

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 **Revisions based on 6/24 Committee Discussion in Blue**

6 **Subsequent Suggested revisions from Senator Pearson in Yellow**

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

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

9 Sec. 1. COVID-RESPONSE ACCELERATED BROADBAND

10 CONNECTIVITY PROGRAM

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

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

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

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

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

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

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

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

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

20           (3) Locations eligible for financial assistance shall provide to the  
21           Department data related to connectivity needs as they pertain to remote

1 learning, telehealth, and telework needs.

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

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

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

1 policy decision for the Committee.] The purpose of the Program is to provide  
2 financial assistance to Internet service providers to offset the customer costs of  
3 fiber-to-the-premises installations, which include underground conduit  
4 installations, where required, and service drops. The Commissioner shall  
5 prioritize projects involving installation of underground conduit, where  
6 required, that would result in broadband access to low-income households with  
7 remote learning, telehealth, and telework needs.

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

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

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

1 To that end, projects funded under this Program shall reflect the Department’s  
2 ongoing efforts with both the Agency of Education and the Vermont Program  
3 for Quality in Health Care, Inc. to identify addresses and clusters of students or  
4 vulnerable or high-risk Vermonters, or both, who do not have access to  
5 broadband connectivity. In addition, the guidelines shall attempt to direct  
6 funds under the Program to projects designed to serve economically-  
7 challenged communities.

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

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

14 (i) If a proposed project under the Program is in the service territory of a  
15 communications union district, the Commissioner shall seek input from the  
16 affected communications union district with respect to how the project might  
17 impact the district’s broadband deployment plans and whether the district  
18 supports the proposed project. The Commissioner shall consider any input  
19 received within a reasonable period of time in making a final determination  
20 with regard to awarding financial assistance under the Program to the proposed  
21 project.

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

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

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

12       (m) On or before July 31, 2020 and every month thereafter until December  
13       1, 2020, the Commissioner shall provide to the Joint Information Technology  
14       Oversight Committee, the Senate Committee on Finance, and the House  
15       Committee on Energy and Technology a status report on the Program that  
16       identifies funding distributions to date, the amount of funds that remain  
17       available for distribution, and plans for awarding available funds on or before  
18       December 20, 2020. Based on the information obtained in the reports required  
19       by this subsection, the Joint Information Technology Oversight Committee  
20       may submit recommendations to the Joint Fiscal Committee concerning  
21       reprioritization or reallocation of Program funds, as deemed appropriate. The

1 Committee’s recommendations may include a proposal for waiving Program  
2 requirements, including the requirement that projects funded under the  
3 Program support service that is capable of speeds of at least 25 Mbps  
4 download and 3 Mbps upload. The Committee also may recommend that  
5 unexpended funds appropriated to this Program be reallocated to another State  
6 program better able to meet the needs of Vermonters within the parameters of  
7 eligible Coronavirus Relief Fund expenditures.

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

10 (o) Personal information submitted under the Program is confidential and  
11 exempt from disclosure under the Public Records Act. Such information may  
12 only be disclosed publicly in an anonymized and aggregated format.

13 (p) The Program shall sunset on January 1, 2021. The Department shall be  
14 the successor in interest to any remaining rights, liabilities, and obligations.

15 (q) The Telecommunications and Connectivity Advisory Board shall have  
16 review and nonbinding approval authority with respect to the awarding of  
17 provider grants under the Program. The Commissioner shall have sole  
18 authority to make the final decision on grant awards, as provided in 30 V.S.A.  
19 § 202f(g).

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

21 Sec. 2. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE

1                   PROGRAM

2                   (a) The sum of \$800,000.00 is appropriated to the COVID-Response  
3                   Connected Community Resilience Program, a grant program to be  
4                   administered by the Commissioner of Public Service. The purpose of the  
5                   Program is to fund recovery planning efforts of communications union  
6                   districts, particularly with regard to accelerating their deployment schedules.  
7                   Accelerated deployment is necessary in direct response to the COVID-19  
8                   public health emergency, which has caused communications union districts to  
9                   rapidly reassess the connectivity needs in their respective service areas and to  
10                   reevaluate their deployment objectives going forward, either independently or  
11                   collaboratively. Conditions of the Program shall include the following:

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

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

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

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

2           Sec. 3. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY  
3           PLAN

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

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

14           (a) It is the intent of the General Assembly that, regardless of when the  
15          2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or  
16          before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures  
17          established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted  
18          on or before ~~December 1, 2023, and so on~~ June 30, 2024 and every three years  
19          thereafter.

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

21          Sec. 5. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

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

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

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

10       ~~(a) The sum of \$800,000.00 is appropriated to the COVID-Response~~  
11       ~~Telehealth Connectivity Program to be administered by the Vermont Program~~  
12       ~~for Quality in Health Care, Inc. (VPQHC) consistent with its mission under 18~~  
13       ~~V.S.A. § 9416 and with its Connectivity Care Packages pilot proposal. The~~  
14       ~~purpose of the Program is to support equitable access to telehealth services by~~  
15       ~~providing outreach and educational opportunities that improve digital literacy~~  
16       ~~skills of patients and providers and also by providing the equipment needed to~~  
17       ~~support telehealth needs during the COVID-19 public health emergency,~~  
18       ~~particularly in areas that are digitally and medically underserved and~~  
19       ~~distributed geographically across the State. Conditions of the Program shall~~  
20       ~~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           (b) 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           (c) 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                                   \* \* \* PEG Access \* \* \*

16           Sec. 6. PEG ACCESS FUNDING

17           The sum of \$466,500.00 is appropriated to the Department of Public  
18           Service to be disbursed by the Commissioner, in consultation with the  
19           Vermont Access Network, among the State’s access media organizations for  
20           staffing and operational costs incurred due to unbudgeted and unplanned  
21           coverage of public meetings and events in response to the COVID-19 public

- 1 health emergency, as well as for unplanned and unbudgeted expenditures
- 2 related to increased production and technical support for live-streaming
- 3 government and community-based organizations.