8 of the Program shall include the following:

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

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

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

17 \* \* \* COVID-Response Line Extension Customer Assistance Program \* \* \*

18 Sec. 4. COVID-RESPONSE LINE EXTENSION CUSTOMER ASSITANCE  
19 PROGRAM

20 (a) There is established the COVID-Response Line Extension Customer  
21 Assistance Program to be administered by the Commissioner of Public Service.

1 The purpose of the program is to provide financial assistance for the residential  
2 customer costs associated with line extensions into to unserved areas locations.

3 The Commissioner shall develop policies and practices guidelines and  
4 procedures to implement this Program and may incorporate relevant provisions  
5 of PUC Cable Rule 8.313, including the formula for assessing contributions in  
6 aid of construction. Conditions of the Program shall include the following:

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

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

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

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

20 (5) Households at locations eligible for financial assistance shall provide  
21 to the Department household data related to connectivity needs as they pertain



1 to remote learning, telehealth, telework needs.

2 (6) A health care provider may apply for line extension assistance on  
3 behalf of a patient residing in Vermont for a line extension so that the patient  
4 can receive telehealth or telemedicine services from the health care provider.  
5 Any K-12 educational institution, including a public or private school or  
6 school district, may apply for a credit on behalf of a student for a line  
7 extension to serve the student, provided the student’s service location is in  
8 Vermont and the student needs the broadband service to receive remote  
9 instruction from the educational institution.

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

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

20 (c) The Commissioner’s ~~policies and practices~~ guidelines and procedures  
21 shall be consistent with section 601(d) of the Social Security Act and shall

1 incorporate provisions for ensuring that the Program will significantly increase  
2 broadband capacity for distance learning, telehealth, and telework during the  
3 public health emergency.

4 \* \* \* Get Vermonters Connected Now Initiative \* \* \*

5 Sec. 5. GET VERMONTERS CONNECTED NOW INITIATIVE

6 (a) There is established the Get Vermonters Connected Now Initiative to be  
7 administered by the Commissioner of Public Service. Notwithstanding any  
8 provision of law to the contrary, funds shall be distributed through the  
9 Connectivity Initiative established under 30 V.S.A. 7515b. The purpose of the  
10 program is to provide financial assistance to low-income Vermonters with  
11 respect to obtaining fiber to the premises (FTTP) by offsetting the costs of  
12 underground conduit installations and service drops, generally Internet service  
13 providers to offset the customer costs of fiber-to-the-premises installations,  
14 which include underground conduit installations, where required, and service  
15 drops, and also to support installation of temporary Wi-Fi hotspots to expand  
16 broadband capacity in critical need areas throughout the State to expand fixed  
17 wireless coverage to unserved or underserved areas of the State. Conditions of  
18 the Program shall include the following:

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

1           (2) Both FTTP ~~service drops~~ and ~~Wi-Fi fixed wireless~~ installations  
2           supported by this Program shall reflect the Department’s ongoing efforts with  
3           both the Agency of Education and the Vermont Program for Quality in Health  
4           Care, Inc. to identify addresses and clusters of students or vulnerable or high-  
5           risk Vermonters, or both, who do not have access to broadband connectivity.

6           (3) ~~In supporting Wi-Fi installations under this Program, the Department~~  
7           ~~shall consider the installation of equipment that will increase broadband~~  
8           ~~capacity at libraries, schools, and on school buses.~~

9           (3) ~~If the line extension a project to be funded under this Program is in~~  
10          ~~the service territory of a communications union district, financial assistance~~  
11          ~~under this Program shall not be awarded unless notice of the proposed line~~  
12          ~~extension project is provided to the communications union district and the~~  
13          ~~Department receives a written letter of support for the project from the~~  
14          ~~governing board or board designee affected communications union district or~~  
15          ~~30 days have elapsed since notice was provided and no communication was~~  
16          ~~delivered to the Department, whichever is sooner.~~

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

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

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

13           \* \* \* COVID-Response Telecommunications Recovery Plan \* \* \*

14           Sec. 6. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY  
15           PLAN

16           The Commissioner of Public Service shall retain a consultant to assist with  
17 preparation of a COVID-Response Telecommunications Recovery Plan. The  
18 purpose of the Recovery Plan is to reassess the State’s critical connectivity  
19 needs in light of the COVID-19 public health emergency and to reevaluate  
20 broadband deployment objectives going forward. On or before December 20,

1 2020, the Recovery Plan shall be submitted to the House Committee on Energy  
2 and Technology and the Senate Committee on Finance.

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

5 (a) It is the intent of the General Assembly that, regardless of when the  
6 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or  
7 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures  
8 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted  
9 on or before December 1, 2023, and so on June 30, 2024, and every three years  
10 thereafter.

11 \* \* \* COVID-Response Telehealth Connectivity Program \* \* \*

12 Sec. 8. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

13 (a) The General Assembly finds that:

14 (1) Since the onset of COVID-19, telehealth utilization in Vermont has  
15 increased exponentially. During this pandemic, telehealth has become an  
16 essential tool to minimize the spread of COVID-19 and provide clinicians the  
17 tools they need to treat patients.

18 (2) According to a recent survey conducted by the Vermont Medical  
19 Society, 87 percent of health care providers indicated that lack of patient  
20 access to a smartphone or video capability was a barrier to accessing telehealth  
21 services, and 79 percent indicated that a patient's inability to operate digital

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

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

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

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

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

6 (d) On or before January 15, 2021, VPQHC shall report to the House  
7 Committees on Health Care and on Energy and Technology and the Senate  
8 Committees on Health and Welfare and on Finance an evaluation of the  
9 Program’s effectiveness in terms of reducing health care costs, improving  
10 patient outcomes, or both to date.

11 \* \* \* Utility Ratepayer Arrearages \* \* \*

12 Sec. 9. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

13 For the purpose of simultaneously minimizing financial hardship caused by  
14 the COVID-19 pandemic and also mitigating utility rate increases ultimately  
15 shared by all ratepayers, the Commissioner of Public Service shall develop  
16 policies and practices for providing financial support to utility ratepayers to  
17 cover account arrearages of ratepayers likely to face disconnection when the  
18 moratorium ends. For purposes of this section, a “utility” means a utility  
19 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. Funds shall be disbursed on a rolling basis until all funds are

1 fully expended or December 20, 2020, whichever occurs first. The  
2 Commissioner may contract with an independent third party to assist with  
3 program administration modeled after the Fuel Assistance Program, as the  
4 Commissioner deems appropriate. Customer information submitted pursuant  
5 to this program shall be exempt from disclosure under the Vermont Public  
6 Records Act; such data may only be disclosed on an anonymized and  
7 aggregated basis.

## 9 **TIER II FUNDING PRIORITIES**

10 **To the extent federal guidance deems the following programs and**  
11 **appropriations eligible for CRF funding or additional federal funding is**  
12 **available to the State through subsequent federal legislation, the**  
13 **Committee recommends the following:**  
14

15 \* \* \* Critical Infrastructure Workforce Training Program \* \* \*

### 16 Sec. 1. CRITICAL INFRASTRUCTURE WORKFORCE TRAINING 17 PROGRAM

18 (a) The Department of Homeland Security, Cyber and Infrastructure  
19 Security Agency has issued guidance identifying communications systems  
20 supported by technicians, operators, call -centers, wireline and wireless  
21 providers, cable service providers, and satellite operations as part of the  
22 Critical Infrastructure workforce during COVID 19 recognizing the importance



1 of maintaining the businesses and services that enable continued economic and  
2 social vitality.

3 (b) There is established a Critical Infrastructure Workforce Training  
4 Program to be administered by the Commissioner of Labor. The purpose of the  
5 Program is to ensure there is a strong, local, communications workforce to  
6 install, operate, and maintain robust and resilient communications networks in  
7 Vermont to meet the increased need for connectivity caused by the COVID-19  
8 public health emergency. The Program shall provide grants to  
9 communications providers for competency-based on the job training of  
10 communications workers. Conditions of the Program shall include:

11 (1) Eligible grant applicants include communications union districts and  
12 other units of government, nonprofit organizations, cooperatives, and for-profit  
13 businesses.

14 (2) A grant award may not exceed [\$XXX].

15 (3) Not more than 2.5 percent of a grant may be used for grant  
16 management.

17 (4) In awarding grants under this Program, the Commissioner shall give  
18 preference for training related to the maintenance, construction, and  
19 installation of wired and wireless communications facilities.

20 (5) The Commissioner shall retain a grant award until he or she  
21 determines that eligible expenses have been incurred and properly documented

1 by the grantee in a form and manner prescribed by the Commissioner.

2 Sec. 2. TEMPORARY, LIMITED SERVICE POSITIONS

3 There is appropriated from CRF [\$240,000] to fund two new temporary  
4 positions, COVID-19 rural broadband technical assistance specialists, to assist  
5 with the accelerated implementation of broadband deployment projects

6 Sec. 3. ENGINEERING AND DESIGN

7 There is appropriated from CRF [\$7,000,000] to the COVID-Response  
8 Engineering and Design Program, a grant program for broadband providers to  
9 fund the pre-construction engineering, design, and survey work to bring  
10 broadband networks to underserved regions of the State. This program will  
11 also support pole-owning utilities in accelerating the processing of pole-  
12 attachment applications and license agreements to facilitate critical broadband  
13 deployment projects.

14 Sec. 4. CONNECTIVITY INITIATIVE (EBAP – GRANTS/LOANS)

15 There is appropriated from CRF [\$45,000,000] to the COVID-Response  
16 Connectivity Initiative, a program designed to provide financing for critical  
17 broadband deployment projects in the form of grants, loans, credit  
18 enhancements, and letters of credit for projects that will provide all customers  
19 in a specified region at least 100 Mbps symmetrical service.

20 Sec. 5. APPROPRIATION TO ADS FOR WORKFORCE

21 MODERNIZATION [TO BE ADDED]