

1                   **Coronavirus Relief Fund – Committee Recommendations**  
2                   *House Committee on Energy and Technology – June 12, 2020*  
3                    *Proposed Substantive Amendments Highlighted in Yellow*  
4                    *Additional Technical Amendments Made Throughout (not highlighted)*  
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) \$35,566,500 to the Department of Public Service to be allocated as  
20          follows:

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 Services 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 Services 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 General  
7           Assembly to increase Vermonter’s access to unemployment insurance claims  
8           services in response to the COVID-19 public health emergency through a  
9           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 the  
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 the State’s coronavirus  
10           relief fund. Recipients of the appropriations under this section shall make  
11           every effort to both obtain and retain documentation demonstrating that  
12           expenses are eligible for reimbursement under section 601(d) of the Social  
13           Security Act.

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

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

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

1 in direct response to the COVID-19 public health emergency, which has  
2 caused communications union districts to rapidly reassess the connectivity  
3 needs in their respective service areas and to reevaluate their deployment  
4 objectives going forward, either independently or collaboratively. Conditions  
5 of the Program shall include the following:

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

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

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

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

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

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

1 Program and may incorporate relevant provisions of PUC Cable Rule 8.313,  
2 including the formula for assessing contributions in aid of construction.

3 Conditions of the Program shall include the following:

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

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

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

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

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

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



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

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

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

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

19 \* \* \* Get Vermonters Connected Now Initiative \* \* \*

20 Sec. 5. GET VERMONTERS CONNECTED NOW INITIATIVE

1        (a) There is established the Get Vermonters Connected Now Initiative to be  
2        administered by the Commissioner of Public Service. Notwithstanding any  
3        provision of law to the contrary, funds shall be distributed through the  
4        Connectivity Initiative established under 30 V.S.A. § 7515b. The purpose of  
5        the Program is to provide financial assistance to Internet service providers to  
6        offset the customer costs of fiber-to-the-premises installations, which include  
7        underground conduit installations, where required, and service drops, and to  
8        expand fixed wireless coverage to unserved or underserved areas of the State.  
9        Funds under this Program may also be used to reimburse the Department of  
10       Public Service and the Agency of Digital Services for any costs associated  
11       with the deployment of Wi-Fi hotspots not covered by the Federal Emergency  
12       Management Agency. Conditions of the Program shall include the following:

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

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

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

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

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

18           (b) The Commissioner shall establish guidelines and procedures consistent  
19           with section 601(d) of the Social Security Act and shall incorporate provisions  
20           for ensuring, to the greatest extent possible and based on the best available  
21           data, that the Program will significantly increase broadband capacity for

1 distance learning, telehealth, and telework during the public health emergency.

2 The location and capacity of infrastructure funded through this Program shall

3 be part of a permanent, public database maintained by the Department.

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

5 Sec. 6. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY

6 PLAN

7 The Commissioner of Public Service shall retain a consultant to assist with

8 preparation of a COVID-Response Telecommunications Recovery Plan. The

9 purpose of the Recovery Plan is to reassess the State’s critical connectivity

10 needs in light of the COVID-19 public health emergency and to reevaluate

11 broadband deployment objectives going forward. On or before December 20,

12 2020, the Recovery Plan shall be submitted to the House Committee on Energy

13 and Technology and the Senate Committee on Finance.

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

16 (a) It is the intent of the General Assembly that, regardless of when the

17 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or

18 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures

19 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted

20 on or before ~~December 1, 2023, and so on~~ June 30, 2024, and every three years

21 thereafter.

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

2           Sec. 8. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

3           (a) The General Assembly finds that:

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

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

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

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

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

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

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

15                           \* \* \* Utility Ratepayer Arrearages \* \* \*

16           Sec. 9. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

17           For the purpose of simultaneously minimizing financial hardship caused by  
18           the COVID-19 pandemic and also mitigating utility rate increases ultimately  
19           shared by all ratepayers, the Commissioner of Public Service shall develop  
20           policies and practices for providing financial support to utility ratepayers to  
21           cover account arrearages of ratepayers likely to face disconnection when the

1 moratorium ends. For purposes of this section, a “utility” means a utility  
2 affected by the Public Utility Commission’s moratorium on utility  
3 disconnections issued on March 18, 2020, as further amended and revised by  
4 the Commission. Funds shall be disbursed on a rolling basis until all funds are  
5 fully expended or December 20, 2020, whichever occurs first. The  
6 Commissioner may contract with an independent third party to assist with  
7 program administration. Customer information submitted pursuant to this  
8 program shall be exempt from disclosure under the Vermont Public Records  
9 Act; such data may only be disclosed on an anonymized and aggregated basis.

10 Sec. 10. EFFECTIVE DATE

11 This act shall take effect on passage.