

## VERMONT ACCESS NETWORK

2 April 2020

**MEMO TO:** Senate Appropriations and Senate Finance Committee

**FROM:** Lauren-Glenn Davitian, CCTV Center for Media & Democracy,  
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**RE:** Broadband/ Revenue Alternatives/ Community Media/ PEG Study Committee

We are writing to reiterate our support for funding a study of revenue options to secure the future of Public, Educational and Government (PEG) Access Television in Vermont - H. 744 and [S. 318](#) (The PEG Access Study Bill). We estimate the cost to be \$100,000. We think the implications of this bill are significant for reasons that relate to the state's authority to monetize the public rights of way and the existing statutory mandate in Title 19 which required the Transportation Agency to charge broadband providers and to generate revenue or other public benefit from this public property.

[S. 318 was referred](#) from Senate Finance to Senate Appropriations on 21 February 2020.

### **We think that the Study is essential to fund in this FY21 and COVID-19 Budget Period because:**

- Vermont State revenue is projected to decline quickly and the Legislature requires alternatives to traditional revenue streams for the immediate and near future.
- Broadband services are now essential for the operations of distance education for school children, remote work, commerce, government, and the safe delivery of medical care via Telehealth.
- Several local media outlets are shutting down or will soon, which will lead to a near term gap in community based information.
- Collectively, thousands of people in Vermont are relying on commercial interactive videoconferencing platforms. While Immediately useful, these commercial platforms and tools are not a substitute for long-term, resilient statewide interactive communications services, and lack adequate privacy protections, quality audio, and archive-quality recording capabilities.

**What S.318/H.744 will accomplish and how it could be expanded to address pressing concerns of this period.**

- Provisions for mapping data related to communications infrastructure in the rights of way. The state currently lacks a comprehensive GIS map of dark fiber. This Study, or related legislation, could take up this mapping project, to inform the potential revenue question and assist with statewide broadband access and resiliency.
- Assessment of communications providers based on their use of public rights-of-way in order to determine whether and to what extent communications services may be subject to any fee or right-of-way assessment, given local, state and federal laws, statutes and ordinances.
- Review of examples from other jurisdictions/cities and states, (e.g., ROW fees or entertainment taxes).
- Financial modeling and recommendations for revenue projections from the generation of such fees or right-of-way assessments. Ideally, these will include review of USF and the Telephone Personal Property Tax.
- Evaluation of costs and benefits of reviving Vermont Interactive Television (VIT) in partnership with Vermont's PEG access centers. Given the critical need for a resilient public switched video network for distance learning, remote work, governance, and sharing of community based information, this assessment should include an engineering plan for the development of this network. A close look at this question will more quickly inform us of the financial scope of re-building this capacity for the near future and repeats of the COVID-19 pandemic.

With your permission, we'd like to address the Committee on the importance of this bill and how to adapt the bill's provisions to better meet the state's needs in light of the COVID-19 pandemic and the economic contraction that will follow.

P.S. - There are a number of related issues, of concern to the Legislature, that S.318 brings to the fore. While these matters are separate from S. 318/ H. 744 discussion above, they are connected and worthy of your consideration at this time. Taking these together, the Legislature could future proof the state and prepare for inevitable emergencies with fewer resources. These include pushing out the completion date and adequate funding for the State Telecom Plan, adequate mapping of Vermont's fiber and wireless networks, matters related to Universal Service Funding, and adult distance learning, including EMT training.