

1 TO THE SENATE COMMITTEE ON APPROPRIATIONS:

2 Regarding the broadband connectivity provisions in H.966, the Committee  
3 on Finance recommends that the Senate propose to the House the following  
4 CRF appropriations:

5 **Revisions based on 6/24 Committee Discussion in Blue**

6 **Subsequent Suggested revisions from Senator Pearson in Yellow**

7 **Newest language in magenta, 6/25 at 1:26 p.m.**

8 **[Total \$20,000,000 CRF Appropriation]**

9 \* \* \* COVID-Response Accelerated Broadband Connectivity Program \* \* \*

10 Sec. 1. COVID-RESPONSE ACCELERATED BROADBAND  
11 CONNECTIVITY PROGRAM

12 (a) \$17,433,500.00 is appropriated to the COVID-Response Accelerated  
13 Broadband Connectivity Program, a newly established program administered  
14 by the Commissioner of Public Service, consistent with the requirements of  
15 this section. The purpose of the Program is to rapidly and significantly  
16 increase broadband connectivity consistent with the federal parameters  
17 applicable to expenditures under the Coronavirus Relief Fund in a manner that  
18 best serves the State’s goal of achieving universal 100 Mbps symmetrical  
19 service by 2024 as specified in 30 V.S.A. § 202c. To achieve this purpose, the  
20 Commissioner is given broad discretion to allocate funding, as he or she deems

1 appropriate, subject to legislative oversight as required under subsection (m) of  
2 this section, to support the following programs and initiatives:

3 (1) The COVID-Response Line Extension Customer Assistance  
4 Program established in subsection (b) of this section.

5 (2) The Get Vermonters Connected Now Initiative established in  
6 subsection (c) of this section.

7 (3) The COVID-Response Temporary Broadband Lifeline Program  
8 established in subsection (d) of this section.

9 (4) The Connectivity Initiative established under 30 V.S.A. § 7515b for  
10 projects that can be completed consistent with the parameters of Coronavirus  
11 Relief Fund eligible expenditures, including fixed wireless projects.

12 (5) Wi-Fi deployment as specified in subsection (g) of this section.

13 (b) There is established the COVID-Response Line Extension Customer  
14 Assistance Program, the purpose of which is to provide financial assistance for  
15 the customer costs associated with line extensions to unserved locations. The  
16 Commissioner shall develop guidelines and procedures to implement this  
17 Program and may incorporate relevant provisions of PUC Cable Rule 8.313,  
18 including the formula for assessing contributions in aid of construction.

19 Conditions of the Program shall include the following:

20 (1) An unserved location means an area without access to 25/3 Mbps.

21 (2) Per customer financial assistance may not exceed \$3,000.00.

1           (3) Locations eligible for financial assistance shall provide to the  
2           Department data related to connectivity needs as they pertain to remote  
3           learning, telehealth, and telework needs.

4           (4) A health care provider may apply for assistance on behalf of a  
5           patient residing in Vermont for a line extension so that the patient can receive  
6           telehealth or telemedicine services from the health care provider. Any K–12  
7           educational institution, including a public or private school or school district,  
8           may apply for a line extension on behalf of a student, provided the student’s  
9           service location is in Vermont and the student needs the broadband service to  
10           receive remote instruction from the educational institution.

11           (5) Funds under this Program shall be available for the most cost-  
12           effective and site- appropriate line extension. Funds shall be disbursed on a  
13           rolling basis until funds in the Program are expended or December 20, 2020,  
14           whichever occurs first.

15           (c) There is established the Get Vermonters Connected Now Initiative.  
16           Notwithstanding any provision of law to the contrary, funds shall be  
17           distributed through the Connectivity Initiative established under 30 V.S.A.  
18           § 7515b, and are available for projects in areas otherwise considered served  
19           under the Connectivity Initiative. The purpose of the Program is to provide  
20           financial assistance to Internet service providers to offset the customer costs of  
21           fiber-to-the-premises installations, which include underground conduit

1 installations, where required, and service drops. The Commissioner shall  
2 prioritize projects involving installation of underground conduit, where  
3 required, that would result in broadband access to low-income households with  
4 remote learning, telehealth, and telework needs.

5 (d) To the extent it is administratively feasible within the time constraints  
6 of section 601(d) of the Social Security Act, the Department may establish a  
7 COVID-Response Temporary Broadband Lifeline Program to provide  
8 subsidies for customer broadband monthly subscriptions to increase broadband  
9 adoption rates in response to the COVID-19 public health emergency.

10 (e) Up to \$50,000.00 of funds appropriated under this section may be used  
11 to reimburse the Department of Public Service and the Agency of Digital  
12 Services for any costs associated with the deployment of Wi-Fi hotspots not  
13 covered by the Federal Emergency Management Agency.

14 (f) The Commissioner shall establish guidelines and procedures consistent  
15 with Section 601(d) of the Social Security Act and shall incorporate provisions  
16 for ensuring, to the greatest extent possible and based on the best available  
17 data, that the Program will significantly increase broadband capacity for  
18 distance learning, telehealth, and telework during the public health emergency.  
19 To that end, projects funded under this Program shall reflect the Department's  
20 ongoing efforts with both the Agency of Education and the Vermont Program  
21 for Quality in Health Care, Inc. to identify addresses and clusters of students or

1 vulnerable or high-risk Vermonters, or both, who do not have access to  
2 broadband connectivity. In addition, the guidelines shall attempt to direct  
3 funds under the Program to projects designed to serve economically-  
4 challenged communities.

5 (g) Any new services funded in whole or in part by monies from this  
6 Program shall be capable of speeds of at least 25 Mbps download and 3 Mbps  
7 upload; however, priority shall be given to services that are capable of 100  
8 Mbps symmetrical service and to fixed wireless served by fiber backhaul.

9 (h) The location and capacity of infrastructure funded through this Program  
10 shall be part of a permanent, public database maintained by the Department.

11 (i) If a proposed project under the Program is in the service territory of a  
12 communications union district, the Commissioner shall seek input from the  
13 affected communications union district with respect to how the project might  
14 impact the district's broadband deployment plans and whether the district  
15 supports the proposed project. The Commissioner shall consider any input  
16 received within a reasonable period of time in making a final determination  
17 with regard to awarding financial assistance under the Program to the proposed  
18 project.

19 (j) The Commissioner may retain up to 40 percent of an award of financial  
20 assistance under this section until he or she determines that eligible expenses

1 have been incurred and properly documented by the intended recipient in a  
2 form and manner prescribed by the Commissioner.

3 (k) Funds under the Program shall not be used to support a provider’s costs  
4 associated with line extensions otherwise required to be constructed pursuant  
5 to a certificate of public good granted under 30 V.S.A. chapter 13.

6 (l) The Commissioner shall consider and coordinate with existing  
7 stakeholders and initiatives, including VELCO and FirstNet, to leverage  
8 private and public assets to the greatest extent possible in furtherance of the  
9 objectives of this Program.

10 (m) On or before July 31, 2020 and every month thereafter until December  
11 1, 2020, the Commissioner shall provide to the Joint Information Technology  
12 Oversight Committee, the Senate Committee on Finance, and the House  
13 Committee on Energy and Technology a status report on the Program that  
14 identifies funding distributions to date, the amount of funds that remain  
15 available for distribution, and plans for awarding available funds on or before  
16 December 20, 2020. Based on the information obtained in the reports required  
17 by this subsection, the Joint Information Technology Oversight Committee  
18 may submit recommendations to the Joint Fiscal Committee concerning  
19 reprioritization or reallocation of Program funds, as deemed appropriate. The  
20 Committee’s recommendations may include a proposal for waiving Program  
21 requirements, including the requirement that projects funded under the

1 Program support service that is capable of speeds of at least 25 Mbps  
2 download and 3 Mbps upload. The Joint Information Technology Oversight  
3 Committee also may recommend to the Joint Fiscal Committee that  
4 unexpended funds appropriated to this Program be reallocated to another State  
5 program better able to meet the needs of Vermonters within the parameters of  
6 eligible Coronavirus Relief Fund expenditures.

7 (n) Any unexpended funds under the Program as of December 20, 2020  
8 shall be returned to the State Coronavirus Relief Fund.

9 (o) Personal information submitted under the Program is confidential and  
10 exempt from disclosure under the Public Records Act. Such information may  
11 only be disclosed publicly in an anonymized and aggregated format.

12 (p) The Program shall sunset on January 1, 2021. The Department shall be  
13 the successor in interest to any remaining rights, liabilities, and obligations.

14 (q) The Telecommunications and Connectivity Advisory Board shall have  
15 review and nonbinding approval authority with respect to the awarding of  
16 provider grants under the Program. The Commissioner shall have sole  
17 authority to make the final decision on grant awards, as provided in 30 V.S.A.  
18 § 202f(g).

19 \* \* \* COVID-Response Connected Community Resilience Program \* \* \*

20 Sec. 2. COVID-RESPONSE CONNECTED COMMUNITY RESILIENCE  
21 PROGRAM

1       (a) The sum of \$800,000.00 is appropriated to the COVID-Response  
2       Connected Community Resilience Program, a grant program to be  
3       administered by the Commissioner of Public Service. The purpose of the  
4       Program is to fund recovery planning efforts of communications union  
5       districts, particularly with regard to accelerating their deployment schedules.  
6       Accelerated deployment is necessary in direct response to the COVID-19  
7       public health emergency, which has caused communications union districts to  
8       rapidly reassess the connectivity needs in their respective service areas and to  
9       reevaluate their deployment objectives going forward, either independently or  
10       collaboratively. Conditions of the Program shall include the following:

11               (1) Costs eligible for funding under this Program include consultant  
12               fees, administrative expenses, and any other recovery planning costs deemed  
13               appropriate by the Commissioner.

14               (2) A grant award may not exceed \$100,000.00.

15       (b) The Commissioner shall develop policies and practices for Program  
16       implementation consistent with the purposes of this section and also with  
17       Section 601(d) of the Social Security Act, including standards for expense  
18       verification and records retention.

1           \* \* \* COVID-Response Telecommunications Recovery Plan \* \* \*

2           Sec. 3. COVID-RESPONSE TELECOMMUNICATIONS RECOVERY  
3           PLAN

4           The sum of \$500,000.00 is appropriated to the Commissioner of Public  
5           Service to retain a consultant to assist with preparation of a COVID-Response  
6           Telecommunications Recovery Plan. The purpose of the Recovery Plan is to  
7           reassess the State’s critical connectivity needs in light of the COVID-19 public  
8           health emergency and to reevaluate broadband deployment objectives going  
9           forward. On or before December 20, 2020, the Recovery Plan shall be  
10          submitted to the House Committee on Energy and Technology and the Senate  
11          Committee on Finance.

12          Sec. 4. 2019 Acts and Resolves No. 79, Sec. 23, subsection (a) is amended to  
13          read:

14           (a) It is the intent of the General Assembly that, regardless of when the  
15          2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or  
16          before ~~December 1, 2020~~ June 30, 2021 in accordance with the procedures  
17          established in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted  
18          on or before ~~December 1, 2023, and so on~~ June 30, 2024 and every three years  
19          thereafter.

20           \* \* \* COVID-Response Telehealth Connectivity Program \* \* \*

21          Sec. 5. COVID-RESPONSE TELEHEALTH CONNECTIVITY PROGRAM

1       ~~(a) The General Assembly finds that:~~

2               ~~(1) Since the onset of COVID-19, telehealth utilization in Vermont has~~  
3       ~~increased exponentially. During this public health emergency, telehealth has~~  
4       ~~become an essential tool to minimize the spread of COVID-19 and provide~~  
5       ~~clinicians the tools they need to treat patients.~~

6               ~~(2) According to recent survey data, a significant majority of health care~~  
7       ~~providers indicated that lack of patient access to a smartphone or video~~  
8       ~~capability was a barrier to accessing telehealth services, and similarly indicated~~  
9       ~~that a patient's inability to operate digital equipment was a barrier.~~

10       ~~(a) The sum of \$800,000.00 is appropriated to the COVID-Response~~  
11       ~~Telehealth Connectivity Program to be administered by the Vermont Program~~  
12       ~~for Quality in Health Care, Inc. (VPQHC) consistent with its mission under 18~~  
13       ~~V.S.A. § 9416 and with its Connectivity Care Packages pilot proposal. The~~  
14       ~~purpose of the Program is to support equitable access to telehealth services by~~  
15       ~~providing outreach and educational opportunities that improve digital literacy~~  
16       ~~skills of patients and providers and also by providing the equipment needed to~~  
17       ~~support telehealth needs during the COVID-19 public health emergency,~~  
18       ~~particularly in areas that are digitally and medically underserved and~~  
19       ~~distributed geographically across the State. Conditions of the Program shall~~  
20       ~~include:~~



- 1 health emergency, as well as for unplanned and unbudgeted expenditures
- 2 related to increased production and technical support for live-streaming
- 3 government and community-based organizations.