

# AGENDA

## Broadband Advisory Council Meeting

June 9, 2023

10:00 a.m. to 12:00 p.m.

### In-Person Option:

Virginia Housing Center  
4224 Cox Road  
Glen Allen, VA 23060

### Virtual Option (via Microsoft Teams):

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 245 003 516 652

Passcode: 9eQ4HN

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 434-230-0065,,281238205#](#) United States, Lynchburg

Phone Conference ID: 281 238 205#

[Find a local number](#)

- I. Opening
  - a. Call to Order Chairman
  - b. Roll Call DHCD Staff
- II. Consent Agenda Chairman
  - a. Approval of Minutes: January 20, 2023 Meeting
- III. Office of Broadband Updates Tamarah Holmes, Ph.D,  
Director, Office of Broadband and Staff
  - a. Virginia Telecommunication Initiative Projects & FY23 Awards
  - b. Infrastructure Investments and Jobs Act Broadband Programs
    - a. Broadband Equity, Access, and Deployment Program
      - 1. Listening Session Recap
      - 2. Volume 1 Initial Proposal Overview
- IV. State Digital Opportunity Plan Work Session DHCD Staff
- V. Public Comment Chairman
- VI. New Business Council Members
- VII. Adjournment Chairman

**BROADBAND ADVISORY COUNCIL**  
**UNAPPROVED MINUTES**  
 January 20, 2023  
 1:00 PM  
 Pocahontas Building  
 900 E. Main St., Richmond, VA 23218  
 Senate Room A  
 Virtual Option provided via Google Meet

Members Present

Senator Jennifer Boysko, Chair  
 Delegate Kathy Byron, Vice Chair  
 Senator Ghazala Hashmi  
 Senator Lynwood W. Lewis  
 Delegate David Reid  
 Secretary Caren Merrick  
 Secretary Matt Lohr  
 James Carr  
 Mike Culp  
 Kristie Helmick Proctor  
 Casey Logan  
 Ray LaMura  
 Steve Sandy  
 Richard Schollman

Members Absent

Delegate James Leftwich  
 Delegate Thomas Wright, Jr.

Call to Order	Senator Jennifer Boysko, Chair of the Broadband Advisory Council, called the meeting to order at 2:03 p.m.
Roll Call	Chandler Vaughan, Senior Policy Analyst at the Office of Broadband, called the roll and stated that a quorum was present.
Election of Chairman and Vice Chairman	<p>Senator Jennifer Boysko, Chair of the Broadband Advisory Council, opened the floor for nominations for Chair to the Council.</p> <p>A motion was made and properly seconded to nominate Delegate Kathy Byron as Chair. Delegate Byron accepted the nomination.</p> <p>Hearing no further discussion, Senator Boysko closed the floor to nominations. Delegate Byron was elected Chair via unanimous roll call vote.</p> <p>Chair Byron opened the floor for nominations for Vice Chair to the Council.</p>

	<p>A motion was made properly seconded to nominate Senator Boysko as Vice Chair.</p> <p>Hearing no further discussion, Chair Byron closed the floor to nominations. Senator Boysko was elected Vice Chair by unanimous voice vote.</p>
Approval of Minutes: September 30, 2022 Meeting	A motion was made and properly seconded to approve the minutes of the September 30, 2022 meeting of the Broadband Advisory Council. The vote was unanimous to adopt the minutes as presented.
Office of Broadband Updates	Dr. Tamarah Holmes, Ph.D., Director of the Office of Broadband and Cole McAndrew, Policy Planner in the Office of Broadband provided an overview of Office of Broadband efforts, including the progress of Virginia Telecommunication Initiative projects, the Broadband Equity, Access, and Deployment Program, state programs under the federal Digital Equity Act, Student Broadband Availability and Affordability Collection, as well as the newly released Commonwealth Digital Affordability and Cost Effectiveness Plan.
Railroad Crossings and Broadband Infrastructure	Several representatives from internet service providers and railroads provided remarks on the process of crossing railroad lines with wireline broadband infrastructure, including ongoing challenges faced by internet service providers in this process.
Broadband Legislation in 2023 General Assembly Session	Several members of the Broadband Advisory Council noted legislation before the General Assembly during the 2023 Session. Discussion topic areas included additional funding for the Virginia Telecommunication Initiative, budget amendments regarding the income restrictions of the Line Extension Customer Assistance Program, and appointment of State Corporation Commission Commissioners in relevance to timely consideration and approval of broadband related matters.
Public Comment	No public comment was provided at the meeting.
New Business	No new business was provided at the meeting.
Adjournment	Upon a motion made and properly seconded, the meeting was adjourned.



# Broadband Advisory Council

## June 2023 Meeting

Department of Housing and  
Community Development

June 9, 2023



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AND COMMUNITY DEVELOPMENT  
*Partners for Better Communities*



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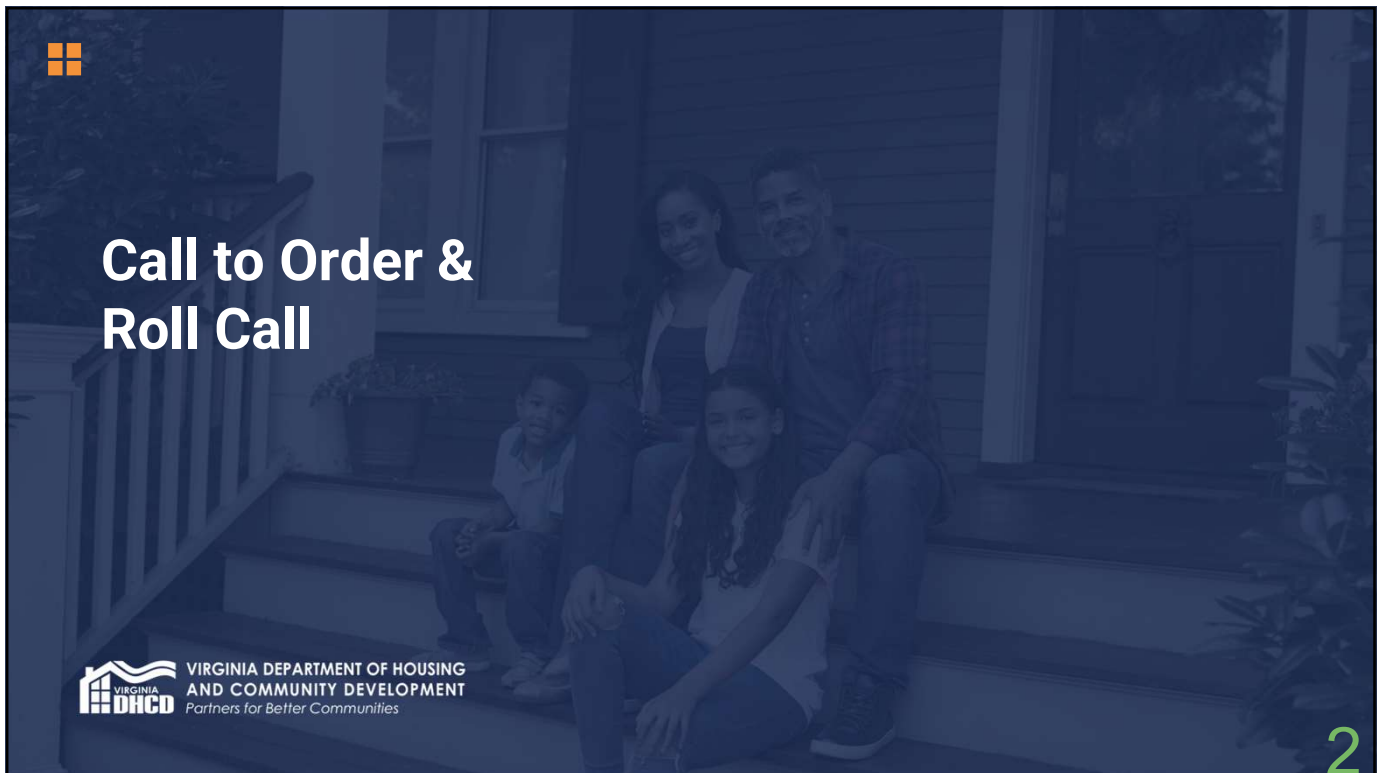
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# Call to Order & Roll Call



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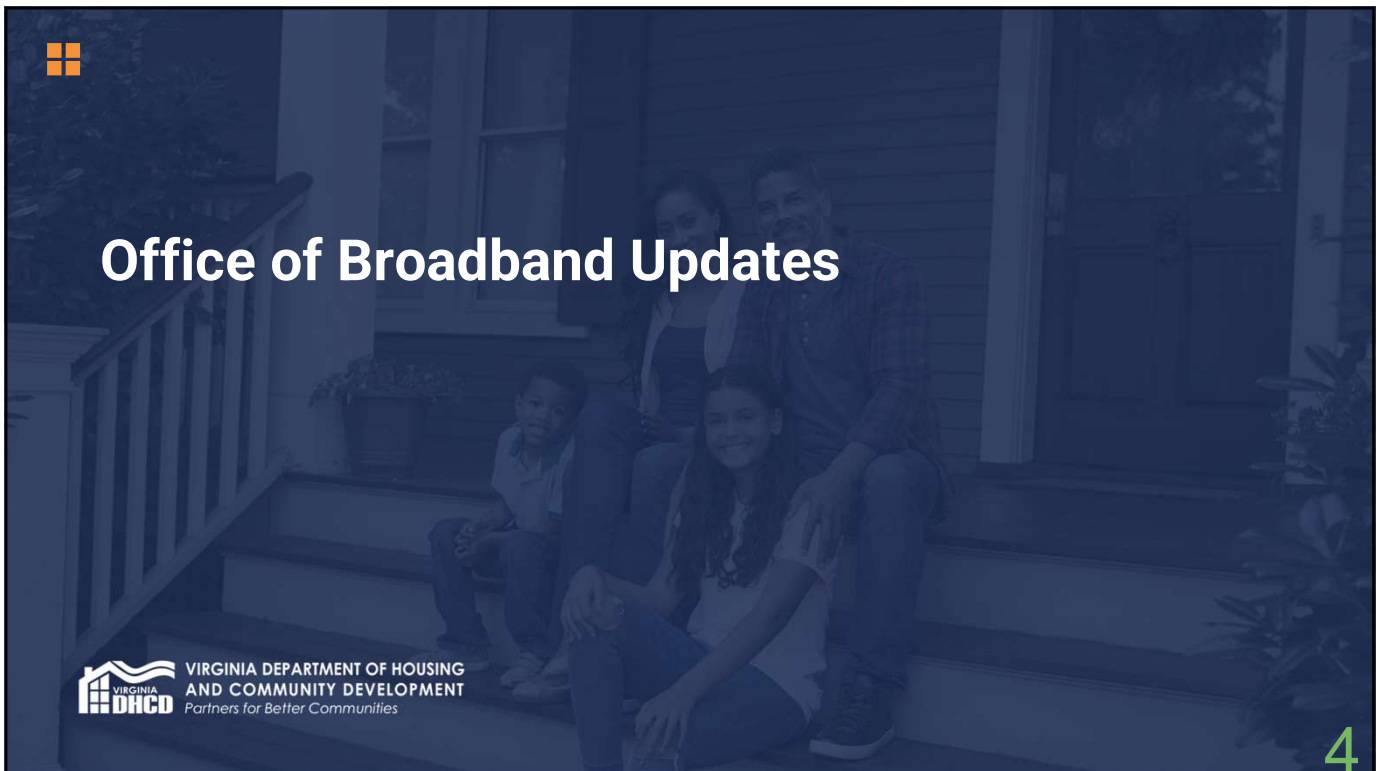



# Approval of Minutes January 20, 2023 Meeting

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# Office of Broadband Updates

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# Virginia Telecommunication Initiative Projects & FY23 Awards



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## ■ FY2023 Virginia Telecommunication Initiative Awardees

### Applications

- Received 35 applications requesting over \$300 million
- Awarded 14 projects, including 1 letter of intent

### Awards

- Over \$59.5 million in state general funding
- Serving over 29,400 homes, businesses and community anchor institutions
- Including over 20 localities
- 5 'new' localities with no previous VATI project
- Leverages more than \$118.6 million in local and private sector matching funds.



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## ■ FY2023 Virginia Telecommunication Initiative Awardees

Locality/Organization	Project Name	Award
Essex County	Essex County VATI 2023	\$8,753,009
Southside Planning District Commission	Regional Fiber Broadband Project Phase 2	\$8,556,028.84
West Piedmont Planning District Commission	2023 WPPDC East Universal Broadband Project	\$8,155,864
Caroline County	VATI 2023 Eastern Caroline	\$6,446,000
Shenandoah County	Shenandoah County VATI Broadband Grant Application 2023	\$4,936,968
West Piedmont Planning District Commission	2023 WPPDC Pittsylvania County Universal Broadband Project	\$3,548,250
Greensville County	Greensville County - Verizon FY23 VATI Project	\$2,956,774.80
Orange County	Orange County FiberLync VATI FY23 Project	\$2,181,000
Caroline County	VATI 2023 Western Caroline	\$2,032,334
Bedford County	Bedford County and Shentel 2023 VATI Grant Application	\$1,373,161.74
Floyd County	Floyd County: Extending Fiber Along Private Roads and Apartments	\$1,339,387
Chesterfield County	Chesterfield VA VATI 2023 Application	\$755,523
Henrico County	Henrico County Universal Broadband Project	\$501,620
West Piedmont Planning District Commission	2023 West Piedmont Planning District Commission West Universal Broadband Project ( <i>Letter of Intent</i> )	\$8,013,600
<b>TOTAL:</b>		<b>\$59,549,520.38</b>

## ■ Virginia Telecommunication Initiative Awards to Date

The VATI Program has allocated over \$935 million in state and federal funding.

Over 388,000 locations in 80 cities and counties across the Commonwealth.

Leveraging over \$1.1 billion in matching funds from localities and ISPs.

## ■ Virginia Telecommunication Initiative Cumulative Award Map

This map will feature color coded counties and cities included in VATI projects by award year and will be included in the presentation to the Broadband Advisory Council

## ■ Existing Virginia Telecommunication Initiative Awards

Over **50,000** locations have broadband access through VATI FY21 and FY22 investments as of May 2023. There were a total of **307,047** locations in these award years

DHCD is working with other organizations to reduce barriers to construction

- Conversations with workforce development organizations
- Partnership with Virginia 811 to streamline the utility locate process



# Broadband Equity, Access, and Deployment Program (BEAD) 101



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## ■ BEAD Program: Delivering Universal Broadband Access to Virginians

Since 2017, Virginia has allocated over \$935 million in state and federal funding to extend broadband infrastructure to over 388,000 locations in 80 cities and counties across the Commonwealth through the Virginia Telecommunication Initiative (VATI).

The Infrastructure Investments and Jobs Act included \$42.5 billion for state broadband deployment programs under the BEAD Program (Broadband Equity, Access, and Adoption). Specific planning requirements are attached to these funds. Funds will be distributed through a formula allocation.

These funds, along with continued investment by the Governor and General Assembly in VATI, position Virginia to be the first large state nationally to obligate funds to provide broadband access to all unserved locations. If funds remain beyond this effort, priorities under broadband affordability and adoption can be explored.

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## ■ What is the Broadband Equity Access and Deployment (BEAD) Program?

- **Background:** The Infrastructure and Investment Act allocated \$42.45 billion in broadband program funding for planning, infrastructure deployment, and broadband adoption (non-deployment) programs. Funds will be distributed through a formula allocation.
- **Purpose:** Provide funding to U.S. states and territories to end the disparity in access to broadband infrastructure and begin to address affordability and adoption programs.
- **What it means for Virginia:** Opportunity to continue Commonwealth investments in broadband expansion (VATI) with federal dollars (Virginia's BEAD allocation), and to explore affordability and adoption programs.

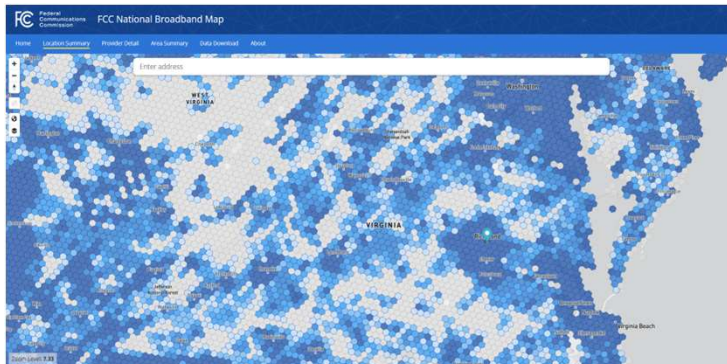


## ■ Planning Efforts and Stakeholder Engagement To Date

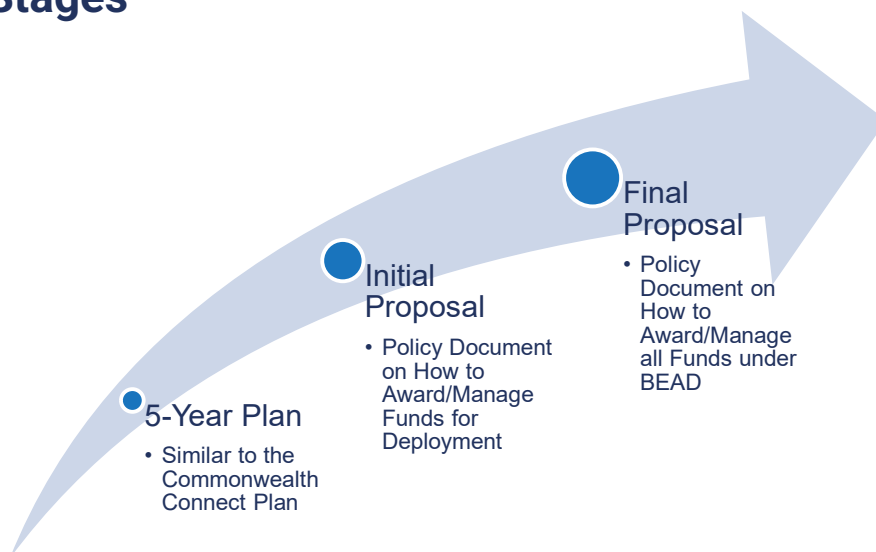
- The Office of Broadband has conducted 4 Listening Sessions with key stakeholder groups:
  - Local Governments
  - Tribal Governments
  - Internet Service Providers
  - Non-Profits and Community Organizations
- Feedback will inform development of the 5-Year Plan and Initial Proposal
- Virginia continues to work with the National Telecommunications and Information Association to ensure timely and streamlined review of BEAD Planning Documents

## BEAD Funding

- \$42.5 billion available nationally
- Formula based on number of unserved locations in each state/territory
- Each state will receive a minimum initial BEAD allocation of \$100 million.
- Funding by state announced on/before June 30, 2023.
- **FCC unserved locations do not match Virginia mapping data collected through Commonwealth Connection**



## BEAD Stages



## BEAD Timing – NTIA Timeline

Program Sequencing	Key Dates
NOFO Release/Application Intake Opening	May 13, 2022
Letter of Intent Due	July 18, 2022, by 11:59 p.m. EDT
Request for Initial Planning Funds Due	August 15, 2022, by 11:59 p.m. EDT
Five-Year Action Plan	Within 270 days of receipt of Initial Planning Funds ( <b>By August 13, 2023</b> )
Program Fund Allocation and Notice of Available Amounts	After FCC Broadband DATA Maps are made public ( <b>By June 30, 2023</b> )
Initial Proposal	180 days to submit after issuance of their Notice of Available Amounts ( <b>By December 30, 2023</b> )
State Challenge Process	Challenge: Begin after submission of Initial Proposal and before allocating BEAD funds Final Classification: After resolving each challenge and at least 60 days before allocating grant funds for network deployment
20 Percent Funding Release	Assistant Secretary shall make available to the Eligible Entity 20% of the grant funds <b>when Initial Proposal is approved</b>
Final Proposal and Release of Remaining Funds	No later than twelve (12) months after the date upon which the Assistant Secretary approves the Eligible Entity's Initial Proposal

## BEAD Mandated Priorities onto States and Territories in Order

*Based on Funding Availability*

- 1st** – Reach Unserved Areas, lacking 25/3 internet speeds
- 2nd** - Reach Underserved Areas, lacking 100/20 internet speeds
- 3rd** – Programs that supplement deployment (workforce development)
- 4th** – Connecting Community Anchors and support Broadband Adoption Programs
- 5th** – Other Non-Deployment Uses

*These activities can be conducted in tandem, provided anticipated funding can cover all priorities.*

## Office of Broadband BEAD Guiding Principles

- Obligate funds and deliver projects to the remaining unfunded unserved locations in the Commonwealth that can be reached through a cost-effective solution
- Implement as many VATI elements into BEAD as possible
- Maintain momentum by accelerating submission of mandated BEAD 5-Year plan and the Initial Proposal
- Conduct robust stakeholder input to develop broadband affordability and adoption programs for Final proposal

# Broadband Equity, Access, and Deployment Program (BEAD)

## Initial Proposal Volume 1



## Volume 1 Contents

**4 Sections** - *Requirements 3, 5, 6 & 7 in the BEAD NOFO*

1. Inventory of existing broadband funding at work in Virginia
2. Identify all unserved and underserved locations
  - Unserved, by BEAD definition, is lacking access to 25/3
  - Underserved, by BEAD definition, is lacking access to 100/20
3. Identify Community Anchor Institutions (CAIs)
  - BEAD Funding can be used to deploy Gigabit Symmetrical access to CAIs
4. The BEAD Challenge Process
  - Follows the draft template outlined by NTIA



## Volume 1 Contents – NOFO Language

3. Identify existing efforts funded by the federal government or an Eligible Entity within the jurisdiction of the Eligible Entity to deploy broadband and close the digital divide, including in Tribal Lands.
5. Identify each unserved location and underserved location under the jurisdiction of the Eligible Entity, including unserved and underserved locations in applicable Tribal Lands, using the most recently published Broadband DATA Maps as of the date of submission of the Initial Proposal, and identify the date of publication of the Broadband DATA Maps used for such identification.
6. Describe how the Eligible Entity applied the statutory definition of the term “community anchor institution,” identified all eligible CAIs in its jurisdiction, identified all eligible CAIs in applicable Tribal Lands, and assessed the needs of eligible CAIs, including what types of CAIs it intends to serve; which institutions, if any, it considered but declined to classify as CAIs; and, if the Eligible Entity proposes service to one or more CAIs in a category not explicitly cited as a type of CAI in Section 60102(a)(2)(E) of the Infrastructure Act, the basis on which the Eligible Entity determined that such category of CAI facilitates greater use of broadband service by vulnerable populations.
7. Include a detailed plan to conduct a challenge process as described in Section IV.B.6.

## Volume 2: What's Coming Next

*Awaiting NTIA guidance on specifics, but generally:*

- Long Term Objectives
- Local Engagement Strategies
- Initiatives to Aide Deployment Efforts
- Strong Labor Requirements & Assess Climate Threats
- Programmatic Components
  - Process & Dates
  - Cost per location at which non-fiber solutions are considered
  - Evaluation criteria of proposals
  - Level of geography mandated for proposals

*Comprehensive list in BEAD NOFO, Pages 30-32*

## Why Two Volumes?

- Recommended by NTIA, the BEAD administrators
- Enables Accelerated Review of Proposals by NTIA
  - Guidance has only been issued for Volume 1
  - Awaiting Guidance/Template on Volume 2
  - Directs focus to the first parts of the process that can be reviewed/conducted prior to approval of Volume 2 Components
- Accelerates Implementation of BEAD
  - Once approved, the challenge process will start while Volume 2 is under consideration of NTIA



## Volume 1 Contents

### Section 1: Inventory of Existing Funding

#### Section 1 Key Points

- A comprehensive list of all state and federal funding at work in the Commonwealth, including the dollar amount, if available.
- Includes both deployment and non-deployment programs
- Deployment programs identified in Volume 1 include:

Virginia Telecommunication Initiative	Line Extension Customer Assistance Program	Affordable Connect America Model (ACAM)
Connect America Fund	Rural Digital Opportunity Fund	ReConnect & Other U.S. Dept. of Agriculture Programs
	CARES Act Broadband Programs	



## Volume 1 Contents

### Section 2: Identify Unserved/Underserved Locations

### Section 3: Identify & Define Community Anchor Institutions

#### Section 2 Key Points

- After consideration of public comments and approval of Volume 1 by NTIA at the start of the challenge process, DHCD will publish a list of unserved and underserved locations on the Virginia Open Data Portal.
- This list is proposed in the draft Volume 1 to be solely based on the FCC National Broadband Map.

#### Section 3 Key Points

- DHCD proposes to adopt the VATI definition of Community Anchor Institutions for the purposes of BEAD
- Per the BEAD NOFO, these locations will be eligible for broadband deployment under BEAD if the location does not have access to gigabit symmetrical service

**Proposed CAI Definition:** Schools, libraries, medical and health care providers, public safety entities, community colleges and other institutions of higher education, and other community support organizations and agencies that provide outreach, access, equipment, and support services to facilitate greater use of broadband service by vulnerable populations, including low income, unemployed, and the aged.





## Volume 1 Contents

### Section 4: The Challenge Process

#### Section 4 Note

- This process is derived from the draft model challenge process published by NTIA for public comment
- As of the release of this document, NTIA remains under the review period of these comments and will publish a Final BEAD Model Challenge Process with consideration of this public comment. Comments received on this Draft BEAD Model Challenge Process will be considered in relevance to the Final BEAD Model Challenge Process when released by NTIA for incorporation into this document.

#### Section 4 Key Points

- This is a substantially different process than the VATI Challenge Process for State General Funds
- ‘Starting Point’ is the new FCC National Broadband Map list of unserved/underserved locations
- Timeline and phases are the model published by NTIA in their draft challenge process guidance



## Volume 1 Contents

### Section 4: The Challenge Process

#### Major Differences from the Traditional VATI Challenge Process

- The BEAD Challenge Process is one-time and occurs at the start, before applications are designed by internet service providers
- Challenges can be in either ‘direction’ to claim areas are unserved or are/will be served
- Challenges submitted at the location level
  - Bulk submissions will be accommodated
- Challenge portal is being established to accommodate this process
- Submitted challenges and rebuttals will be posted before final determinations are made (Personally identifiable information not included)



## Volume 1 Contents

### Section 4: The Challenge Process

#### Starting Point: FCC's National Broadband Map V2, Refined by State Challenges

Over 1.9 Million Challenges Submitted *Challenges to service assertions not locations*

Over 400,000 Challenges Sustained

79,971 additional Unserved Locations on V2 of the Nat. Broadband Map

381,812 total Unserved Locations (Lacking access to 25/3 speeds)

61,365 additional Underserved Locations (Between 25/3 and 100/20 access)

*These numbers do not consider state and federally funded areas, which generally will not be overbuild with BEAD funding.*



## Volume 1 Contents

### Section 4: The Challenge Process

#### Timeline and Model

- **Publication of Eligible Locations**
  - DHCD publishes list of unserved/underserved locations and community anchor institutions to the Open Data Portal.
- **Challenge Phase**
  - Over the 30 calendar days after these locations are published, local and tribal governments, internet service providers, and nonprofit organizations may challenge the map to claim locations are served or unserved under multiple criteria.
- **Rebuttal Phase**
  - Internet service providers will be notified of challenges on a rolling basis and have 15 business days from the notification of a challenge to provide rebuttal information.
- **Final Determination Phase**
  - Within 30 calendar days after receiving a rebuttal, the broadband office will make a final challenge determination.



# Volume 1 Contents

## Section 4: The Challenge Process

### Eligible Challenge Criteria

*Challenge evidence and permissible rebuttal criteria are also established in Volume 1*

#### Criteria to Challenge a Location as Unserved or Underserved

- The broadband service identified is not offered at the location, including a unit of a multiple dwelling unit (MDU).
- The actual speed of the fastest available service tier falls below the unserved or underserved thresholds.
- The round-trip latency of the broadband service exceeds 100 ms
- The only service plans marketed to consumers impose an unreasonable capacity allowance (“data cap”) on the consumer.
- The technology indicated for this location is incorrect
- The location is residential, but the service offered is marketed or available only to businesses.
- This location is in an area that is subject to an enforceable commitment to less than 100% of locations and the location is not covered by that commitment. (See BEAD NOFO at 36, n. 52.)



# Volume 1 Contents

## Section 4: The Challenge Process

### Eligible Challenge Criteria

*Challenge evidence and permissible rebuttal criteria are also established in Volume 1*

#### Criteria to Challenge a Location as Served

- The challenger has knowledge that broadband will be deployed at this location by the date established in the deployment obligation.
- The challenger has knowledge that broadband will be deployed at this location by June 30, 2024, without an enforceable commitment or a provider is building out broadband offering performance beyond the requirements of an enforceable commitment.

#### Challenges Regarding Community Anchor Institutions (CAI)

- The location should be classified as a CAI.
- The location is currently labeled as a CAI but is a residence, a non-CAI business, or is no longer in operation.

# Discussion & Questions



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## State Digital Opportunity Plan Work Session



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**Public Comment**

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**New Business**

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# Adjournment



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