

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

5 * * * Legislative Findings and Intent * * *

6 Sec. 1. LEGISLATIVE FINDINGS AND INTENT

7 (a) The General Assembly finds that:

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

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

18 (3) The pandemic has highlighted the extent to which robust and
19 resilient broadband networks are critical to our economic future as a whole and
20 provide a foundation for our educational, health care, public health and safety,
21 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 [\$XXX] 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 among the State’s access media
10 organizations for costs incurred due to unbudgeted and unplanned coverage of
11 public meetings and events in response to the COVID-19 pandemic, as well as
12 for unplanned and unbudgeted expenditures related to critical public health and
13 safety communications concerning the current public health emergency.

14 (G) [~~\$30,000,000~~ \$20,000,000] to fund ratepayer arrearages as they
15 pertain to utilities affected by the Public Utility Commission’s moratorium on
16 utility disconnections issued on March 18, 2020, as further amended and
17 revised by the Commission, and as established in Sec. 9 of this act.

18 (2) [\$3,000,000] to the Agency of Digital Service to fund efforts to
19 mitigate cybersecurity risks posed by State employees working from home as a
20 result of the COVID-19 pandemic.

21 (3) [XXX] to the Agency of Digital Service to be distributed as follows:

1 (A) [\$XXX] for upgrades to the Department of Labor’s UI System.

2 (B) [\$XXX] for a remote work Human Resources system.

3 (4) [\$350,000] to the Agency of Digital of Services to support municipal
4 officials in addressing cybersecurity risks and mitigate vulnerabilities posed by
5 closed municipal offices, municipal employees and elected officials working
6 from home, and using teleconferencing platforms as a result of the COVID-19
7 pandemic.

8 (5) [\$152,000] to the Enhanced 911 Fund for necessary expenses
9 incurred due to unbudgeted and unplanned critical public health and safety
10 activities and services directly caused by or provided in response to the
11 COVID-19 public health emergency.

12 (6) [\$200,000] to the Agency of Education to be allocated as follows:

13 (A) [\$100,000] to Vermont Public Broadcasting Service to reimburse
14 costs incurred for unbudgeted and unplanned specialized learning content and
15 other educational programming aired in response to school closures during
16 COVID-19 pandemic, as well as for unbudgeted and unplanned expenditures
17 related to critical public health and safety communications concerning the
18 current public health emergency.

19 (B) [\$100,000] to Vermont Public Radio for unbudgeted and
20 unplanned expanded educational programming aired in response to school
21 closures during the COVID-19 pandemic, as well as for unbudgeted and

1 unplanned expenditures related to critical public health and safety
2 communications concerning the current public health emergency.

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

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

9 Sec. 3. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE

10 PROGRAM

11 (a) There is established the COVID-Response Connected Community
12 Resilience Program, a grant program to be administered by the Commissioner
13 of Public Service. The purpose of the Program is to fund recovery planning
14 efforts of communications union districts, particularly with regard to
15 accelerating their deployment schedules. Accelerated deployment is necessary
16 in direct response to the COVID-19 public health emergency, which has
17 caused communications union districts to rapidly reassess the connectivity
18 needs in in their respective service areas and to reevaluate their deployment
19 objectives going forward, either independently or collaboratively. Conditions
20 of the Program shall include the following:

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

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

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

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

10 Sec. 4. COVID-RESPONSE LINE EXTENSION CUSTOMER ASSISTANCE
11 PROGRAM

12 (a) There is established the COVID-Response Line Extension Customer
13 Assistance Program to be administered by the Commissioner of Public Service.
14 The purpose of the program is to provide financial assistance for the customer
15 costs associated with line extensions into unserved areas. The Commissioner
16 shall develop ~~policies and practices~~ guidelines and procedures to implement
17 this Program and may incorporate relevant provisions of PUC Cable Rule
18 8.313, including the formula for assessing contributions in aid of construction.

19 Conditions of the Program shall include the following:

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

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

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

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

10 (5) Locations eligible for financial assistance shall provide to the
11 Department household data related to connectivity needs as they pertain to
12 remote learning, telehealth, telework needs.

13 (6) A health care provider may apply for line extension assistance on
14 behalf of a patient residing in Vermont for a line extension so that the patient
15 can receive telehealth or telemedicine services from the health care provider.
16 Any K-12 educational institution, including a public or private school or
17 school district, may apply for a credit on behalf of a student for a line
18 extension to serve the student, provided the student's service location is in
19 Vermont and the student needs the broadband service to receive remote
20 instruction from the educational institution.

1 (7) 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 grantee in a form and
4 manner prescribed by the Commissioner.

5 (b) On or before July 15, 2020, the Commissioner shall publish guidelines
6 and procedures for the administration of the Program. Funds shall be disbursed
7 on a rolling basis until funds in the Program are expended or December 20,
8 2020, whichever occurs first. The Program shall cease to exist on December
9 31, 2020.

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

15 * * * Get Vermonters Connected Now Initiative * * *

16 Sec. 5. GET VERMONTERS CONNECTED NOW INTIATIVE

17 (a) There is established the Get Vermonters Connected Now Initiative to be
18 administered by the Commissioner of Public Service. ~~Notwithstanding any~~
19 provision of law to the contrary, funds shall be distributed through the
20 Connectivity Initiative established under 30 V.S.A. 7515b. The purpose of the
21 program is to provide financial assistance to ~~low income Vermonters with~~

1 respect to obtaining fiber-to-the-premises (FTTP) by offsetting the costs of
2 underground conduit installations and service drops, generally Internet service
3 providers to offset the customer costs of fiber-to-the-premises installation,
4 which include underground conduit installations and service drops, and also to
5 support installation of temporary Wi-Fi hotspots to expand broadband capacity
6 in critical need areas throughout the State to expand fixed wireless coverage to
7 unserved or underserved areas of the State. Conditions of the Program shall
8 include the following:

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

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

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

20 (3) If the line extension is in the service territory of a communications
21 union district, financial assistance under this Program shall not be awarded

1 unless notice of the proposed line extension is provided to the communications
2 union district and the Department receives a written letter of support for the
3 project from the affected communications union district or 30 days have
4 elapsed since notice was provided and no communication was delivered to the
5 Department, whichever is sooner.

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

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

15 (b) The Commissioner shall establish policies and practices guidelines and
16 procedures consistent with section 601(d) of the Social Security Act and shall
17 incorporate provisions for ensuring, to the greatest extent possible and based
18 on the best available data, that the Program will significantly increase
19 broadband capacity for distance learning, telehealth, and telework during the
20 public health emergency.

21 * * * COVID-Response Telecommunications Recovery Plan * * *

1 Sec. 6. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY

2 PLAN

3 The Commissioner of Public Service shall retain a consultant to assist with
4 preparation of a COVID-Response Telecommunications Recovery Plan. The
5 purpose of the Recovery Plan is to reassess the State’s critical connectivity
6 needs in light of the COVID-19 public health emergency and to reevaluate
7 broadband deployment objectives going forward. On or before December 20,
8 2020, the Recovery Plan shall be submitted to the House Committee on Energy
9 and Technology and the Senate Committee on Finance.

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

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

17 * * * COVID-Response Telehealth Connectivity Program * * *

18 Sec. 8. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

19 (a) The General Assembly finds that:

20 (1) Since the onset of COVID-19, telehealth utilization in Vermont has
21 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 a recent survey conducted by the Vermont Medical
4 Society, 87 percent of health care providers indicated that lack of patient
5 access to a smartphone or video capability was a barrier to accessing telehealth
6 services, and 79 percent indicated that a patient's inability to operate digital
7 equipment as a barrier. data, a significant majority of health care providers
8 indicated that lack of patient access to a smartphone or video capability was a
9 barrier to accessing telehealth services, and similarly indicated that a patient's
10 inability to operate digital equipment was a barrier.

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

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 his Program shall sunset when funds are fully expended or on
9 December 20, 2020, whichever occurs first. Any unexpended funds shall be
10 transferred to the State on or before December 20, 2020. This Program shall
11 sunset on December 31, 2020.

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

17 * * * Utility Ratepayer Arrearages * * *

18 Sec. 9. FINANCIAL ASSISTANCE FOR RATEPAYER ARREARAGES

19 For the purpose of simultaneously minimizing financial hardship caused by
20 the COVID-19 pandemic and also mitigating utility rate increases ultimately
21 shared by all ratepayers, the Commissioner of Public Service shall develop

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

TIER II FUNDING PRIORITIES

14 **To the extent federal guidance deems the following programs and**
15 **appropriations eligible for CRF funding or additional federal funding is**
16 **available to the State through subsequent federal legislation, the**
17 **Committee recommends the following:**
18

19 * * * Critical Infrastructure Workforce Training Program * * *

20 Sec. 1. CRITICAL INFRASTRUCTURE WORKFORCE TRAINING

21 PROGRAM

22 (a) The Department of Homeland Security, Cyber and Infrastructure

23 Security Agency has issued guidance identifying communications systems

1 supported by technicians, operators, call -centers, wireline and wireless
2 providers, cable service providers, and satellite operations as part of the
3 Critical Infrastructure workforce during COVID 19 recognizing the importance
4 of maintaining the businesses and services that enable continued economic and
5 social vitality.

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

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

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

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

20 (4) In awarding grants under this Program, the Commissioner shall give
21 preference for training related to the maintenance, construction, and

1 installation of wired and wireless communications facilities.

2 (5) The Commissioner shall retain a grant award until he or she
3 determines that eligible expenses have been incurred and properly documented
4 by the grantee in a form and manner prescribed by the Commissioner.

5 Sec. 2. TEMPORARY, LIMITED SERVICE POSITIONS

6 There is appropriated from CRF [\$240,000] to fund two new temporary
7 positions, COVID-19 rural broadband technical assistance specialists, to assist
8 with the accelerated implementation of broadband deployment projects
9 designed to meet the immediate and critical need for connectivity.

10 Sec. 3. ENGINEERING AND DESIGN

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

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

19 There is appropriated from CRF [\$45,000,000] to the COVID-Response
20 Connectivity Initiative, a program designed to provide financing for critical
21 broadband deployment projects in the form of grants, loans, credit

- 1 enhancements, and letters of credit for projects that will provide all customers
- 2 in a specified region at least 100 Mbps symmetrical service.

DRAFT