

1       Sec. X. DIGITAL EQUITY AND AFFORDABILITY PROGRAM

2           (a) The Department of Public Service, in coordination with the Department  
3           for Children and Families and the Agency of Education, shall establish the  
4           Digital Equity and Affordability Program. The purpose of the Program is to  
5           promote digital equity and digital inclusion activities by, among other things,  
6           providing qualifying individuals with technical and financial assistance for  
7           obtaining broadband service.

8           (b) As used in this section:

9                   (1) “Department” means the Department of Public Service.

10                   (2) “Digital equity” means the condition in which individuals and  
11                   communities have the information technology capacity that is needed for full  
12                   participation in the society and economy of Vermont.

13                   (3) “Eligible plan” means a residential service offered by an Internet  
14                   service provider that meets the minimum performance standards at least  
15                   95 percent of the time during peak Internet usage hours and that does not have  
16                   any data caps regardless of the technology used to deliver such service.

17                   (4) “Low-income Internet plan” means an eligible plan offered by an  
18                   Internet service provider to qualifying individuals without installation or initial  
19                   equipment charges and at no greater cost than the monthly affordable rate.

20                   (5) “Lowest-cost eligible plan” means an eligible plan currently  
21                   available for ordering at the qualifying individual’s address that has a total first

1 year cost that is at least as low as any other available eligible plan at such  
2 address, including any available low-income Internet plan.

3 (6) “Minimum performance standards” mean, initially, a download  
4 speed of at least 25 megabits per second, an upload speed of at least 5 megabits  
5 per second, and a latency that is not more than 150 milliseconds, which may be  
6 revised not more frequently than annually by the Department.

7 (7) “Monthly affordable rate” means, initially, \$25.00 per month,  
8 which may be revised not more frequently than annually by the Department.

9 (8) “Qualifying individual” means an individual who is eligible for  
10 participation in the federal Lifeline program, Vermont’s free and reduced lunch  
11 program, or any other State or federal COVID-Response emergency broadband  
12 benefit program.

13 (9) “Total first year cost” is the sum of all setup, installation, and  
14 equipment purchase charges and the sum of 12 monthly charges from an  
15 Internet service provider.

16 (c) Not later than 30 days after the effective date of this act, the Department  
17 shall publish policies and guidelines governing implementation of the  
18 Program, which at a minimum shall establish:

19 (1) with regard to financial assistance for qualifying individuals,  
20 standards that ensure:

1           (A) a qualifying individual does not pay more than the monthly  
2           affordable amount for the lowest cost eligible plan, inclusive of any recurring  
3           taxes and fees such as rental fees for equipment required to obtain service and  
4           usage fees;

5           (B) a qualifying individual is not liable for contract or installation  
6           fees;

7           (C) a qualifying individual has funds for purchasing necessary  
8           devices, including laptop and tablet computers, Wi-Fi hotspots, modems,  
9           antennas, and routers;

10           (D) a qualifying individual has access to funds and assistance for  
11           paying any arrearages for broadband subscriptions and establishing payment  
12           plans with his or her Internet service provider, if necessary;

13           (E) any award for financial assistance under this Program is offset by  
14           any other award of financial assistance under a State or federal broadband  
15           benefit program; and

16           (F) an Internet service provider does not discontinue a low-income  
17           Internet plan for the purpose of enrolling its subscribers in a State-subsidized  
18           plan;

19           (G) subsidies under the Program shall be reduced or eliminated as  
20           appropriate should a lower-cost eligible plan or a low-income Internet plan  
21           become available at the qualifying individual's address; and

1           (H) the standards shall have sufficient flexibility to allow substitution  
2           of qualified plans based on significant differences in actual delivery dates even  
3           if that results in not using the lowest-priced plan nominally available at the  
4           qualified individual’s address;

5           (2) application procedures and a timeline for accepting applications  
6           beginning on or before September 1, 2021;

7           (3) procedures for awarding grants to nonprofit or community-based  
8           organizations to provide digital literacy activities and technical support to  
9           qualifying individuals, which shall include:

10           (A) identifying available State and federal broadband benefit  
11           programs;

12           (B) providing outreach to qualifying individuals about the availability  
13           of State and federal broadband benefit programs;

14           (C) assisting qualifying individuals with applying for broadband  
15           benefits;

16           (D) providing information to qualifying individuals about product  
17           and technology choices as well as service options available from existing  
18           Internet service providers; and

19           (E) providing training and technical support to assist qualifying  
20           individuals with establishing an initial broadband connection, avoiding  
21           common pitfalls of Internet scams, keeping children reasonably safe from

1 undesirable content, promoting a basic awareness of measures to ensure online  
2 privacy and cybersecurity, and reducing cellular and video costs by using the  
3 capabilities of their broadband service;

4 (4) procedures to prevent, detect, and mitigate fraud, waste, error, and  
5 abuse; and

6 (5) procedures for ensuring the maintenance of adequate records to  
7 demonstrate compliance with this section.

8 (d) It is the intent of the General Assembly that financial assistance awards  
9 under this Program are available only to the extent a qualifying individual is  
10 not otherwise eligible for other broadband benefit programs that achieve the  
11 goals and purposes of the Program. Allocations of funds appropriated under  
12 this section should be adjusted to reflect the availability of other funding  
13 sources that support the goals and purposes of the Program.

14 (e) Financial assistance under the Program shall terminate when funds are  
15 depleted or December 31, 2024, whichever occurs first.

16 (f) Beginning January 15, 2022, the Department of Public Service shall  
17 provide to the Senate Committee on Finance, the House Committee on Energy  
18 and Technology, and the Joint Information Technology Oversight Committee  
19 quarterly progress reports on Program implementation as well as anticipated  
20 participation rates and costs.

1           (g)(1) To the extent consistent with federal law and guidance, the sum of  
2           \$19,800,000.00 is appropriated from the American Rescue Plan Act of 2021 in  
3           fiscal year 2021 to the Department of Public Service to fund the Digital Equity  
4           and Affordability Program established by this section. Such funds shall carry  
5           forward for the uses and based on the allocations set forth in subdivision (2) of  
6           this subsection.

7           (2) The sum appropriated in subdivision (1) of this section shall be  
8           allocated by the Department of Public Service as follows:

9           (A) In fiscal year 2022:

10           (i) \$5,800,000.00 for broadband installations and services; and

11           (ii) \$2,500,000.00 for grants to nonprofit or community-based  
12           organizations for the purposes specified in subdivision (c)(3) of this section

13           (B) In fiscal year 2023:

14           (i) \$9,000,000.00 for broadband installations and services; and

15           (ii) \$2,500,000.00 for grants to nonprofit or community-based  
16           organizations for the purposes specified in subdivision (c)(3) of this section.

17           (3) Beginning in fiscal year 2022 and continuing through fiscal year  
18           2025, the Department shall provide proposed expenditures under this Program  
19           as part of its fiscal year budget request or budget adjustment request, or both;

20           (4) Up to two percent of the sum appropriated in subdivision (1) of this  
21           section may be used for Program administration.

1       Sec. Y. LOW-INCOME INTERNET PLAN; CONDITION OF PUBLIC  
2                   FINANCING UNDER THIS ACT

3           (a) Notwithstanding any other provision of law to the contrary, an Internet  
4           service provider that receives public funding for network construction under a  
5           program funded by this act shall offer a low-income Internet plan with any  
6           broadband service it provides over such network and, not later than January 1,  
7           2025, shall offer a low-income Internet plan with any broadband service it  
8           provides over any other network it owns in Vermont.

9           (b) A subsidy paid to an Internet service provider on behalf of a qualifying  
10          individual under the Digital Equity and Affordability Program established in  
11          Sec. X of this act does not in and of itself require a provider to offer a low-  
12          income Internet plan pursuant to this section.

13          (c) As used in this section, “low-income Internet plan” has the same  
14          meaning as in Sec. X of this act.