

PA Broadband Development Authority
Meeting Packet Table of Contents

1. Meeting Agenda.....Pg. 2
2. April 5, 2023, Meeting Minutes.....Pg. 3
3. Original MOU.....Pg. 7
4. MOU Extension Letter.....Pg. 12
5. Sub-Committee Reports.....Pg. 13

Pennsylvania Broadband Development Authority

June 1, 2023

10:00 AM

60 East Wing, Capitol Building
(Adjacent to Capitol Cafeteria)

Dial-In: +1 267-332-8737
Phone Conference ID: 891 061 625#

- I. Call to Order
- II. Approval of April 5, 2023, Meeting Minutes
- III. MOU Extension and FY 2023-2024 Estimate of Expenditures
- IV. Update on Mapping Efforts and FCC Bulk Challenge Submission
- V. Update on Five-Year Action Plan and State Digital Equity Plan
- VI. Sub-Committee Updates
- VII. Public Comment
- VIII. Adjournment

Pennsylvania Broadband Development Authority

Board Meeting Minutes

April 5, 2023

Microsoft Teams Meeting

Board members and voting designees in attendance:

- Secretary Uri Monson, Office of the Budget, Chairman
- Mark Critz on behalf of Acting Secretary Russell Redding, Department of Agriculture
- Mike Hanna on behalf of Acting Secretary Rick Siger, Department of Community and Economic Development
- Dr. David Volkman on behalf of Acting Secretary Khalid Mumin, Department of Education
- Matt Bembenick on behalf of Acting Secretary Reggie McNeil, Department of General Services
- Senator John Kane, Assistant Secretary
- Representative Rob Matzie
- Representative Carl Walker Metzgar
- Senator Kristin Phillips-Hill, Secretary
- Chairwoman Gladys Brown Dutrieuille, PUC
- Dr. Kyle Kopko, Center for Rural PA

Designees in attendance:

- Phil Kirchner
- Chloe Mandara
- David Screven
- Zach Reber
- Dr. Laura Dimino
- Matt Franchak
- Rich Pronesti

Department of Community and Economic Development (DCED) staff in attendance:

- Brandon Carson
- Paul Opiyo
- Kalie Snyder
- Leigh Walter
- Lori Irwin
- Rob Teplitz
- Pam Frontino
- Kyle Snyder
- Greg Alliger
- Allison Brubaker
- Britt Muniz
- Sarah Souder
- Greg Welker
- Colin Parry
- Penny Ickes

Guests in attendance:

- Brian Regli, Governor's Office
- Jim Warta, Consolidated Communications
- Steve Warhola, Chief of Staff, Senator Kane
- Dr. Greg Koons, PAIU
- Brian Barno, Broadband Communications Association of PA
- Todd Eachus, Broadband Communications Association of PA
- Jim Mercante, Chester County Digital Alliance
- Jeanne Shearer, Windstream/Kinetic
- Jennifer Cloonan, Frontier Communications
- Susan Carter, PA Telephone Association
- Casey Fellingner, Milliron Goodman
- Catharine Conner, Milliron Goodman
- Elana Frazier, Ichor Strategies
- Lindsey Ringquist, Adams County
- Andrew French, Fayette County Redevelopment Authority
- Bailey Thumm, PA Farm Bureau
- Jan VaDeCarr, Greenlight Networks
- Tom Beresnyak, Penn State Extension
- Harry Crissy, Penn State Extension
- Morgan Webb, CCS Energy
- Carrie Cleary, PA Department of Education
- Ashley Pollard, City of Philadelphia
- Juliet Fink-Yates, City of Philadelphia
- Nicole Ugarte, NTIA
- Janice Sahady Crile, Temple University
- Heidi Norman, City of Pittsburgh
- Kate Rivera, Technology Learning Collaborative
- Sam Garfinkel, Michael Baker International
- Kristen Ritchey, Comcast
- Mike Sage, CCAP
- Kevin Sunday, PA Chamber
- Chris Miller, Susquehanna Broadband
- Brandon Brenize, Adams County
- Sascha Meinrath, Penn State University
- Courtney Accurti, Michael Baker International
- Kris Anderson, IBEW
- Beth Andreoli, Commonwealth of Pennsylvania
- Frank Baier, Commonwealth of Pennsylvania
- Brett Biggica, BrightSpeed
- Bill Sproull, DZSI
- Brandon Peters, Southern Alleghenies Planning & Development Commission
- Brandyn Smith, Delta One
- Brendan Salyards, York County Economic Alliance
- Brent Jagueneau-Siegel, Ichor Strategies
- Brian Rengert, Pa State Association of Township Supervisors
- Doug Brown, Dauphin County

- Christine Lalor, IHTC
- Clint Cullison, GreenLee Partners
- Jennifer Cloonan, Frontier Communications
- John Conley, Agile Networks
- Elizabeth Crow, Michael Baker International
- David Ashton, Graybar
- Lisa Anne Davis, Penn State University
- Deb Frawley, Crawford County
- Dustin Bishop, Southern Alleghenies Planning & Development Commission
- Emme Reiser, PA Realtors
- Sara Fortnam, York County
- Henry McCreary, Ondas
- Jeremia Holmes-Floor, Frontier Communications
- Ian Horowitz, Altice USA
- Jackie McCarthy, Jsitel
- Jarred Heuer, Clarion County
- Jennifer Algoe Keaton, Broadband Communications Association of PA
- Jenn Blatz, Persad Center
- Jennifer Wakeman, Drive Industry
- Jess Funk, Clarion County
- Jim Skjeveland, Rolka Loube
- Joe Carella, Entrustsol
- Joe Kearns, ACD Telecom
- John Peters, CalChip Connect
- Phil Jones, Philadelphia Federal Reserve Bank
- Joe Gerdes, PA State Association of Township Supervisors
- Scott Kramer, SEDA COG
- Kyle Rosner, All Points Broadband
- Lyndsey King, Northwest PA Commission
- Andrea MacDonald, Commonwealth of Pennsylvania
- Matt Fine, One Strategies
- Matt Wiertel, VelocityNet
- Stacy McNew, Agile Networks
- Josh Motzer, BrightSpeed
- Kristen Moyer, SEDA COG
- Tom Musgrove, Crown Castle
- Nicole Fidler, Malady Wooten
- Robert Omberg, Comcast
- Owen Purcel, BT Group
- Peter Murray, Dense Networks
- Alyssa Pistininzi, Penn State University
- Rich Maietta, PA Telephone Company
- Riley Seals, Bear Com
- Sonny Hunt, Ad Tell
- Steve Hill, Satellite Broadcasting and Communications Association
- Steve Schwerbel, Wireless Internet Service Providers Association
- Tammy Dulaney, Northwest PA Commission
- Tim Hippensteel, Drive Industry

- Tim Lin, Parthenon
- Kate Ulreich, Pittsburgh University
- Christine Verdier, US Senate
- Curt Williams, Pittsburgh City

I. Call to Order

Chairman Monson called the meeting to order at 3:04 PM.
Kalie Snyder conducted a roll call of the board members and confirmed quorum.

II. Approval of March 16, 2023, Meeting Minutes

Chairman Monson asked for questions and comments on the minutes as presented to the Board. Seeing none he asked for a motion to approve the minutes as presented to the Board. Motion made by Dr. Kyle Kopko. Motion was seconded by Matt Bembenick. Chairman Monson asked for all Board members to approve or deny the motion. Motion passed unanimously.

III. Capital Projects Fund – Broadband Infrastructure Program Guidelines

Chairman Monson commented that program guidelines were updated based on the discussion at the previous meeting and the failure of the guidelines to be approved. He provided an overview of the program purpose and asked for a motion to approve the guidelines as presented to the Board. Motion made by Mike Hanna. Motion seconded by Senator Phillips-Hill and Chairwoman Dutrieuille.

Senator Kane made a motion to increase the cap on awards from \$10 million to \$15 million. Chairman Monson asked for a second on the motion, there wasn't one. The motion failed.

Chairman Monson returned to the motion to approve the guidelines as presented to the Board. He asked for comments on the guidelines, there were none. He asked Kalie Snyder to conduct a roll call vote. Motion passed unanimously.

IV. Public Comment

Chairman Monson asked Kalie Snyder to conduct public comment. Kalie reminded the public of the format to provide comments and asked that they remain under 2 minutes.

Bill Perkins with ICCN, asked when the approved guidelines will be published. Chairman Monson responded that they will be posted on Monday, April 10th.

V. Adjournment

Chairman Monson called for a motion to adjourn. Motion made by Mike Hanna. Motion seconded by Senator Kane. Meeting adjourned at 3:14 PM.

Respectfully submitted,
Senator Kristin Phillips-Hill
Secretary

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE
DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
AND THE PENNSYLVANIA BROADBAND DEVELOPMENT AUTHORITY**

This Memorandum of Understanding (“MOU”) is entered into by and between the DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT (“DCED”) and the PENNSYLVANIA BROADBAND DEVELOPMENT AUTHORITY (“AUTHORITY”).

WHEREAS, Sections 501 and 502 of the Administrative Code of 1929 (71 P.S. §§ 181 and 182) require departments and agencies of the Commonwealth of Pennsylvania (“Commonwealth”) to coordinate their work and activities with other Commonwealth departments and agencies; and

WHEREAS, the Act of December 22, 2021 (P.L. 459, No. 96) (64 Pa.C.S. § 6101 *et seq.*) (“Act 96”) established the Authority as an independent authority and instrumentality of the Commonwealth and a body corporate and politic, with corporate succession (64 Pa.C.S. § 6111(a)); and

WHEREAS, Act 96 requires DCED to “provide administrative services and staff, including counsel and legal staff,” to the Authority and the Authority’s board of directors (“Board”) (*Id.* § 6112(e)(1)); and

WHEREAS, Act 96 further requires the Authority to “reimburse [DCED] for the cost of providing [such] administrative services and staff” (*Id.*); and

WHEREAS, Act 96 further requires the Authority to “enter into an agreement with [DCED] specifying the rights and obligations that the [Authority and DCED] have in administering their duties” under Act 96 (*Id.* § 6112(e)(2)); and

WHEREAS, DCED and the Authority desire to set forth the rights and obligations they have to each other in carrying out their respective responsibilities.

NOW, THEREFORE, the parties to this MOU set forth the following as the terms and conditions of their understanding:

1. DCED Responsibilities.

- A. DCED shall provide administrative services and staff to the Authority in order to assist the Authority in implementing and effectuating the purpose of Act 96, including, but not limited to, the following:
 - (i) Hiring an Executive Director for the Authority subject to consent by the Board;
 - (ii) Hiring of staff for the Authority;
 - (iii) Providing legal, human resources, procurement, comptroller, and programmatic services and support;
 - (iv) Providing information technology equipment, access, and services and support, including the creation and maintenance of databases and websites as needed;

- (v) Providing suitable Commonwealth administered office space in downtown Harrisburg, Pennsylvania for the Executive Director and staff, as well as adequate and appropriate meeting rooms as needed;
- (vi) Assisting the Authority, at the request of the Board, in obtaining and maintaining adequate directors and officer's liability insurance for the benefit of Authority, the Board, and Authority officers and employees, on such terms as shall be approved by the Board; and
- (vii) Providing other services as agreed to by DCED following a written request of the Board or the Executive Director.

B. DCED shall prepare and submit monthly expenditure reports ("Reports") to the Authority's Executive Director on no less than a quarterly basis, with supporting documentation as appropriate, for services provided and costs incurred under this MOU. Salaries and benefits shall be charged at actual cost, allocated for work performed by staff on behalf of the Authority.

2. Authority Responsibilities.

- A. The Authority shall reimburse DCED for the actual costs of providing administrative services and staff as detailed in the Reports provided by DCED.
- B. The Authority shall also reimburse DCED for actual costs incurred as detailed in the Reports provided by DCED for travel, catering services, teleconferencing, supplies, shipping and postage, and cost allocation for the office and conference facilities made available to the Authority under Section 1 (A)(iv) above.
- C. The Authority shall pay all costs detailed in the Reports within thirty (30) days of presentation to and approval by the Executive Director, subject to availability of funds. DCED estimates that the cost of its services and costs, including those of the Executive Director of the Authority, for the period beginning January 1, 2022 and ending June 30, 2022 will not exceed \$400,000.

3. General Provisions.

- A. No Contractual Rights. This MOU is not intended to, and does not create, any contractual rights or obligations with respect to the signatory agencies, or other parties.
- B. Disputes. Any dispute arising hereunder shall be submitted to the Office of General Counsel for final resolution.
- C. Choice of Law. The laws of the Commonwealth of Pennsylvania shall be used to interpret this MOU.
- D. Amendments and Modifications. Except for funding adjustments as set forth in Section 3.G. of this MOU, this MOU shall only be modified in writing with the same formality as the original MOU.
- E. Points of Contact.
 - (i) The contact person for this MOU for DCED shall be: Neil Weaver, Acting Secretary, Department of Community and Economic Development, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg,

Pennsylvania 17120-0225, Telephone Number: (717) 514-3128, Email: neweaver@pa.gov.

- (ii) The contact person for this MOU for the Pennsylvania Broadband Development Authority shall be: The Honorable Greg Thall, Secretary of the Budget and Chair, Pennsylvania Broadband Development Authority, 238 Capitol Building, Harrisburg, Pennsylvania 17120 Telephone Number: (717) 787-4472, Email: gthall@pa.gov.
 - (iii) Either party may change its designated contact person by providing written notice to the other party.
- F. Effective Date. This MOU will become effective on the date of the last signature and shall terminate on June 30, 2022.
- G. Extension and Modification: The parties hereto will review the terms of this MOU on an annual basis to determine what, if any, changes should be made and whether the termination date of this MOU should be extended. In the event that this MOU is extended, DCED will, no later than thirty (30) days prior to the beginning of each fiscal year, prepare and submit to the Authority an estimate of expenditures for the next fiscal year. In the event that DCED becomes aware that estimated expenditures may be exceeded, DCED will promptly prepare and submit to the Authority a revised estimate. By mutual consent in writing, the Secretary of DCED and the Executive Director, or their designees, may, by letter, extend the termination date of this MOU or increase the funding available under this MOU. The parties may also modify this MOU via a written amendment executed in the same manner as this original MOU.
- H. Entire Understanding. This MOU represents the entire understanding between the parties. No other prior or contemporaneous oral or written understandings exist with regards to this relationship.
- I. Counterparts. This MOU may be executed in counterparts, each of which shall be deemed an original and shall have the full force and effect as an original but all of which shall constitute one and the same instrument.

[SIGNATURE PAGE FOLLOWS.]

The parties, through their authorized representatives, have signed this MOU below.

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY AND
ECONOMIC DEVELOPMENT

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA BROADBAND
DEVELOPMENT AUTHORITY



3/31/2022

Acting Secretary

Date

Chairperson of the Board

Date

APPROVED AS TO FORM AND LEGALITY:



Office of Chief Counsel
Department of Community and
Economic Development

Date



3/31/2022

Counsel for the Authority

Date

Deputy General Counsel Date
Office of General Counsel

Comptroller Operation Date



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

May 26, 2023

Brandon Carson
Executive Director
Pennsylvania Broadband Development Authority
Commonwealth Keystone Building
400 North Street, 4th Floor
Harrisburg, Pennsylvania 17120-0225

Dear Mr. Carson:

The Memorandum of Understanding (“MOU”) dated April 19, 2022, between the Department of Community and Economic Development (“Department”) and the Pennsylvania Broadband Development Authority (“Authority”), is set to expire on June 30, 2023.

As authorized by Section 3(G) of the MOU, the Department proposes to extend the MOU until June 30, 2024. The Department estimates its expenditures to be reimbursed by the Authority for the period of July 1, 2023 through June 30, 2024 will not exceed \$2,040,00.00.

If the Authority consents to an extension of the MOU, please sign and date this letter as indicated below and return the original to me. Please do not hesitate to contact me with any questions or concerns.

Sincerely,

Rick Siger
Secretary
Department of Community and Economic Development

Brandon Carson
Executive Director
Pennsylvania Broadband Development Authority

Date

RECAP

Subcommittee Co-chairs & Membership:

***denotes chair*

**denotes vice-chair*

Lisa Schaefer**	County Commissioner's Association of PA
Bill Kiger*	Pennsylvania One Call
Jay Summerson	Microsoft
Ed Mooney	Communications Workers of America
Gary Zingaretti	Zingaretti Enterprises
Julie Tritt Schell	Pennsylvania Department of Education
Steve Schwerbel	Wireless Internet Service Providers Association
Chris Cap	Pennsylvania State Association of Boroughs

Meeting Schedule:

- Held a total of nine (9) meetings to-date:
 - Initially started as bi-weekly, but has transitioned to monthly from September 2022 – May 2023
- Upcoming meetings:
 - Monthly; June 2023 – December 2023
 - Details available on the Authority [website](#)

Previous Efforts:

- ***Broadband Mapping Efforts***
 - Provided feedback on mapping layers to incorporate into statewide broadband maps
 - Discussed integration of demographic data such as Purdue University's Digital Divide Index
 - Integration of municipal, county, legislative district boundaries
 - Ongoing Fiber Project data through PA One Call
- ***FCC Map Challenge***
 - Assisted with outreach for the FCC individual map challenge process.

- Assisted with data request through CCAP to county GIS/Planning departments

FUTURE OUTLOOK

Future considerations

- ***Community Anchor Institution Data***
 - Will provide feedback on types of community anchor institution data
 - Can assist with providing service availability data
- ***Ongoing Broadband Map Enhancements***
 - Provide feedback and recommendations on additional mapping layers to incorporate
 - Provide feedback and recommendations on mapping application functionality for the Authority.

RECAP

Subcommittee Co-chairs & Membership:

**denotes co-chairs*

Barbara Burba-Filoreto*	PA Wireless Association
Todd Eachus*	Broadband Communications Association of PA
Frank Baier	PA Office of Administration
Jim Gardler	Communications Workers of America
Shane Ellis	Pennsylvania Utility Contractors Association
Bill Wiedenheft	PA Intermediate Units
Steve Samara	PA Telephone Association
Terry Fitzpatrick	Energy Association of Pennsylvania
Joe Witmer	Pennsylvania Public Utility Commission

Accomplishments since January:

The technical subcommittee has met regularly to provide PBDA staff with concerns around the following areas:

- CPF Rules:
 - Subcommittee has discussed concerns around the decision to not publicize the weighting of the scoring criteria. DCED staff informed subcommittee members that they will not disclose the individual weights. Anecdotally, at least one county has asked providers to submit proposed project applications by May26, so that county officials can decide which projects to endorse. This is 6 weeks before the close of the application period. Not knowing the weight given to such endorsements, providers are in a difficult position as to how to respond
 - Some on the provider community shared concerns about the treatment of proprietary and confidential information in applications. PBDA provided DCED counsel for discussion and resolved this matter
 - Some small providers have asked about the \$500,000 project minimum. In at least one case, a provider has a project, not geographically linked to other applications that would serve an unserved area that has had support from local and county governments, along with members of the General Assembly. Unfortunately the project cost to serve these unserved homes and businesses comes in at approx.. \$400,000
 - Subcommittee has shared concerns with staff around Prevailing Wage issues. Lacking proper classifications and wage determinations, applicants in the provider community have concerns over the lack of guidance and the ability to submit accurate and compliant applications

- Some providers have raised concerns over the 5,000 character limit on some fields of the application portal. The subcommittee has raised these concerns and provided staff with detailed feedback
- Subcommittee shared concerns with the PBDA staff around the layering on the PSU E map, and the assumptions made regarding the cost estimator
- Subcommittee advanced recommendation for streamlining local government permitting and access to ROW, along with Make Ready and aerial attachment matters
- Subcommittee also advanced recommendations around Railroad crossing matters

FUTURE OUTLOOK

Future considerations

- The subcommittee will continue to meet and provide staff feedback on emerging issues.
- A priority for the subcommittee will be to work with the PBDA consultant (Michael Baker International) to provide expertise and recommendations as they develop the 5 year plan and begin to look toward BEAD implementation.

RECAP

Subcommittee Co-chairs & Membership:

**denotes chair*

Gary Bolton*	Fiber Broadband Association
Kris Anderson	International Brotherhood of Electric Workers
Russ McDaid	Pennsylvania eCommerce Association
Shannon Munro	Pennsylvania College of Technology
John Pulver	PA Assoc. of Career & Technical Administrators
Steve Brame	PA Rural Electric Association
Carl Marrara	PA Manufacturers' Association
Stephanie Perry	PA Department of Labor & Industry
Senator Kristin Phillips-Hill	PA Senate

Accomplishments since January:

The Workforce and Supply Chain Sub-Committee devoted meeting time over the past few months to educating members about the technical aspects of the BEAD NOFO that relate to workforce development requirements. In addition to understanding those topics, the sub-committee aims to offer insight on issues such as which communities should be engaged in opportunities presented through the federal funding streams, for example.

Additionally, the group welcomed the following guests to discuss topics related to workforce and supply chain in the broadband sphere:

- Eric Leach, State of Ohio, Governor's Office of Workforce Transformation
- Scott Jackson, Graybar (supply chain in the fiber industry)
- Jerry Cederlund, Calix (supply chain in the fiber industry)
- Tom Cohen, Fiber Broadband Association's Chief Regulatory Counsel (Build America, Buy America)
- Nicol Ugarte, NTIA (Build America, Buy America)
- Megan Corriveau, Cartesian (Fiber Broadband Association's Workforce Development Guide)

FUTURE OUTLOOK

Future considerations

The group looks forward to working directly with Michael Baker International as that group drafts the Five-Year Action Plan, particularly to offer input and expertise for the workforce development plan.

RECAP

Subcommittee Co-chairs & Membership:

**denotes co-chairs:*

Kevin Sunday*	PA Chamber of Commerce
Sarah Hammond*	PA AFL-CIO
Lisa Davis	PSU Office of Rural Health
Carrie Nace	PA State Grange
Joseph Gerdes	PA State Association of Township Supervisors
Bailey Thumm	PA Farm Bureau
Amy Sturges	PA Municipal League
Molly de Aguilar	Independence Public Media Foundation

Meeting Schedule:

- Held a total of eight (8) meetings to-date:
 - Monthly from September 2022 – May 2023
- Upcoming meetings:
 - Monthly; June 2023 – December 2023
 - Details available on the Authority [website](#)

Feedback and Distribution Efforts:

- ***Capital Projects Fund – Broadband Infrastructure Program (BIP)***
 - Participated in response to questions regarding specific elements of the guidelines for this program
 - Distributed request for response to networks
 - Distributed BIP guidelines posting notification and application opening window to networks
 - Local Government feedback: requested ideas and suggestions on identifying a process for feedback on applications
- ***Affordable Connectivity Program (ACP)***
 - Provided feedback on potential roadshow to assist consumers with sign-up
 - Will assist to identify locations for future roadshow, when/if confirmed

- Encouraged to take the LearnACP self-guided training provided by Education Superhighway. Will provide tester with knowledge to assist consumers with sign-up for the subsidy
- ***Stakeholder Outreach & Engagement Plan***
 - Provided feedback on draft stakeholder engagement plan
 - Distributed details for engagement webinar and attended
 - Will distribute schedule of events once final

FUTURE OUTLOOK

Future considerations

- ***Participation in local events***
 - Including but not limited to researching and suggesting appropriate summits, conventions, community fairs, etc.
- ***Internet for All: Connecting the Commonwealth of Pennsylvania***
 - PML and PSATS (+CCAP and PSABs) are partnering with the Authority and NTIA for Local Government Summit this summer
 - Will distribute details on Local Government Summit and participate

Educational opportunities

- Propose, plan, and execute future educational events
 - Stakeholder Community Events and Roundtables
 - ACP Road Show