

To: House Energy and Technology Committee

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Date: 2/17/2021

Re: Detailed Comments on HET Communications Bill, Version 2.1 Dated 2-10-2021

1. Broaden Section 1 (page 6). (b)(8) to “providing time-limited leadership for coordinating the buildout of Vermont’s high-speed broadband public infrastructure by working with body politics such as communications union districts and their partners to leverage federal and state funds and for developing develop financing mechanisms to fully support that buildout through a newly created State entity, the Vermont Community Broadband Authority, designed specifically to effectuate these purposes.”

2. Add to §8085 General Powers and Duties (page 12). (6) to act on behalf of the State as an eligible entity for federal broadband access funding that identifies a state as an eligible entity or when authorized by one or more communications union districts, apply for grants, loans, permits, licenses, certificates, or approvals, or enter into contractual arrangements for goods or services on behalf of or jointly with a communications union district or districts.

3. Add to §7515b.(b). The Authority shall give priority to proposals that build public infrastructure and reflect the lowest cost of providing services to unserved and underserved locations;

Define “public infrastructure” as infrastructure that is capable of providing licenses to multiple providers for multiple purposes, controlled by a body politic such as a communications union district, municipal, or the VCBA, where the body politic may decide what licenses are in the best interest of the community they represent. ((The word controlled is used to allow for public/private partnerships where a private entity may own the sheath and the body politic has control through a life long IRU of the available strands.

4. Page 13 and page 20 – there should be a decision on whether the VCBA becomes the successor in interest of the VTA fiber and then takes care of the transfer to the CUD’s or whether it is done by the Department.

5. Page 15. Give priority to projects that: build public infrastructure; coordinate with a CUD or other body politic.

6. Page 16. Retaining 50% of the grant until completion is too high – consider 25%, which is still higher than a customary 10% or 5% or leave it to the discretion of the VCBA.

7. Page 18. the report should include in addition to the Authorities activities - the results of such activities - ie synopsis of results from CUDs.

8. Clarify why certain funding programs, such as the High Cost program would stay with the Department.

9. Page 28. Consider cleaner and faster cross over from the Department to the Authority.

In our most unserved and underserved areas we can only afford to build infrastructure once. This means that public funds should be used to build public infrastructure that can be used for multiple purposes with sufficient capacity to allow multiple providers. CUDs should manage such open access infrastructure and be permitted to determine whether the area would be better served by a single provider or by multiple competing providers. Investing in public infrastructure means that Vermont can invest in building the broadband road once rather than having to rebuild when 25/3 is no longer sufficient or a primary FTTP provider fails or sells its assets.

Statewide attempts that have failed to solve the problem:

- VELCO fiber is open access but unaffordable and complicated by the fact that it was funded through ISO-NE for transmission infrastructure.
- VTA WOW project has failed to deploy in large areas of the territory with no real accountability.