



**VIRGINIA DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT**

Utility Leverage Program – Unserved Certification Guidelines

Input Session

October 12, 2021

Partners for Better Communities

Agenda

Welcome	Tamarah Holmes, Ph.D., Director Office of Broadband
Overview of Utility Leverage Program – Unserved Certification Draft Guidelines	Tamarah Holmes, Ph.D., Director Office of Broadband Chandler Vaughan, Policy Analyst, Office of Broadband
Questions and Answers	Lonnie Hamilton, Broadband Planner
Next Steps	Tamarah Holmes, Ph.D., Director Office of Broadband

Unserved Certification Program

- Pursuant to “§ 56-585.1:9” of the Code of Virginia, petitioners may submit proposed project areas to the Department of Housing and Community Development (DHCD) to be designated as unserved by broadband.
- The unserved designation shall be made following public notice of the proposed finding and an opportunity for third parties to challenge such finding.
- Unserved certification is a step in the consideration process of investor-owned utilities to provide or make available broadband capacity to Internet service providers in areas unserved by broadband.

Utility Leverage Program – Unserved Certification Draft Guidelines

New Proposed Guideline:

- If the petition is submitted by an entity other than a Phase I or Phase II Utility, the petitioner must provide a copy of the executed Memorandum of Agreement (MOA) or Memorandum of Understanding (MOU) with an investor owned utility indicating intent that the Phase I or Phase II Utility intends to partner with the petitioner to provide or make available broadband capacity to internet service providers in the petition area.

New Proposed Guideline:

- All shapefiles submitted by the petitioner must exclude state and authorized federal awards in the proposed project areas.

Definition

Authorized - federal awards that have received final approval for funding

Proposed Guideline Revision:

- Challengers must demonstrate that serviceable units in the project area have access to speeds above 25/3 mbps as of the date of the challenge submission deadline or that the petition is ineligible as a result of committed state or federal funding subject to the conditions described above.

Proposed Guideline Edit:

- Street level data of serviceable units within the proposed project area and provide the speeds those serviceable units are able to receive.

Proposed Deletions:

- Street level data of customers receiving service within the proposed project area.
- Using the project area map submitted by the applicant, create a map indicating where the challenger's serviceable units are located in the proposed project area. Challengers are encouraged to submit additional maps and information if necessary.

Proposed Guideline Revisions:

- DHCD will post electronic copies of all submitted petitions to the agency website within seven (7) days after they are received.
- Providers wishing to submit a challenge must provide the information required in this section no later than thirty (30) days from the date the petition is posted on the agency website.
- Petitioners will be notified if their proposed project area is being challenged and will have seven (7) days from notification of a challenge to provide rebuttal information to DHCD
- DHCD may extend any portion of the review period if petition volume or other circumstances necessitate extension.
- If petition volume or circumstances necessitate an extension, final notification will be issued no later than 45 days after challenge window has closed.

Next Steps & Contact

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| October 15 | Public Comment Window Closes |
| October 29 | Updated Unserved Certification Guidelines Released |
| November 8 | Final Guidelines Posted to Town Hall |

Office of Broadband

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