

1 **Revisions Highlighted in Yellow**

2 Introduced by Committee on Energy and Technology

3 Date:

4 Subject: Communications; broadband deployment; communications union  
5 districts; Vermont Community Broadband Authority

6 Statement of purpose of bill as introduced: This bill proposes to coordinate,  
7 facilitate, support, **and accelerate** community broadband deployment  
8 throughout Vermont.

9 An act relating to accelerated community broadband deployment

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

11 \* \* \* Legislative Findings and Intent \* \* \*

12 Sec. 1. FINDINGS AND INTENT

13 (a) The General Assembly finds that:

14 (1) For over a decade, Vermont has pursued many approaches and  
15 strategies designed to ensure that every Vermonter has access to reliable,  
16 affordable, high-speed broadband.

17 (2) In 2018, through Acts and Resolves No. 169, the General Assembly  
18 found that broadband is essential for supporting economic and educational

1 opportunities, strengthening health and public safety networks, and reinforcing  
2 freedom of expression and democratic, social, and civic engagement.

3 (3) We further found in Act No. 169 that the lack of a thriving  
4 competitive market in Vermont, particularly in isolated locations,  
5 disadvantages the ability of consumers and businesses to protect their interests  
6 sufficiently, and we recognized that the State may exercise its traditional role  
7 in protecting consumers.

8 (4) In 2019, through Acts and Resolves No. 79, the General Assembly  
9 found that despite the FCC’s “light-touch” regulatory approach under Title I of  
10 the Communications Act of 1934, rather than “utility-style” regulation under  
11 Title II, existing broadband providers are not providing adequate service to  
12 many rural areas where fewer potential customers reduce the profitability  
13 necessary to justify network expansion.

14 (5) Accordingly, reaching the last mile will require a grassroots  
15 approach founded on input from and support of local communities. Existing  
16 broadband grant programs do not offer the scale to solve this problem, and  
17 traditional capital sources typically shy away from businesses with limited  
18 revenue history and little equity or collateral.

19 (6) To this end, public investment in programs and personnel that  
20 provide local communities with much-needed resources and technical  
21 assistance is required.

1           (7) In 2020, the COVID-19 public health emergency served as an  
2           accelerant to the socioeconomic disparities between the connected and the  
3           unconnected in our State. Vermonters who cannot access or cannot afford  
4           broadband, many of whom are geographically isolated, face challenges with  
5           respect to distance learning; remote working; accessing telehealth services; and  
6           accessing government programs and services, including our institutions of  
7           democracy, such as the court system.

8           (8) Indeed, the ongoing public health emergency has highlighted the  
9           extent to which robust and resilient broadband networks are critical to our  
10           economic future as a whole and provide a foundation for our educational,  
11           health care, public health and safety, and democratic institutions.

12           (9) Broadband infrastructure is critical infrastructure fundamental to  
13           accessing other critical services in sectors such as energy, public safety,  
14           government, healthcare, education, and commerce.

15           (10) The goal of universal broadband needs to be elevated as a top  
16           priority of the State to meet the economic, health, safety, and social needs of  
17           Vermonters.

18           (11) While private broadband providers have brought broadband  
19           services to many households, businesses, and locations in Vermont, significant  
20           gaps remain.

1           (12) When existing broadband providers fail to achieve the goal of  
2           providing reliable, high-quality, universal broadband, it is imperative for the  
3           State to support and facilitate the construction of broadband infrastructure  
4           through financial and other means.

5           (13) Communications union districts (CUDs) were created by the State  
6           to coordinate and implement creative and innovative solutions in their  
7           respective territories, particularly where existing providers are not providing  
8           adequate service that meets the needs of their residents and businesses while  
9           ensuring public accountability.

10           (14) CUDs are thus positioned to be the unofficial “provider of last  
11           resort” for broadband and ensure public accountability for serving all  
12           Vermonters within their respective service territories. Yet CUDs have limited  
13           access to financial capital necessary for expansion of broadband to unserved  
14           and underserved areas of the State.

15           (15) All Vermont electric ratepayers are supporting the rollout of clean  
16           energy technologies, however not all ratepayers are able to access those  
17           technologies because they do not have access to adequate broadband. Equity  
18           in the energy sector requires universal broadband.

19           (16) The Department of Public Service simultaneously plays a  
20           regulatory role in the telecommunications market while also supporting the  
21           development of CUDs in an unregulated competitive broadband market.

1           (17) To ensure universal broadband in Vermont, there is a need for  
2           greater coordination of grassroots broadband solutions both among the CUDS  
3           themselves and also with respect to their other potential partners, such as  
4           electric distribution utilities, nonprofit organizations, the federal government,  
5           and private broadband providers.

6           (b) Therefore, this act is intended to protect the public interest by:

7           (1) ensuring broadband availability to all Vermonters and Vermont  
8           addresses;

9           (2) ensuring public accountability for maintaining and upgrading critical  
10           broadband infrastructure;

11           (3) increasing the reliability of the electric grid and ensuring equal  
12           access to clean energy services among all electric ratepayers;

13           (4) protecting Vermonters’ privacy and unrestricted access to the  
14           Internet;

15           (5) alleviating the inherent tension the Department of Public Service  
16           currently experiences as a result of its dual roles as both regulator and  
17           community project developer;

18           (6) directing public resources to the development of public broadband  
19           assets intended to provide universal access;

20           (7) developing favorable taxing, financing, and regulatory mechanisms  
21           to support communications union districts; and

1           (8) providing time-limited leadership for coordinating the buildout of  
2           Vermont’s communications union districts and their partners and for  
3           developing financing mechanisms to fully support that buildout through a  
4           newly created State entity, the Vermont Community Broadband Authority,  
5           designed specifically to effectuate these purposes.

6                           \* \* \* Vermont Community Broadband Authority \* \* \*

7           Sec. 2. 30 V.S.A. chapter 91A is added to read:

8           CHAPTER 91A: VERMONT COMMUNITY BROADBAND AUTHORITY

9           § 8081. POLICY, FINDINGS, AND PURPOSE

10           (a) Policy. It is the policy of the State of Vermont to support and accelerate  
11           community efforts that advance the State’s goal of achieving universal access  
12           to reliable, high-quality, affordable broadband.

13           (b) Findings. Broadband is an essential service unavailable to many  
14           Vermonters. Federal policies that promote an unregulated, competitive  
15           broadband market have failed to deliver this essential service in many rural  
16           areas of the State. In addition, federal programs designed to subsidize the  
17           buildout of broadband in rural areas fall have fallen far short of delivering  
18           broadband to the most remote regions of our State, often as a result of  
19           inadequate federal broadband mapping data or insufficient accountability. As  
20           a consequence, many locations in Vermont continue to lack access to  
21           broadband, and a comprehensive funded solution through existing federal and

1 State broadband programs is not available to address this critical need we face  
2 in Vermont. Despite these challenges, local communities have assembled in  
3 the form of communications union districts to address the digital divide  
4 collectively and creatively. These local projects, and ultimately all  
5 Vermonters, will benefit from the establishment of robust statewide leadership  
6 and support for community broadband solutions.

7 (c) Purpose. It is the purpose of this chapter to establish the Vermont  
8 Community Broadband Authority to coordinate, facilitate, support, and  
9 accelerate the development and implementation of universal community  
10 broadband solutions.

11 § 8082. DEFINITIONS

12 As used in this chapter:

13 (1) “Authority” means the Vermont Community Broadband Authority  
14 established by this chapter.

15 (2) “Board” means the Board of Directors of the Vermont Community  
16 Broadband Authority.

17 (3) “Connectivity Initiative” means the initiative established under  
18 section 7515b of this title.

19 (4) “Department” means the Department of Public Service.

20 (5) “Division” means the Division for Telecommunications and  
21 Connectivity within the Department of Public Service.

1           (6) “Fund” means the Vermont Community Broadband Fund established  
2           by this chapter.

3           (7) “Underserved” has the same meaning as in subsection 7515b(a) of  
4           this title.

5           (8) “Unserved” has the same meaning as in subsection 7515b(a) of this  
6           title.

7           § 8083. ESTABLISHMENT AND ORGANIZATION

8           (a) The Vermont Community Broadband Authority is hereby created and  
9           established as a body corporate and politic and a public instrumentality of the  
10           State. The exercise by the Authority of the powers conferred upon it in this  
11           chapter constitutes the performance of essential governmental functions.

12           (b) The Authority shall have a Board of Directors of 11 members as  
13           follows:

14           (1) the Commissioner of Public Service or designee;

15           (2) the Secretary of Commerce and Community Development or  
16           designee;

17           (3) three public members representing communications union districts  
18           selected by the Vermont Communications Union District Association;

19           (4) four public members appointed by the Governor, who shall not be  
20           employees or officers of the State at the time of appointment;



1           (5) one public member appointed by the Speaker of the House, who  
2           shall not be a member of the General Assembly at the time of the appointment;  
3           and

4           (6) one public member appointed by the Senate Committee on  
5           Committees, who shall not be a member of the General Assembly at the time  
6           of the appointment.

7           (c) In making appointments of public members, the appointing authorities  
8           shall give consideration to citizens of the State with knowledge of  
9           communications technology; communications law and policy; broadband  
10           deployment in rural, high-cost areas; finance; and electric utility law and  
11           policy.

12           (d) The public members shall serve terms of three years beginning  
13           February 1 of the year of appointment. However, two of the public members  
14           first appointed by the Governor shall serve initial terms of one year; and the  
15           public members first appointed by the Speaker and the Committee on  
16           Committees shall serve initial terms of two years. A vacancy occurring among  
17           the public members shall be filled by the respective appointing authority for  
18           the balance of the unexpired term. A member may be reappointed.

19           (e) The Authority’s powers are vested in the Board of Directors. Annually,  
20           the Board shall elect from among its public members a chair and vice chair.  
21           The Board may elect officers as it may determine. Meetings shall be held at

1 the call of the Chair or at the request of three members. A majority of sitting  
2 members shall constitute a quorum and action taken by the Board under the  
3 provisions of this chapter may be authorized by a majority of the members  
4 present and voting at any regular or special meeting.

5 (f) Members other than ex officio members shall be entitled to per diem  
6 authorized under 32 V.S.A. § 1010 for each day spent in the performance of  
7 their duties and each member shall be reimbursed from the Fund for his or her  
8 reasonable expenses incurred in carrying out his or her duties under this  
9 chapter.

10 (g) The Authority shall hire and employ an Executive Director who shall  
11 serve as the Authority’s chief administrative officer and shall direct and  
12 supervise the Authority’s administrative affairs and technical activities in  
13 accordance with any rules and policies set forth by the Authority. In addition  
14 to any other duties, the Executive Director shall:

15 (1) attend all meetings of the Authority, act as its secretary, and keep  
16 minutes of its proceedings;

17 (2) approve all accounts of the Authority, including accounts for  
18 salaries, per diems, and allowable expenses of any employee or consultant  
19 thereof and expenses incidental to the operation of the Authority;

20 (3) make recommendations to the Board of Directors for financial  
21 awards or assistance authorized by this chapter, including grants and loans;

1           (4) make an annual report to the Authority documenting the actions of  
2           the Authority and such other reports as the Authority may request; and

3           (5) perform such other duties as may be directed by the Authority in the  
4           carrying out of the purposes and provisions of this chapter.

5           (h) The Authority may employ technical experts and other officers, agents,  
6           and employees as are necessary to effect the purposes of this chapter and may  
7           fix their qualifications, duties, and compensation. [The Authority shall use the  
8           Office of the Attorney General for legal services].

9           § 8084. VERMONT COMMUNITY BROADBAND FUND

10          (a) There is created a special fund in the State Treasury to be known as the  
11          “Vermont Community Broadband Fund.” The Fund shall be administered by  
12          the Authority and expenditures therefrom shall only be made to implement and  
13          effectuate the policies and purposes of this chapter. The Fund shall be  
14          composed of any monies from time to time appropriated to the Fund by the  
15          General Assembly or received from any other source, private or public,  
16          approved by the Authority. Unexpended balances and any earning shall  
17          remain in the Fund for use in accord with the purposes of this chapter.

18          (b) The money transferred to the Fund pursuant to subsection 7523(b) of  
19          this title shall be used to fund the operational expenses of the Authority,  
20          including a Rural Broadband Technical Assistance Specialist, whose duties  
21          shall include providing outreach, technical assistance, and other support

1 services to communications union districts. Remaining funds shall be used to  
2 provide administrative and technical assistance support and financial assistance  
3 to communications union districts as authorized in this chapter.

4 § 8085. GENERAL POWERS AND DUTIES; CONFIDENTIALITY

5 (a) The Authority shall have all the powers necessary and convenient to  
6 carry out and effectuate the purposes and provisions of this chapter, including  
7 those general powers provided to a business corporation by Title 11A and  
8 those general powers provided to a nonprofit corporation by Title 11B and  
9 including, without limitation of the general powers under Title 11A and 11B,  
10 the power to:

11 (1) Coordinate and facilitate community broadband efforts and to  
12 provide resources to communications union districts in the form of technical  
13 support as well as through grants, loans, and other forms of financial assistance  
14 under the Connectivity Initiative and the Community Broadband Innovation  
15 Grant Program consistent with the purposes and provisions of the chapter and  
16 as deemed appropriate by the Board of Directors, with input by the Executive  
17 Director.

18 (2) Assist communications union districts with development of business  
19 plans that reflect local preferences.

- 1           (3) Facilitate partnerships between communications union districts and  
2 potential partners, including incumbent and competitive communications  
3 providers and electric transmission and distribution utilities.
- 4           (4) Advocate at the federal level for programs and policies that will  
5 accelerate the deployment of universal broadband in rural Vermont.
- 6           (5) Receive and accept grants, gifts, loans, or contributions from any  
7 source subject to the provisions of 32 V.S.A. § 5 and for the purpose carrying  
8 out the purposes of this chapter.
- 9           (6) When authorized by one or more communications union districts,  
10 apply for grants, loans, permits, licenses, certificates, or approvals, or enter  
11 into contractual arrangements for goods or services on behalf of or jointly with  
12 a communications union district or districts.
- 13           (7) Transfer State fiber-optic assets to the communications union district  
14 in which those assets are located.
- 15           (8) Consult with the Vermont Economic Development Authority and the  
16 Vermont Municipal Bond Bank with regard to financing community  
17 broadband projects.
- 18           (9) Consult with agencies and departments regarding the establishment  
19 or modification of taxes and fees applicable to broadband providers, including  
20 the establishment of criteria for the waiver of such taxes and fees when

1 providers offer to furnish comparable value to the State to meet the public  
2 good.

3 (10) Assist communications union districts with pursuing route  
4 identification for fiber-optic infrastructure and with obtaining pole surveys and  
5 negotiating pole attachments.

6 (11) Identify and publish State, federal, nonprofit, and any other  
7 broadband funding opportunities and assist communications union districts  
8 with completing grant and loan applications.

9 (12) Provide input to the Department of Public Service on the  
10 development of the State's Telecommunications Plan.

11 (13) Do any and all things necessary or convenient to effectuate the  
12 purposes and provisions of this chapter and to carry out its purposes and  
13 exercise the powers given and granted in this chapter.

14 (14) Issue rules in accordance with 3 V.S.A. chapter 25 for the purpose  
15 of administering the provisions of this chapter.

16 (b) Any records or information produced or acquired by the Authority that  
17 are trade secrets or confidential business information shall be exempt from  
18 public inspection and copying pursuant to 1 V.S.A. 317(c)(9).

19 § 8086. ALLOCATION SYSTEM; FUNDING PRIORITIES

1 In reviewing funding proposals and determining the allocation of funds  
2 pursuant to programs administered by the Authority, the Authority shall give  
3 priority to projects that:

4 (1) provide service to unserved and underserved locations;

5 (2) support broadband service that is capable of speeds of at least 100

6 Mbps symmetrical;

7 (3) leverage federal or public-private partnership resources;

8 (4) support low-income or disadvantaged communities;

9 (5) promote geographic diversity of fund allocations; and

10 (6) provide consumers with affordable service options.

11 § 8087. COMMUNITY BROADBAND INNOVATION GRANT

12 PROGRAM

13 (a) There is established the Community Broadband Innovation Grant  
14 Program to be administered by the Authority. The purpose of the Program is  
15 to fund feasibility studies related to the deployment of broadband in rural  
16 unserved and underserved areas of Vermont. The following conditions shall  
17 apply to the Program:

18 (1) In awarding grants under this section, the Authority shall give  
19 preference to feasibility studies that contemplate the provision of broadband  
20 service that is symmetrical.

1           (2) Eligible grant applicants shall include communications union  
2 districts.

3           (3) Grantees shall produce an actionable business plan for a potential  
4 broadband solution, which may include formation of or partnership with an  
5 electric company, rural economic development infrastructure district,  
6 municipal communications plant, or any other broadband provider. The  
7 business plan required by this subdivision shall include preconstruction  
8 engineering and design plans, financing models, estimated construction costs,  
9 and ideal operational models.

10           (4) A grant award may be up to \$60,000.00. The Authority, however,  
11 may exceed this limit as it deems appropriate taking into consideration the  
12 geographic size and the number of towns and households served by a district.

13           (5) Not more than 2.5 10 percent of a grant may be used for grant  
14 management.

15           (6) Studies funded through the Program shall conclude within 12  
16 months of receipt of the award.

17           (7) The Authority shall retain 50 percent of the grant award until it  
18 determines that the study has been completed consistent with the terms of the  
19 grant.



1           (8) A grant recipient shall report its findings and recommendations to  
2           the Authority within 30 days following the completion of a study funded under  
3           the Program.

4           (b) To the extent such information is available, the Authority shall  
5           aggregate the information submitted under subsection (a) of this section and  
6           shall report its findings and recommendations in the annual report required  
7           under section 8088 of this chapter.

8           (c) The Community Broadband Innovation Grant Program is the successor  
9           to the Broadband Innovation Grant Program established by 2019 Acts and  
10           Resolves No. 79, Sec. 10, and any funds remaining in that program shall be  
11           transferred to the Vermont Community Broadband Fund to support the  
12           Community Broadband Innovation Grant Program established in this chapter.

13           § 8088. COMMUNITY BROADBAND PRECONSTRUCTION GRANT  
14           PROGRAM

15           (a) There is established the Community Broadband Preconstruction Grant  
16           Program. The purpose of the Program is to provide grants to communications  
17           union districts for preconstruction costs related to broadband projects. As used  
18           in this section, “preconstruction costs” include engineering, design, and  
19           makeready costs associated with the construction of broadband networks. The  
20           following conditions shall apply to the Program:

21           (1) A grant award may not exceed \$XXX.

1           (2) Not more than 2.5 percent of a grant may be used for grant  
2           management.

3           (3) The Authority shall only disburse funds to a grantee as costs are  
4           incurred.

5           (b) The Authority shall summarize its activities under this section in the  
6           annual report required by section 8088 of this chapter.

7           § 8089. ANNUAL REPORT

8           Notwithstanding 2 V.S.A. § 20(d), on or before January 15 of each year, the  
9           Authority shall submit a report of its activities pursuant to this chapter for the  
10           preceding year to the Senate Committee on Finance, the House Committee on  
11           Energy and Technology, and the Joint Information Technology Oversight  
12           Committee. The report shall include an operating and financial statement  
13           covering the Authority’s operations during the year, including a summary of  
14           all grant awards and contracts and agreements entered into by the Authority.

15           In addition, the report shall include a description of the progress each start-up  
16           communications union district has made in achieving long-term financial  
17           sustainability that is not dependent upon public funding.

18           § 8089a. SUNSET

19           The Authority shall cease to exist July 1, 2026.

20           Sec. 2a. INITIAL ORGANIZATION AND APPOINTMENTS;

21           PROVISIONAL BOARD OF DIRECTORS

1           (a) To accelerate the organization of the Vermont Community Broadband  
2           Authority and ensure that it is functional as soon as practicable, a provisional  
3           Board of Directors shall consist of six members as follows:

4                   (1) the Commissioner of Public Service or designee;

5                   (2) two public members representing communications union districts  
6           selected by the Vermont Communications Union District Association;

7                   (3) two public members appointed by the Governor, who shall not be  
8           employees or officers of the State at the time of appointment; and

9                   (4) one public member appointed jointly by the Speaker of the House  
10          and the President Pro Tempore of the Senate.

11           (b) Appointments to the provisional Board pursuant to this section shall be  
12          made within 60 days of the effective date of this act. The Commissioner of  
13          Public Service or designee shall serve as Chair and shall call the first meeting  
14          of the Board not later than September 1, 2021. The Board shall hire an  
15          Executive Director not later than October 15, 2021, who shall serve as a voting  
16          member of the Board until the remaining members of the permanent Board are  
17          appointed pursuant to 30 V.S.A. § 8083.

18           (c) The Authority, governed by the provisional Board established by this  
19          section, shall have all the powers and obligations established in 30 V.S.A.  
20          chapter 91A.

1 (d) Until July 1, 2022, the Authority shall have access to the legal and  
2 technical resources of the [Department of Public Service], including  
3 administrative services and office space. The Authority’s expenses under this  
4 subsection shall be paid out of the Vermont Community Broadband Fund.

5 (e) The remaining appointments to the permanent Board as required by 30  
6 V.S.A. § 8083 shall be made not later than July 1, 2022.

7 Sec. 3. REPEALS

8 The following provisions of law are repealed:

9 (1) 2019 Acts and Resolves No. 79, Sec. 10 (Broadband Innovation  
10 Grant Program).

11 (2) 2020 Acts and Resolves No. 154, Sec. B1105.2 (amending the  
12 Broadband Innovation Grant Program).

13 Sec. 4. TRANSFER OF FIBER-OPTIC ASSETS

14 On or before July 1, 2021, the Department of Public Service shall transfer  
15 ownership of its fiber-optic assets to the communications union district in  
16 which those assets are located. The transfer shall include a requirement that,  
17 upon the dissolution of a communications union district, any such fiber assets  
18 shall become the property of the State to be managed by the Vermont  
19 Community Broadband Authority or the Department of Public Service if the  
20 Authority no longer exists. A communications union district may refuse to

1 accept the transfer of assets authorized by this section, in which case, the assets  
2 shall become the property of the Vermont Community Broadband Authority.

3 Sec. 5. 30 V.S.A. § 7516(b) is amended to read:

4 (b) Of the money transferred to the Connectivity Fund pursuant to  
5 subsection 7523(b) of this title, up to \$120,000.00 ~~\$240,000.00~~ shall be  
6 appropriated annually to the Department of Public Service Vermont  
7 Community Broadband Authority to fund the operational expenses of the  
8 Authority, including a Rural Broadband Technical Assistance Specialist whose  
9 duties shall include providing outreach, technical assistance, and other support  
10 services to communications union districts established pursuant to chapter 82  
11 of this title and other units of government, nonprofit organizations,  
12 cooperatives, and for-profit businesses for the purpose of expanding broadband  
13 service to unserved and underserved locations. Support services also may  
14 include providing business model templates for various approaches plan  
15 development that reflects local preferences, including formation of or  
16 partnership with a cooperative, a communications union district, a rural  
17 economic development infrastructure district, an electric utility, or a new or  
18 existing Internet service broadband provider as operator of the network. Any  
19 remaining funds shall be used to support the Connectivity Initiative established  
20 under section 7515b of this title.

21 Sec. 5. 30 V.S.A. § 7516 is amended to read:

1 § 7516. CONNECTIVITY FUND

2 (a) There is created a Connectivity Fund for the purpose of providing  
3 support to the High-Cost Program established under section 7515 of this  
4 chapter and the Connectivity Initiative established under section 7515b of this  
5 chapter. The fiscal agent shall determine annually, on or before November 1,  
6 the amount of monies available to the Connectivity Fund. Such funds shall be  
7 apportioned as follows: 45 percent to the High-Cost Program and 55 percent to  
8 the Connectivity Initiative.

9 (b) ~~Of the money transferred to the Connectivity Fund pursuant to~~  
10 ~~subsection 7523(b) of this title, up to \$120,000.00 shall be appropriated~~  
11 ~~annually to the Department of Public Service to fund a Rural Broadband~~  
12 ~~Technical Assistance Specialist whose duties shall include providing outreach,~~  
13 ~~technical assistance, and other support services to communications union~~  
14 ~~districts established pursuant to chapter 82 of this title and other units of~~  
15 ~~government, nonprofit organizations, cooperatives, and for-profit businesses~~  
16 ~~for the purpose of expanding broadband service to unserved and underserved~~  
17 ~~locations. Support services also may include providing business model~~  
18 ~~templates for various approaches, including formation of or partnership with a~~  
19 ~~cooperative, a communications union district, a rural economic development~~  
20 ~~infrastructure district, an electric utility, or a new or existing Internet service~~

1 ~~provider as operator of the network. Any remaining funds shall be used to~~  
2 ~~support the Connectivity Initiative established under section 7515b of this title.~~

3 Sec. 5a. 30 V.S.A. § 7523(b) is amended to read:

4 (b) Beginning on July 1, 2019, the rate of charge established under  
5 subsection (a) of this section shall be increased by four-tenths of one percent of  
6 retail telecommunications service, and the monies collected from this increase  
7 shall be transferred to the ~~Connectivity Fund established under section 7516 of~~  
8 ~~this title~~ Vermont Community Broadband Fund established under section 8084  
9 of this title.

10 Sec. 6. 30 V.S.A. § 202f is amended to read:

11 § 202f. TELECOMMUNICATIONS AND CONNECTIVITY ADVISORY  
12 BOARD

13 (a) There is created the Telecommunications and Connectivity Advisory  
14 Board for the purpose of making recommendations to the Commissioner of  
15 Public Service regarding his or her telecommunications responsibilities and  
16 duties as provided in this section. The Connectivity Advisory Board shall  
17 consist of eight members selected as follows:

18 (1) the State Treasurer or designee;

19 (2) the Secretary of Commerce and Community Development or  
20 designee;

1 (3) five at-large members appointed by the Governor, who shall not be  
2 employees or officers of the State at the time of appointment; and

3 (4) the Secretary of Transportation or designee.

4 (b) A quorum of the Connectivity Advisory Board shall consist of four  
5 voting members. No action of the Board shall be considered valid unless the  
6 action is supported by a majority vote of the members present and voting and  
7 then only if at least four members vote in favor of the action. The Governor  
8 shall select, from among the at-large members, a chair and vice chair.

9 (c) In making appointments of at-large members, the Governor shall give  
10 consideration to citizens of the State with knowledge of telecommunications  
11 technology, telecommunications regulatory law, transportation rights-of-way  
12 and infrastructure, finance, environmental permitting, and expertise regarding  
13 the delivery of telecommunications services in rural, high-cost areas.  
14 However, the five at-large members may not be persons with a financial  
15 interest in or owners or employees of an enterprise that provides broadband or  
16 cellular service or that is seeking in-kind or financial support from the  
17 Department of Public Service. The conflict of interest provision in this  
18 subsection shall not be construed to disqualify a member who has ownership in  
19 a mutual fund, exchange traded fund, pension plan, or similar entity that owns  
20 shares in such enterprises as part of a broadly diversified portfolio. The at-  
21 large members shall serve terms of two years beginning on February 1 in odd-



1       numbered years and until their successors are appointed and qualified.

2       However, three of the five at-large members first appointed by the Governor

3       shall serve an initial term of three years. Vacancies shall be filled for the

4       balance of the unexpired term. A member may be reappointed for up to three

5       consecutive terms. Upon completion of a term of service for any reason,

6       including the term's expiration or a member's resignation, and for one year

7       from the date of such completion, a former Board member shall not advocate

8       before the Connectivity Board, Department of Public Service, or the Public

9       Utility Commission on behalf of an enterprise that provides broadband or

10      cellular service.

11      (d) Except for those members otherwise regularly employed by the State,

12      the compensation of the Board's members is that provided by 32 V.S.A. §

13      1010(a). All members of the Board, including those members otherwise

14      regularly employed by the State, shall receive their actual and necessary

15      expenses when away from home or office upon their official duties.

16      (e) In performing its duties, the Connectivity Advisory Board may use the

17      legal and technical resources of the Department of Public Service. The

18      Department of Public Service shall provide the Board with administrative

19      services.

20      (f) The Connectivity Advisory Board shall:

1           ~~(1) have review and nonbinding approval authority with respect to the~~  
2           ~~awarding of grants under the Connectivity Initiative. The Commissioner shall~~  
3           ~~have sole authority to make the final decision on grant awards, as provided in~~  
4           ~~subsection (g) of this section.~~

5           ~~(2) function in an advisory capacity to the Commissioner on the~~  
6           ~~development of State telecommunications policy and planning, including the~~  
7           ~~action plan required under subdivision 202e(b)(6) of this chapter and the State~~  
8           ~~Telecommunications Plan.~~

9           ~~(3) annually advise the Commissioner on the development of requests for~~  
10           ~~proposals under the Connectivity Initiative.~~

11           ~~(4) annually provide the Commissioner with recommendations for the~~  
12           ~~apportionment of funds to the High-Cost Program and the Connectivity~~  
13           ~~Initiative.~~

14           ~~(5)(2) annually provide the Commissioner with recommendations on the~~  
15           ~~appropriate Internet access speeds for publicly funded telecommunications and~~  
16           ~~connectivity broadband projects. For planning~~

17           ~~(g) The Commissioner shall make an initial determination as to whether a~~  
18           ~~proposal submitted under the Connectivity Initiative meets the criteria of the~~  
19           ~~request for proposals. The Commissioner shall then provide the Connectivity~~  
20           ~~Advisory Board a list of all eligible proposals and recommendations. The~~  
21           ~~Connectivity Advisory Board shall review the recommendations of the~~

1 ~~Commissioner and may review any proposal submitted, as it deems necessary,~~  
2 ~~and either approve or disapprove each recommendation and may make new~~  
3 ~~recommendations for the Commissioner's final consideration. The~~  
4 ~~Commissioner shall have final decision-making authority with respect to the~~  
5 ~~awarding of grants under the Connectivity Initiative. If the Commissioner does~~  
6 ~~not accept a recommendation of the Board, he or she shall provide the Board~~  
7 ~~with a written explanation for such decision.~~

8 ~~(h)(g)~~ On November 15, 2019, and annually thereafter, the Commissioner  
9 shall submit to the Connectivity Advisory Board an accounting of monies in  
10 the Connectivity Fund and anticipated revenue for the next year.

11 ~~(i)(h)~~ The Chair shall call the first meeting of the Connectivity Advisory  
12 Board. The Chair or a majority of Board members may call a Board meeting.  
13 The Board may meet up to six times a year.

14 ~~(j)(i)~~ At least annually, the Connectivity Advisory Board and the  
15 Commissioner or designee shall jointly hold a public meeting to review and  
16 discuss the status of State telecommunications policy and planning, the  
17 Telecommunications Plan, the Connectivity Fund, the Connectivity Initiative,  
18 the High-Cost Program, and any other matters they deem necessary to fulfill  
19 their obligations under this section.

20 ~~(k)(j)~~ Information and materials submitted by a telecommunications service  
21 provider concerning confidential financial or proprietary information shall be

1 exempt from public inspection and copying under the Public Records Act, nor  
2 shall any information that would identify a provider who has submitted a  
3 proposal under the Connectivity Initiative be disclosed without the consent of  
4 the provider, unless a grant award has been made to that provider. Nothing in  
5 this subsection shall be construed to prohibit the publication of statistical  
6 information, determinations, reports, opinions, or other information so long as  
7 the data are disclosed in a form that cannot identify or be associated with a  
8 particular telecommunications service provider.

9 **Sec. 6a. EFFECTIVE DATE**

10 Sec. 6 (concerning the Telecommunications and Connectivity Advisory  
11 Board) of this act shall take effect on January 1, 2022.

12 **Sec. 7. APPROPRIATIONS/FUNDING SOURCES [TBD]**

13 \* \* \* Connectivity Initiative \* \* \*

14 Sec. 8. 30 V.S.A. § 7515b is amended to read:

15 § 7515b. CONNECTIVITY INITIATIVE

16 (a) The purpose of the Connectivity Initiative is to provide each service  
17 location in Vermont access to ~~Internet service~~ broadband that is capable of  
18 speeds of at least ~~25 Mbps download and 3 Mbps upload, or the FCC speed~~  
19 ~~requirements established under Connect America Fund Phase II, whichever is~~  
20 ~~higher, beginning with locations not served as of December 31, 2013 according~~  
21 ~~to the minimum technical service characteristic objectives applicable at that~~

1 ~~time~~ 100 Mbps symmetrical. Within this category of service locations, priority  
2 shall be given first to unserved and then to underserved locations. As used in  
3 this section, “unserved” means a location ~~having access to only satellite or~~  
4 ~~dial-up Internet service~~ that only has access to broadband capable of speeds of  
5 less than 4 Mbps download and 1 Mbps upload and “underserved” means a  
6 location ~~having access to Internet service with speeds that exceed satellite and~~  
7 ~~dial-up speeds but are less than~~ that only has access to broadband capable of  
8 speeds of at least 4 Mbps download and 1 Mbps upload but less than 25 Mbps  
9 download and 3 Mbps upload. Any new services funded in whole or in part by  
10 monies from this Initiative shall be capable of being continuously upgraded to  
11 reflect the best available, most economically feasible service capabilities.

12 *[open access requirement TBD]*

13 (b) The Department of Public Service shall publish annually a list of ~~census~~  
14 ~~blocks~~ E-911 locations eligible for funding based on the Department’s most  
15 recent broadband mapping data. The **Department** annually shall solicit  
16 proposals from **service providers** to deploy broadband to eligible ~~census blocks~~  
17 E-911 locations. Funding shall be available for **capital improvements only, not**  
18 **for operating and maintenance expenses**. The **Department** shall give priority to  
19 proposals that reflect the lowest cost of providing services to unserved and  
20 underserved locations; however, the **Department** also shall consider:

- 1 (1) the proposed data transfer rates and other data transmission
- 2 characteristics of services that would be available to consumers;
- 3 (2) the price to consumers of services;
- 4 (3) the proposed cost to consumers of any new construction, equipment
- 5 installation service, or facility required to obtain service;
- 6 (4) whether the proposal would use the best available technology that is
- 7 economically feasible;
- 8 (5) the availability of service of comparable quality and speed; **and**
- 9 (6) the objectives of the State’s Telecommunications Plan; **and**
- 10 **(7) the extent to which a proposal leverages federal or private funding**
- 11 **opportunities.**

12 (c) In order to ensure that grants are disbursed based on the value of work

13 completed, the Department shall develop with each grantee a payment

14 schedule that reflects the verified percentage of project completion. To verify

15 project completion, the grantee shall retain a Department-approved third party

16 to conduct independent field testing, which the Department may supplement

17 with provider-supplied data and crowd-sourced user data. If deemed necessary

18 by the Department, the Department may advance a grantee funds necessary for

19 project commencement. The Department shall retain five percent of an award

20 for two years after project completion to ensure continued compliance with

1 contract terms. A grantee shall reimburse the Department any funds received  
2 for contracted work that is not completed pursuant to contract specifications.

3 (d) The Department shall maintain a publicly accessible inventory of  
4 completed broadband projects financed in whole or in part with grants under  
5 this section.

6 Sec. 8a. 30 V.S.A. § 7515b is amended to read:

7 § 7515b. CONNECTIVITY INITIATIVE

8 (a) The Connectivity Initiative shall be administered by the Vermont  
9 Community Broadband Authority. The purpose of the Connectivity Initiative  
10 is to provide each service location in Vermont access to broadband that is  
11 capable of speeds of at least 100 Mbps symmetrical. Within this category of  
12 service locations, priority shall be given first to unserved and then to  
13 underserved locations. As used in this section, “unserved” means a location  
14 that only has access to broadband capable of speeds of less than 4 Mbps  
15 download and 1 Mbps upload and “underserved” means a location that only  
16 has access to broadband capable of speeds of at least 4 Mbps download and 1  
17 Mbps upload but less than 25 Mbps download and 3 Mbps upload. Any new  
18 services funded in whole or in part by monies from this Initiative shall be  
19 capable of being continuously upgraded to reflect the best available, most  
20 economically feasible service capabilities. [open access requirement TBD]

1 (b) The Department of Public Service shall publish annually a list of E-911  
2 locations eligible for funding based on the Department’s most recent  
3 broadband mapping data. The Department Authority annually shall solicit  
4 proposals from service providers communications union districts to deploy  
5 broadband to eligible E-911 locations. Funding shall be available for capital  
6 improvements only, not for operating and maintenance expenses. The  
7 Department Authority shall give priority to proposals that reflect the lowest  
8 cost of providing services to unserved and underserved locations; however, the  
9 Department Authority also shall consider:

- 10 (1) the proposed data transfer rates and other data transmission  
11 characteristics of services that would be available to consumers;
- 12 (2) the price to consumers of services;
- 13 (3) the proposed cost to consumers of any new construction, equipment  
14 installation service, or facility required to obtain service;
- 15 (4) whether the proposal would use the best available technology that is  
16 economically feasible;
- 17 (5) the availability of service of comparable quality and speed; and
- 18 (6) the objectives of the State’s Telecommunications Plan.

19 (c) In order to ensure that grants are disbursed based on the value of work  
20 completed, the Department Authority shall develop with each grantee a  
21 payment schedule that reflects the verified percentage of project completion.



1 To verify project completion, the grantee shall retain a Department approved  
2 an Authority-approved third party to conduct independent field testing, which  
3 the ~~Department~~ may supplement with provider-supplied data and crowd-  
4 sourced user data. If deemed necessary by the Department Authority, the  
5 Department Authority may advance a grantee funds necessary for project  
6 commencement. The Department Authority shall retain five percent of an  
7 award for two years after project completion to ensure continued compliance  
8 with contract terms. A grantee shall reimburse the Department Authority any  
9 funds received for contracted work that is not completed pursuant to contract  
10 specifications.

11 (d) The Department Authority shall maintain a publicly accessible  
12 inventory of completed broadband projects financed in whole or in part with  
13 grants under this section.

14 Sec. 8b. EFFECTIVE DATE

15 Sec. 8a of this act (concerning the administration of the Connectivity  
16 Initiative by the Vermont Community Broadband Authority) shall take effect  
17 on January 1, 2022.

18 \* \* \* VEDA; Broadband Expansion Loan Program; Lending Capacity \* \* \*

19 Sec. 9. 10 V.S.A. § 280ee is amended to read:

20 § 280ee. BROADBAND EXPANSION LOAN PROGRAM

1 (a) Creation. There is established within the Authority the Vermont  
2 Broadband Expansion Loan Program (~~the Program~~), the purpose of which is to  
3 enable the Authority to make loans to communications union districts that  
4 expand broadband service to unserved and underserved Vermonters.

5 (b) Intent. It is understood that loans under the Program may be high-  
6 risk loans to likely start-up businesses and therefore losses in the Program may  
7 be higher than the Authority’s historical loss rate. Loans shall be underwritten  
8 by the Authority utilizing underwriting parameters that acknowledge the higher  
9 risk nature of these loans. The Authority shall not make a loan unless the  
10 Authority has a reasonable expectation of the long-term viability of the  
11 business. The Program is intended to provide start-up loans until such time as  
12 the borrower can refinance the loans through the municipal revenue bond  
13 market.

14 (c)(1) Requirements. The Authority shall make loans for start-up and  
15 expansion that enable ~~the Internet service providers~~ communications union  
16 districts to expand broadband availability in unserved and underserved  
17 locations.

18 (2) The Authority shall establish policies and procedures for the  
19 Program necessary to ensure the expansion of broadband availability to the  
20 largest number of Vermont addresses as possible. The policies shall specify  
21 that:

1 (A) loans may be made in an amount of up to ~~\$4,000,000.00~~  
2 \$8,000,000.00;

3 (B) eligible borrowers include communications union districts ~~and~~  
4 ~~other units of government, nonprofit organizations, cooperatives, and for-profit~~  
5 ~~businesses~~;

6 (C) a loan shall not exceed 90 percent of project costs;

7 (D) interest and principal may be deferred up to ~~two~~ three years;

8 (E) a maximum of ~~\$10,800,000.00~~ \$36,000,000.00 in Authority loans  
9 may be made under the Program commencing on June 20, 2019; and

10 (F) the ~~provider~~ communications union district shall offer to all  
11 customers broadband service that is capable of speeds of at least 100 Mbps  
12 symmetrical.

13 (3) To ensure the limited funding available through the Program  
14 supports the highest-quality broadband available to the most Vermonters and  
15 prioritizes delivering services to the unserved and underserved, the Authority  
16 shall consult with the Department of Public Service and the Vermont  
17 Community Broadband Authority.

18 (d) On or before January 1, 2020, and annually thereafter, the Authority  
19 shall submit a report of its activities pursuant to this section to the Senate  
20 Committee on Finance and the House Committees on Commerce and  
21 Economic Development and on Energy and Technology. Each report shall

1 include operating and financial statements for the two most recently concluded  
2 State fiscal years. In addition, each report shall include information on the  
3 Program portfolio, including the number of projects financed; the amount,  
4 terms, and repayment status of each loan; and a description of the broadband  
5 projects financed in whole or in part by the Program.

6 Sec. 10. 10 V.S.A. § 280ff is amended to read:

7 § 280ff. FUNDING

8 (a) The State Treasurer, in consultation with the Secretary of  
9 Administration, shall negotiate an agreement with the Authority incorporating  
10 the provisions of this section and consistent with the requirements of this  
11 subchapter.

12 (b) ~~Repayment or appropriation~~ State appropriations to the Authority ~~in~~  
13 ~~years 2021 and until the Program terminates is~~ are based on the Authority's  
14 contributions to loan loss reserves for the Program in accordance with  
15 generally accepted accounting principles. Any difference between the actual  
16 loan losses incurred by the Authority in a fiscal year ~~2020 through Program~~  
17 ~~termination~~ shall be adjusted in the following year's appropriation.

18 (1) ~~The Program shall terminate when all borrowers enrolled in the~~  
19 ~~Program have repaid in full or loans have been charged off against the reserves~~  
20 ~~of the Authority.~~

1           ~~(2)~~ Upon termination of the Program, any remaining funds held by the  
2 Authority and not used for the Program shall be repaid to the State This is a  
3 revolving loan program.

4           ~~(3)~~(2) The accumulated total of the appropriation shall not exceed  
5 ~~\$8,500,000.00 over the life of the Program~~ \$27,000,000.00.

6           ~~(4)~~(3) The Authority shall absorb its historical loan loss reserve rate  
7 before any State funds are expended.

8           ~~(5)~~(4) Additionally, the Authority shall absorb up to ~~\$3,000,000.00~~  
9 \$9,000,000.00 in Program losses shared with the State on a pro rata basis.

10 Sec. 11. **FISCAL YEAR [2022]** ONE-TIME GENERAL FUND

11           APPROPRIATION

12           To the Vermont Economic Development Authority, \$1,260,000.00 is  
13 appropriated to serve as loan reserves to administer the Broadband Expansion  
14 Loan Program and to enable the Authority to provide credit enhancements to  
15 assist communications union districts with securing financing through other  
16 lenders.

17 Sec. 12. 10 V.S.A. § 219(d) is amended to read:

18           (d) In order to ensure the maintenance of the debt service reserve  
19 requirement in each debt service reserve fund established by the Authority,  
20 there may be appropriated annually and paid to the Authority for deposit in  
21 each such fund, such sum as shall be certified by the Chair of the Authority, to

1 the Governor, the President of the Senate, and the Speaker of the House, as is  
2 necessary to restore each such debt service reserve fund to an amount equal to  
3 the debt service reserve requirement for such fund. The Chair shall annually,  
4 on or about February 1, make, execute, and deliver to the Governor, the  
5 President of the Senate, and the Speaker of the House, a certificate stating the  
6 sum required to restore each such debt service reserve fund to the amount  
7 aforesaid, and the sum so certified may be appropriated, and if appropriated,  
8 shall be paid to the Authority during the then current State fiscal year. The  
9 principal amount of bonds or notes outstanding at any one time and secured in  
10 whole or in part by a debt service reserve fund to which State funds may be  
11 appropriated pursuant to this subsection shall not exceed ~~\$181,000,000.00~~  
12 \$193,000,000.00, provided that the foregoing shall not impair the obligation of  
13 any contract or contracts entered into by the Authority in contravention of the  
14 Constitution of the United States.

15 Sec. 13. 30 V.S.A. § 8064(a)(1) is amended to read:

16 (a)(1) The Authority may issue its negotiable notes and bonds in such  
17 principal amount as the Authority determines to be necessary to provide  
18 sufficient funds for achieving any of its corporate purposes, including the  
19 payment of interest on notes and bonds of the Authority, establishment of  
20 reserves to secure the notes and bonds including the reserve funds created  
21 under section 8065 of this title, and all other expenditures of the Authority

1 incident to and necessary or convenient to carry out its corporate purposes and  
2 powers. However, the bonds or notes of the Authority outstanding at any one  
3 time shall not exceed ~~\$34,000,000.00~~ \$22,000,000.00. No bonds shall be  
4 issued under this section without the prior approval of the Governor and the  
5 State Treasurer or their respective designees. In addition, before the Authority  
6 may initially exercise its bonding authority granted by this section, it shall  
7 submit to the Emergency Board of the State a current business plan, including  
8 an explanation of the bond issue or issues initially proposed.

9 \* \* \* CUD; Public Records Act; Trade Secret Exemption; Clarification \* \* \*

10 Sec. 14. 30 V.S.A. § 3084 is added to read:

11 § 3084. CONFIDENTIALITY; LEGISLATIVE INTENT

12 The purpose of this section is to clarify that any records or information  
13 produced or acquired by a district that are trade secrets or confidential business  
14 information shall be exempt from public inspection and copying pursuant to 1  
15 V.S.A. 317(c)(9). Such records or information shall be available for public  
16 inspection after project completion.

17 \* \* \* Electric Distribution Utilities; Broadband Infrastructure; CUD Lease;

18 Property Tax Exemption \* \* \*

19 **Option A Only**

20 Sec. 15a. 32 V.S.A. § 3802 is amended to read:

21 § 3802. PROPERTY TAX

1 The following property shall be exempt from taxation:

2 \* \* \*

3 (19) Real and personal property, except land, owned by an electric  
4 distribution utility that comprises broadband infrastructure, including  
5 structures, machinery, lines, poles, wires, and fixtures, provided the  
6 infrastructure is leased to a communications union district and is primarily for  
7 the purpose of providing broadband service capable of speeds of at least 100  
8 Mbps symmetrical. This exemption applies only to broadband infrastructure  
9 constructed on or after July 1, 2021.

10 (20) Real and personal property, except land, owned by a broadband  
11 provider that comprises broadband infrastructure, including structures,  
12 machinery, lines, poles, wires, and fixtures, provided the infrastructure is used  
13 for the purpose of providing universal broadband service in unserved and  
14 underserved areas that is capable of speeds of at least 100 Mbps symmetrical,  
15 is constructed on or after July 1, 2021, and further provided:

16 (A) this purpose is affirmed in writing by the Department of Public  
17 Service; and

18 (B) the broadband service is being provided pursuant to a written  
19 agreement entered into between the broadband provider and the  
20 communications union district in which the broadband infrastructure is located  
21 and that agreement is filed with Department of Public Service.



1 Sec. 15b. 32 V.S.A. § 3800(n) is added to read:

2 (n) The statutory purpose of the exemptions for broadband infrastructure in  
3 subdivisions 3802(19) and (20) of this title is to lower the cost of broadband  
4 deployment in unserved and underserved areas of Vermont.

5 Sec. 15c. 32 V.S.A. § 3602a is amended to read:

6 § 3602a. FACILITIES USED IN THE GENERATION, TRANSMISSION,  
7 OR DISTRIBUTION OF ELECTRIC POWER

8 All structures, machinery, poles, wires, and fixtures of all kinds and  
9 descriptions used in the generation, transmission, or distribution of electric  
10 power that are so fitted and attached as to be part of the works or facilities used  
11 to generate, transmit, or distribute electric power shall be set in the grand list as  
12 real estate. Nothing in this section shall alter the scope of the ~~exemption in~~  
13 ~~subdivision~~ exemptions in subdivisions 3803(2) and 3802(19) and (20) of this  
14 title, nor shall it alter the taxation of municipally owned improvements  
15 accorded by section 3659 of this title.

16 Sec. 15d. 32 V.S.A. § 3620 is amended to read:

17 § 3620. ELECTRIC UTILITY POLES, LINES, AND FIXTURES

18 Electric utility poles, lines, and fixtures owned by nonmunicipal utilities  
19 shall be taxed at appraisal value as defined by section 3481 of this title, except  
20 as provided under subdivisions 3802(19) and (20) of this title.

21 Sec. 15e. EFFECTIVE DATE FOR PROPERTY TAX EXEMPTION ONLY

1        These sections (pertaining to broadband property tax exemptions) shall take  
2 effect on ~~passage and shall apply to grand lists lodged on and after July 1,~~  
3 2021.

4 Sec. 16. [Electric Company Cost Recovery for Makeready]

5                \* \* \* Electric Distribution Utilities; Middle-mile Fiber;

6                                Broadband Provider Access \* \* \*

7 Sec. 17. 30 V.S.A. § 8091(f) is added to read:

8        (f) When presented with an interconnection request from a broadband  
9 provider for access to middle-mile fiber-optic service at a specific substation,  
10 an electric distribution utility shall inform existing broadband providers of the  
11 request and shall assess the availability of competitive fiber-optic service in the  
12 area. If alternative fiber-optic access is not available within one mile of the  
13 substation and the electric distribution utility has unused facilities serving that  
14 substation, the electric utility shall provide dark fiber from the substation to the  
15 nearest point of interconnection with an existing broadband provider. The  
16 support shall be in the form of an indefeasible right of use (IRU) for a term of  
17 not less than five years. All Vermont electric distribution utilities shall adopt a  
18 uniform, nominal rate of charge for such IRUs of \$1.00 per strand mile per  
19 year. This rate can be modified after five years by the Public Utilities  
20 Commission. The service level agreement (SLA) in the IRU shall require the  
21 electric distribution utility to restore service to the provider at the same time it

1 restores service to itself. In no case shall this penalize the electric distribution  
2 utility. The broadband provider shall be responsible for all maintenance costs  
3 directly associated with its fiber strands. Electric distribution utilities shall  
4 revise their rates to accept interconnection requests pursuant to this subsection  
5 on or before July 1, 2021.

6 \* \* \* 248a; Telecommunications Facility Siting; Notice; CUDs \* \* \*

7 Sec. 18. 30 V.S.A. § 248a(e) is amended to read:

8 (e) Notice. ~~Not~~ Not less than 60 days prior to filing an application for a  
9 certificate of public good under this section, the applicant shall serve written  
10 notice of an application to be filed with the Commission pursuant to this  
11 section to the communications union districts, legislative bodies, and municipal  
12 and regional planning commissions in the communities in which the applicant  
13 proposes to construct or install facilities; the Secretary of Natural Resources;  
14 the Secretary of Transportation; the Division for Historic Preservation; the  
15 Commissioner of Public Service and its Director for Public Advocacy; the  
16 Natural Resources Board if the application concerns a telecommunications  
17 facility for which a permit previously has been issued under 10 V.S.A. chapter  
18 151; and the landowners of record of property adjoining the project sites. In  
19 addition, at least one copy of each application shall be filed with each of these  
20 municipal and regional planning commissions. The notices to the legislative  
21 body and planning commission of the municipality shall attach a statement that

1 itemizes the rights and opportunities available to those bodies under  
2 subdivisions (c)(2) and (e)(2) of this section and under subsections (m), (n),  
3 and (o) of this section and informs them of the guide published under  
4 subsection (p) of this section and how to obtain a copy of that guide.

5 (1) Upon motion or otherwise, the Public Utility Commission shall  
6 direct that further public or personal notice be provided if the Commission  
7 finds that such further notice will not unduly delay consideration of the merits  
8 and that additional notice is necessary for fair consideration of the application.

9 (2) On the request of the municipal legislative body or the planning  
10 commission, the applicant shall attend a public meeting with the municipal  
11 legislative body or planning commission, or both, within the 60-day notice  
12 period before filing an application for a certificate of public good. The  
13 Department of Public Service shall attend the public meeting on the request of  
14 the municipality. The Department shall consider the comments made and  
15 information obtained at the meeting in making recommendations to the  
16 Commission on the application and in determining whether to retain additional  
17 personnel under subsection (o) of this section.

18 (3) With the notice required under this subsection, the applicant shall  
19 include a written assessment of the colocation requirements of subdivision  
20 (c)(3) of this section, as they pertain to the applicant's proposed  
21 telecommunications facility. On the request of the municipal legislative body

1 or the planning commission, the Department of Public Service, pursuant to its  
2 authority under subsection (o) of this section, shall retain an expert to review  
3 the applicant’s colocation assessment and to conduct further independent  
4 analysis, as necessary. Within 45 days of receiving the applicant’s notice and  
5 colocation assessment, the Department shall report its own preliminary  
6 findings and recommendations regarding colocation to the applicant and to all  
7 persons required to receive notice of an application for a certificate of public  
8 good under this subsection (e).

9 \* \* \* Communications Workforce Development \* \* \*

10 **Sec. 19. BROADBAND OCCUPATIONAL NEEDS ANALYSIS**

11 (a) The Commissioner of Labor shall conduct an occupational needs  
12 analysis to determine workforce needs in the communications sector. In  
13 conducting this analysis, the Commissioner shall solicit input from employers  
14 and subcontractors throughout the State. The purpose of the analysis is to  
15 identify skills needed; workers needed; and any regional needs and challenges.

16 (b) The Commissioner shall report his or her findings and  
17 recommendations to the relevant legislative committees of jurisdiction on or  
18 before January 15, 2022, and annually thereafter based on updated information.

19 **Sec. 19a. FTTX; INCUMBENT TRAINING PROGRAM**

20 (a) Vermont Technical College, in consultation with the Vermont  
21 Department of Labor, shall establish an incumbent training program for

1 communications installers and technicians. The goal of the program is to  
2 provide skills upgrades for existing employees.

3 (b) The estimated cost of the FTTx incumbent training program is  
4 \$7,500.00 to \$1,000.00 per student. The program shall be financed by an  
5 annual \$75,000.00 appropriation from the Vermont Department of Labor  
6 Training Fund.

7 **Sec. 19b. BROADBAND INSTALLER APPRENTICESHIP PROGRAM**

8 (a) The Commissioner of Labor shall establish a broadband installer  
9 apprenticeship program. The purpose of this educational and training program  
10 is to ensure the State’s broadband workforce needs are met long-term. The  
11 program shall be a fully-registered, 18-month training program the follows an  
12 “earn while you learn” model and teaches skills that are recognized nationally  
13 and transferrable across state lines.

14 (b) In fiscal year 2022, the amount of \$150,000.00 is appropriated from the  
15 General Fund to the Department of Labor to finance the broadband installer  
16 apprenticeship program established by this section.

17 \* \* \* Effective Date \* \* \*

18 **Sec. 20. EFFECTIVE DATE**

19 This act shall take effect on passage.