

1 TO THE SENATE COMMITTEE ON APPROPRIATIONS:

2 Regarding the broadband provision in H.966, the Committee on Finance  
3 recommends that the Senate propose to the House that the bill be amended by  
4 striking Secs. 5 and 6, and accompanying reader assistance, in their entirety  
5 and by inserting in lieu thereof a new Sec. X to read as follows:

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

8 Sec. X. COVID-RESPONSE ACCELERATED BROADBAND

9 CONNECTIVITY PROGRAM

10 (a) \$13,000,000.00 is appropriated to the COVID-Response Accelerated  
11 Broadband Connectivity Program, a newly established Program administered  
12 by the Commissioner of Public Service, consistent with the requirements of  
13 this section. The purpose of the Program is to rapidly and significantly  
14 increase broadband connectivity consistent with the federal parameters  
15 applicable to expenditures under the Coronavirus Relief Fund in a manner that  
16 best serves the State's goal of achieving universal 100 Mbps symmetrical  
17 service by 2024 as specified in 30 V.S.A. § 202c. To achieve this purpose, the  
18 Commissioner is given broad discretion to allocate funding, as he or she deems  
19 appropriate, subject to legislative oversight as required under subsection (X) of  
20 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 30V.S.A. § 7515b, for  
8           projects that can be completed consistent with the CARES Act, including fixed  
9           wireless service. [underserved less than 4/1 Mbps?]

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. The purpose of the Program is to provide financial assistance to  
17 Internet service providers to offset the customer costs of fiber-to-the-premises  
18 installations, which include underground conduit installations, where required,  
19 and service drops, and to expand fixed wireless coverage to unserved or  
20 underserved areas of the State [Fall under Connectivity Initiative?]. Projects  
21 involving installation of underground conduit, where required, that would

1 result in broadband access to low-income households with remote learning,  
2 telehealth, and telework needs shall be prioritized.

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

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

12 (f) The Commissioner shall establish guidelines and procedures consistent  
13 with section 601(d) of the Social Security Act and shall incorporate provisions  
14 for ensuring, to the greatest extent possible and based on the best available  
15 data, that the Program will significantly increase broadband capacity for  
16 distance learning, telehealth, and telework during the public health emergency.  
17 To that end, projects funded under this Program shall reflect the Department’s  
18 ongoing efforts with both the Agency of Education and the Vermont Program  
19 for Quality in Health Care, Inc. to identify addresses and clusters of students or  
20 vulnerable or high-risk Vermonters, or both, who do not have access to  
21 broadband connectivity.

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

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

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

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

19       (k) Funds under this Program shall not be used to support a provider's costs  
20       associated with line extensions otherwise required to be constructed pursuant  
21       to a certificate of public good granted under 30 V.S.A. chapter 13.

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

5       (m) On or before July 31, 2020 and September 1, 2020, the Commissioner  
6       shall report to the Joint Information Technology Committee Information, the  
7       Senate Committee on Finance, and the House Committee on Energy and  
8       Technology regarding its distribution of Program funds to date, the amount of  
9       funds that remains available for distribution, and plans for awarding the  
10       available funds by December 30, 2020. Based on the information obtained in  
11       the reports required by this subsection, the Committee may submit  
12       recommendations to the Joint Fiscal Committee concerning re-prioritization or  
13       re-allocation of Program funds, as deemed appropriate.

14       (n) Any unexpended funds under this Program as of December 30, 2020  
15       shall be returned to the State Coronavirus Relief Fund [or UI Fund?].