



May 1, 2025

Members of the House Committee on Government Operations and Military Affairs:

My name is Christa Shute, I am the Executive Director of NEKCV, which is a 71-municipality communications union district of NEK Broadband and CVFiber. I also serve on the Executive Committee of the Vermont Communications Union District Association, VCUDA, as well as Chair of the Finance Committee for VCUDA. The purpose of my testimony is to support the VCUDA proposed amendment to the Open Meeting Law, provide some relevant background, and answer any questions you may have.

The purpose of the Open Meeting Law is to ensure that every member of the public, regardless of means, location, or access, has access to the information and decisions being made by public officials that may affect them. Broadband access equity is one of the main reasons that Communications Union Districts were formed. So we understand very well the importance of equity, particularly for those who do not necessarily have access to electronic means. We meet this equity access issue in several ways. First, in addition to posting all meetings on our website, all meetings are distributed to Town Clerks to be physically posted by the Town Clerk. Second, every electronic meeting has access to a phone-only option. We still have several board members who only phone in to meetings. Third, and this is especially important as a NEKCV is a district comprising 71 member towns and required by our board to ensure that all have access, we provide an opportunity for anyone to request a physical meeting location with 48 hours' notice for a regular meeting and 24 hours' notice for a special meeting.

Why have we asked for the statutory modification to create an exemption for physical meetings?

There is extremely little physical in-person attendance at any of the CUD's public meetings, such as a Governing Board Meeting, Executive Committee meeting, or Finance Committee meeting. NEK Broadband and CVFiber each had one guest attend a joint merger vote meeting. Apart from invited guests such as a member of the VCBF staff or contractors and potential vendors, we rarely have guests, even in the electronic sessions. The newer CUDs followed the lead of ECFiber in providing an opportunity for the public to request a physical meeting space. So, in the five years that 9 CUDs have had 1-5 meetings per month that either provided an option for the public to request a physical meeting or actually provided, after January 1, a physical location for attendance, no one has received a request for a public physical meeting space. Instead, we most often sit in a public space we have paid for, after hours, with no physical attendance. This is not an efficient use of time, money, or fuel.

Why is it a challenge?

Frequency: CUDs meet often. Our Executive Committees meet 2-3 times per month, our Finance Committees 1-2 times per month, and our Governing Boards 1-3 times per quarter.

Distance: Most CUDs have 20 or more towns. In NEKCV, there are more than 20 towns located more than 2.5 hours away from each other. Our physical location for meetings is in the Village of Island Pond in the Town of Brighton.

Office Space: Most CUDs do not have office space. They must either rent or reserve space for the meetings. Because the meetings are in the evenings and primarily in rural towns, it is sometimes difficult to secure a location. Coordinating with member towns requires time and energy from two entities - the district and the town. This is not an efficient use of time for either entity since members of the public do not attend in person.

Staff: Most CUDs do not have staff but rely on their operator partners. Volunteers must leave their home office to travel to a public location where they will not have access to multiple screens, etc. Staff are paid overtime to sit at the office, alone, rather than join the meeting from home.

Communications union districts are distinct in that they have no access to appropriated money. We are a body politic or municipality, which means that we can access the revenue bond market, and each member municipality contributes a representative to our governing board. We are also a body corporate or business, which means that everything related to the nature of our business of providing broadband can be, and often is, put into executive session because of the disadvantage it would put the CUD at relative to its business competitors.

Of the nine CUDs, the five CUDs that provide service directly to their customers all have 20 or more towns. Of the four CUDs that are partnered with Consolidated Communications, all but one have 10 towns or more. Southern Vermont CUD, which has only 7 towns, only meets once a quarter because they have completed their build.

We understand that some concern has been expressed regarding our proposal to provide an exception for districts of more than five towns or two counties. There are three items I offer for your consideration: (1) increase the number of towns; (2) mandate that any entity using the exception provide an opportunity for the public to request a physical location with 48 hours notice; and/or (3) create an exception for entities that do not receive funds generated by municipal taxing or assessment power (See 30 VSA 3056 for the prohibition of CUDs to receive monies from municipality taxing or assessment).

Thank you for your consideration,

Christa Shute
NEKCV
Executive Director

Member municipality count for CUDs that provision service directly to the residents of the district:

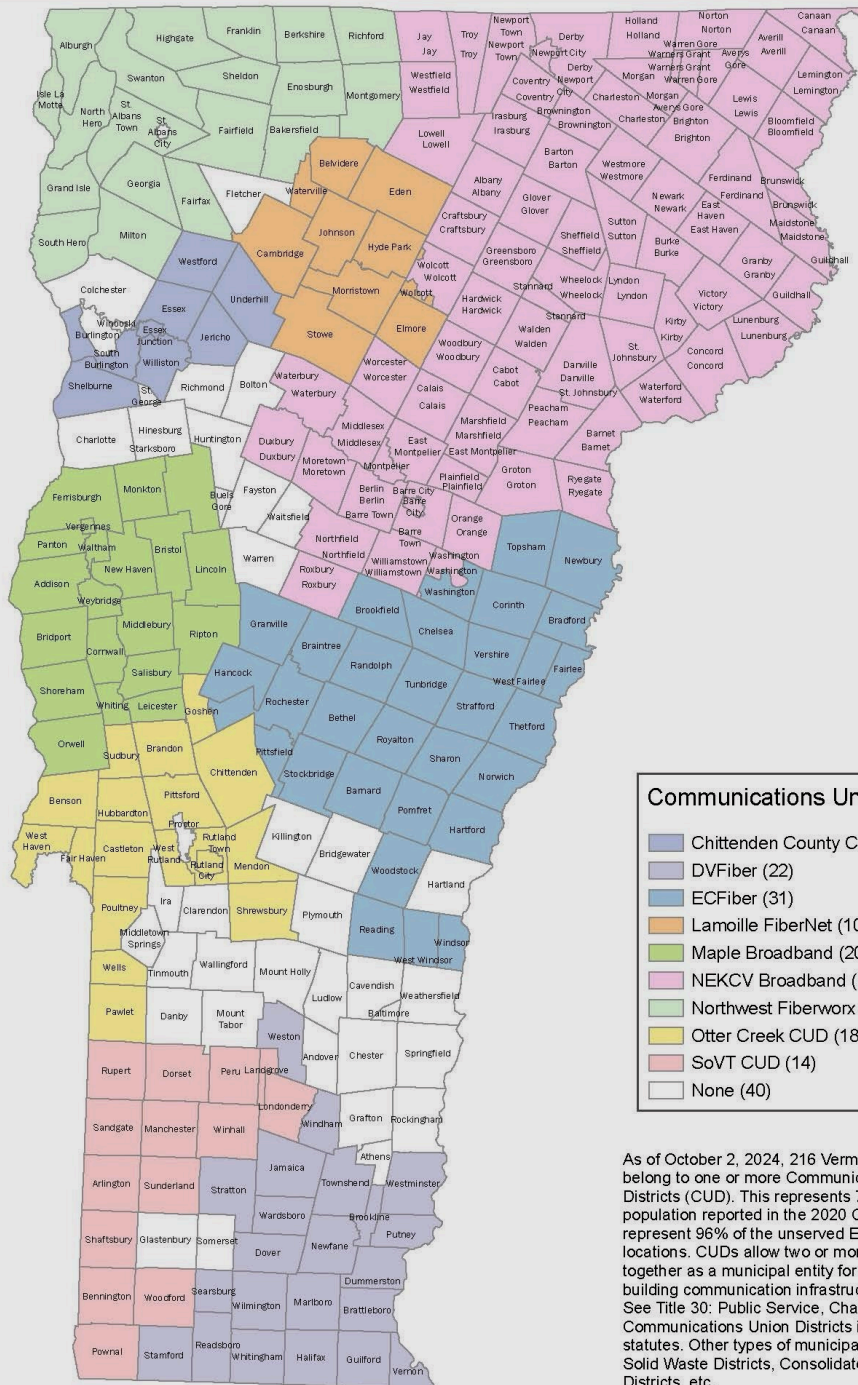
NEKCV	ECFiber	DVFiber	NWFX	Maple
71	31	24	22	20

CUDs that provision service to the residents through Consolidated Communications:

Otter	Chittenden	Lamoille	So.VT
17	10	10	7

Communications Union Districts

VERMONT
Vermont Community
Broadband Board
October 2, 2024



As of October 2, 2024, 216 Vermont municipalities belong to one or more Communications Union Districts (CUD). This represents 77% of Vermont's population reported in the 2020 Census. They represent 96% of the unserved E911 site locations. CUDs allow two or more towns to bond together as a municipal entity for a means of building communication infrastructure together. See Title 30: Public Service, Chapter 82: Communications Union Districts in Vermont state statutes. Other types of municipal districts include Solid Waste Districts, Consolidated Sewer Districts, etc.