

1 TO THE SENATE COMMITTEE ON APPROPRIATIONS:

2 Regarding the broadband connectivity provisions in H.966, the Committee  
3 on Finance recommends that the Senate propose to the House the following  
4 CRF appropriations:

5 **[Total \$20,000,000 CRF Appropriation]**

6 \* \* \* COVID-Response Accelerated Broadband Connectivity Program \* \* \*

7 Sec. 1. COVID-RESPONSE ACCELERATED BROADBAND  
8 CONNECTIVITY PROGRAM

9 (a) \$17,433,500.00 is appropriated to the COVID-Response Accelerated  
10 Broadband Connectivity Program, a newly established Program administered  
11 by the Commissioner of Public Service, consistent with the requirements of  
12 this section. The purpose of the Program is to rapidly and significantly  
13 increase broadband connectivity consistent with the federal parameters  
14 applicable to expenditures under the Coronavirus Relief Fund in a manner that  
15 best serves the State’s goal of achieving universal 100 Mbps symmetrical  
16 service by 2024 as specified in 30 V.S.A. § 202c. To achieve this purpose, the  
17 Commissioner is given broad discretion to allocate funding, as he or she deems  
18 appropriate, subject to legislative oversight as required under subsection (m) of  
19 this section, to support the following programs and initiatives:

20 (1) The COVID-Response Line Extension Customer Assistance  
21 Program established in subsection (b) of this section.

1           (2) The Get Vermonters Connected Now Initiative established in  
2           subsection (c) of this section.

3           (3) The COVID-Response Temporary Broadband Lifeline Program  
4           established in subsection (d) of this section.

5           (4) The Connectivity Initiative established under 30V.S.A. § 7515b, for  
6           projects that can be completed consistent with the parameters of Coronavirus  
7           Relief Fund eligible expenditures, including fixed wireless projects.

8           (5) Wi-Fi deployment, as specified in subsection (g) of this section.

9           (b) There is established the COVID-Response Line Extension Customer  
10          Assistance Program, the purpose of which is to provide financial assistance for  
11          the customer costs associated with line extensions to unserved locations. The  
12          Commissioner shall develop guidelines and procedures to implement this  
13          Program and may incorporate relevant provisions of PUC Cable Rule 8.313,  
14          including the formula for assessing contributions in aid of construction.

15          Conditions of the Program shall include the following:

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

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

18               (3) Locations eligible for financial assistance shall provide to the  
19          Department data related to connectivity needs as they pertain to remote  
20          learning, telehealth, and telework needs.

21               (4) A health care provider may apply for assistance on behalf of a

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

7 (5) Funds under this Program shall be available for the most cost-  
8 effective and site- appropriate line extension. Funds shall be disbursed on a  
9 rolling basis until funds in the Program are expended or December 20, 2020,  
10 whichever occurs first.

11 (c) There is established the Get Vermonters Connected Now Initiative.  
12 Notwithstanding any provision of law to the contrary, funds shall be  
13 distributed through the Connectivity Initiative established under 30 V.S.A.  
14 § 7515b. *[These installations may be in areas that do not otherwise fall under*  
15 *the parameters of the Connectivity Initiative. For example, they may be in*  
16 *“served” areas and therefore not within a census block eligible for funding.*  
17 *Perhaps the reference to the Connectivity Initiative should be removed or*  
18 *modified to say “funds may support projects in areas otherwise deemed*  
19 *“served” under the Connectivity Initiative, or something like that. This is a*  
20 *policy decision for the Committee.] The purpose of the Program is to provide*  
21 financial assistance to Internet service providers to offset the customer costs of

1 fiber-to-the-premises installations, which include underground conduit  
2 installations, where required, and service drops. The Commissioner shall  
3 prioritize projects involving installation of underground conduit, where  
4 required, that would result in broadband access to low-income households with  
5 remote learning, telehealth, and telework needs.

6 (d) To the extent it is administratively feasible within the time constraints  
7 of section 601(d) of the Social Security Act, the Department may establish a  
8 COVID-Response Temporary Broadband Lifeline Program to provide  
9 subsidies for customer broadband monthly subscriptions to increase broadband  
10 adoption rates in response to the COVID-19 public health emergency.

11 (e) Up to \$50,000.00 of funds appropriated under this section may be used  
12 to reimburse the Department of Public Service and the Agency of Digital  
13 Services for any costs associated with the deployment of Wi-Fi hotspots not  
14 covered by the Federal Emergency Management Agency.

15 (f) The Commissioner shall establish guidelines and procedures consistent  
16 with section 601(d) of the Social Security Act and shall incorporate provisions  
17 for ensuring, to the greatest extent possible and based on the best available  
18 data, that the Program will significantly increase broadband capacity for  
19 distance learning, telehealth, and telework during the public health emergency.  
20 To that end, projects funded under this Program shall reflect the Department's  
21 ongoing efforts with both the Agency of Education and the Vermont Program

1 for Quality in Health Care, Inc. to identify addresses and clusters of students or  
2 vulnerable or high-risk Vermonters, or both, who do not have access to  
3 broadband connectivity. In addition, the guidelines shall attempt to direct  
4 funds under the Program to projects designed to serve economically-  
5 challenged communities.

6 (g) Any new services funded in whole or in part by monies from this  
7 Program shall be capable of speeds of at least 25 Mbps download and 3 Mbps  
8 upload; however, priority shall be given to services that are capable of 100  
9 Mbps symmetrical service, and to fixed wireless served by fiber backhaul.

10 (h) The location and capacity of infrastructure funded through this Program  
11 shall be part of a permanent, public database maintained by the Department.

12 (i) If a proposed project under the Program is in the service territory of a  
13 communications union district, the Commissioner shall seek input from the  
14 affected communications union district with respect to how the project might  
15 impact the district's broadband deployment plans and whether the district  
16 supports the proposed project. The Commissioner shall consider this input in  
17 making final determinations before awarding financial assistance under the  
18 Program.

19 (j) The Commissioner may retain any award of financial assistance under  
20 this section until he or she determines that eligible expenses have been

1 incurred and properly documented by the intended recipient in a form and  
2 manner prescribed by the Commissioner.

3 (k) Funds under the Program shall not be used to support a provider’s costs  
4 associated with line extensions otherwise required to be constructed pursuant  
5 to a certificate of public good granted under 30 V.S.A. chapter 13.

6 (l) The Commissioner shall consider and coordinate with existing  
7 stakeholders and initiatives, including VELCO and FirstNet, to leverage  
8 private and public assets to the greatest extent possible in furtherance of the  
9 objectives of this Program.

10 (m) On or before July 31, 2020 and every month thereafter until December  
11 1, 2020, the Commissioner shall provide to the Joint Information Technology  
12 Oversight Committee, the Senate Committee on Finance, and the House  
13 Committee on Energy and Technology a status report on the Program that  
14 identifies funding distributions to date, the amount of funds that remains  
15 available for distribution, and plans for awarding available funds by December  
16 20, 2020. Based on the information obtained in the reports required by this  
17 subsection, the Joint Information Technology Oversight Committee may  
18 submit recommendations to the Joint Fiscal Committee concerning re-  
19 prioritization or re-allocation of Program funds, as deemed appropriate. The  
20 Committee’s recommendations may include a proposal for waiving Program  
21 requirements, including the requirement that projects funded under the

1 Program support service that is capable of speeds of at least 25 Mbps  
2 download and 3 Mbps upload. The Committee also may recommend that  
3 unexpended funds appropriated to this Program be re-allocated to another State  
4 program better able to meet the needs of Vermonters within the parameters of  
5 eligible Coronavirus Relief Fund expenditures.

6 (n) Any unexpended funds under the Program as of December 20, 2020  
7 shall be returned to the State Coronavirus Relief Fund.

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

9 Sec. 2. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE

10 PROGRAM

11 (a) The sum of \$800,000.00 is appropriated to the COVID-Response  
12 Connected Community Resilience Program, a grant program to be  
13 administered by the Commissioner of Public Service. The purpose of the  
14 Program is to fund recovery planning efforts of communications union  
15 districts, particularly with regard to accelerating their deployment schedules.  
16 Accelerated deployment is necessary in direct response to the COVID-19  
17 public health emergency, which has caused communications union districts to  
18 rapidly reassess the connectivity needs in their respective service areas and to  
19 reevaluate their deployment objectives going forward, either independently or  
20 collaboratively. Conditions 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 Telecommunications Recovery Plan \* \* \*

10          Sec. 3. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY  
11                  PLAN

12           The sum of \$500,000.00 is appropriated to the Commissioner of Public  
13           Service to retain a consultant to assist with preparation of a COVID-Response  
14           Telecommunications Recovery Plan. The purpose of the Recovery Plan is to  
15           reassess the State’s critical connectivity needs in light of the COVID-19 public  
16           health emergency and to reevaluate broadband deployment objectives going  
17           forward. On or before December 20, 2020, the Recovery Plan shall be  
18           submitted to the House Committee on Energy and Technology and the Senate  
19           Committee on Finance.

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

1 (a) It is the intent of the General Assembly that, regardless of when the  
2 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or  
3 before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures  
4 established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted  
5 on or before ~~December 1, 2023, and so on~~ June 30, 2024, and every three years  
6 thereafter.

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

8 Sec. 5. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

9 ~~(a) The General Assembly finds that:~~

10 ~~(1) Since the onset of COVID-19, telehealth utilization in Vermont has~~  
11 ~~increased exponentially. During this public health emergency, telehealth has~~  
12 ~~become an essential tool to minimize the spread of COVID-19 and provide~~  
13 ~~clinicians the tools they need to treat patients.~~

14 ~~(2) According to recent survey data, a significant majority of health care~~  
15 ~~providers indicated that lack of patient access to a smartphone or video~~  
16 ~~capability was a barrier to accessing telehealth services, and similarly indicated~~  
17 ~~that a patient's inability to operate digital equipment was a barrier.~~

18 (a) The sum of \$800,000.00 is appropriated to the COVID-Response  
19 Telehealth Connectivity Program to be administered by the Vermont Program  
20 for Quality in Health Care, Inc. (VPQHC) consistent with its mission under 18  
21 V.S.A. § 9416 and with its Connectivity Care Packages pilot proposal. The

1 purpose of the Program is to support equitable access to telehealth services by  
2 providing outreach and educational opportunities that improve digital literacy  
3 skills of patients and providers and also by providing the equipment needed to  
4 support telehealth needs during the COVID-19 public health emergency,  
5 particularly in areas that are digitally and medically underserved, and  
6 distributed geographically across the State. Conditions of the Program shall  
7 include:

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

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

14 (b) Funds shall be disbursed on a rolling basis until all funds are fully  
15 expended or on December 20, 2020, whichever occurs first. Any unexpended  
16 funds shall be transferred to the State on or before December 20, 2020. This  
17 Program shall sunset on December 31, 2020.

18 (c) On or before January 15, 2021, VPQHC shall report to the House  
19 Committees on Health Care and on Energy and Technology and the Senate  
20 Committees on Health and Welfare and on Finance an evaluation of the  
21 Program's effectiveness to date.

