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H.194

SHORT FORM

Introduced by Representatives Sims of Craftsbury, Campbell of St. Johnsbury,
Donnally of Hyde Park, Harrison of Chittenden, and Marcotte
of Coventry

Referred to Committee on

Date:

Subject: Communications; broadband; communications union districts; Office
of Broadband

Statement of purpose of bill as introduced: This bill proposes to: (1) enact
measures to support and accelerate the broadband deployment objectives of
communications union districts (CUDs); and (2) create an Office of
Broadband.

First, with respect to communications union districts, this bill proposes to
enact legislative findings confirming that CUDs are the appropriate body
politics to coordinate and enact solutions in their territories that meet the needs
of their residents and businesses while ensuring public accountability.

Accordingly, CUDs should:

- (1) be informed of proposed communications projects in their respective
areas;
- (2) be able to protect sensitive business information;

1 (3) own and use existing public communications assets;

2 (4) have access to development grants and coordinated resources
3 commensurate with their size and broadband needs;

4 (5) be involved in infrastructure grants to ensure open access and
5 accountability;

6 (6) have greater access to financing through the Vermont Economic
7 Development Authority’s Broadband Expansion Loan Program; and

8 (7) benefit from favorable pole attachment make-ready provisions and
9 reduced fees.

10 In light of these proposed findings, this bill proposes to ensure that any
11 “affected” CUD is provided electronic notice of non-deminimus 248a siting
12 applications and is, as an alternative to the existing municipal option, afforded
13 the option of participating in such proceedings with the assistance of an expert
14 paid for through the billback authority of the Department of Public Service; to
15 ensure that any “affected” CUD is provided notice previously afforded the
16 Vermont Telecommunications Authority under 30 V.S.A. chapter 92; to clarify
17 that any records or information produced or acquired by a CUD that are trade
18 secrets or confidential business information are exempt from public inspection
19 and copying under 1 V.S.A. 317(c)(9); to allocate public resources and
20 establish fee structures to assist CUDs with the processing of public records
21 requests; to transfer to CUDs existing State-owned middle-mile open access

1 fiber assets, which would revert to the State in the event of a CUD's
2 dissolution; to establish a grant program to fund the general operating costs of
3 CUDs that reflects the service territory and broadband needs of each CUD; to
4 establish a grant program that funds CUD broadband infrastructure projects
5 that are capable of delivering minimum speeds of 100 Mbps symmetrical
6 service, which will be completed within three years, that include performance
7 requirements for any partner that has failed to meet previous broadband build
8 expectations and that promote open access and ensure accountability; to
9 increase the maximum loan under VEDA's Broadband Expansion Loan
10 Program to \$15,000,000.00 and to increase the total Program lending authority
11 to \$34,000,000.00; to establish lending criteria that facilitates VEDA loans to
12 CUDs and ensures adequate loan-loss reserves; and, finally, to enact measures
13 to facilitate the pole attachment process for CUDs and CUD contracted
14 partners, including favorable long-term make-ready contracts and reduced fees.

15 Second, with respect to an Office of Broadband, this bill proposes to enact
16 legislative findings confirming that the importance of telecommunications
17 (voice) services and broadband connectivity should be recognized in State
18 government as a top priority in order to meet the economic, health, safety, and
19 social needs of Vermonters. In light of the COVID-19, broadband must
20 become our first priority for the educational and business needs of our citizens.
21 It is apparent that recent federal broadband funding has resulted in scattered,

1 uncoordinated investments, and the State should better position itself to take
2 advantage of any future federal broadband infrastructure opportunities.
3 Moreover, the commercial, technological, and regulatory landscape in this area
4 are continually shifting. Therefore, the entire State would benefit from a
5 statewide strategic vision and enhanced coordination.

6 In light of these proposed findings, this bill proposes to establish an Office
7 of Broadband that coordinates with the Agency of Commerce and Community
8 Development, the Department of Public Service, the Department of Public
9 Safety, the Agency of Transportation, and the Agency of Administration; that
10 functions under the advice and recommendations of a broadband advisory
11 board comprised of representatives from the above-referenced State agencies
12 and departments; that participates in federal regulatory proceedings; that
13 pursues and advocates for federal and other national-level funding; that
14 coordinates the work of CUDs with other communications service providers
15 and CUDs; that increases CUD capacity through statewide RFPs for service;
16 that performs the functions of the Division for Telecommunications and
17 Connectivity in terms of policy recommendations and development of the
18 State's 10-year Telecommunications Plan; that replaces the Secretary of
19 Administration as the State entity responsible for contracting with
20 communications providers for the use of State-owned buildings and land for
21 communications facilities, subject to final approval by the Secretary of

1 Administration; that is overseen by a director nominated by the Broadband
2 Advisory Board and appointed by the Governor; that only funds the
3 deployment of broadband capable of speeds of at least 100 Mbps symmetrical
4 service, with limited exceptions for very rural locations, and that prioritizes
5 open access infrastructure; that supports programs to increase broadband
6 adoption by low-income Vermonters; and that ceases to exist once every
7 Vermonter has access to affordable, high-speed broadband.

8 An act relating to elevating and accelerating broadband

9 It is hereby enacted by the General Assembly of the State of Vermont:

10 (TEXT OMITTED IN SHORT-FORM BILLS)