

Pennsylvania Broadband Development Authority

Board Meeting Minutes

August 11, 2022

The Forest Room, Keystone Building Meeting Center & Microsoft Teams Meeting

Board members and voting designees in attendance:

- Greg Thall, Chairman
- Dr. Kyle Kopko, Center for Rural Pennsylvania
- Gladys Brown-Dutrieuille, Chairwoman of the PUC
- Senator Kristin Phillips-Hill
- Senator John Kane
- Representative Pam Snyder
- Representative Carl Walker Metzgar
- Mark Critz, Department of Agriculture, on behalf of Secretary Russell Redding
- Mike Hanna, Department of Community and Economic Development, on behalf of Acting Secretary Neil Weaver
- Dr. David Volkman, Department of Education, on behalf of Acting Secretary Eric Hagarty
- Matt Bembenick, Department of General Services, on behalf of Acting Secretary Joe Lee

Designees in attendance:

- Joe Witmer, Pennsylvania Public Utility Commission
- David Screven, Pennsylvania Public Utility Commission
- Chloe Mandara, Office of Senator Kristin Phillips-Hill
- Beth Rosentel, Office of Representative Pam Snyder
- Phil Kirchner, Office of Representative Carl Walker Metzgar
- Matt Franchak, Office of Senator John Kane

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

- Brandon Carson
- Erin Wachter
- Kalie Snyder
- Leigh Walter
- Rob Teplitz
- Penny Ickes
- Paul Opiyo

Guests in attendance:

- Nicole Ugarte, National Telecommunications and Information Administration
- Jim Skjeveland, Rolka Loube
- Alka Patel, Comcast
- Grant Dull, FirstLight
- Catharine Conner, Milliron Goodman
- Jim Warta, Consolidated Communications
- Jim Mercante, PA Digital Equity Coalition
- Todd Eachus, Broadband Communications Association of Pennsylvania
- Russ McDaid, PA eCommerce
- Steven Hosser
- Jeanne Shearer, Windstream Communications

- Charlotte Keith, Spotlight PA
- Eric Epstein, Rock the Capital
- Evan B, R&C
- Allyssia Gutierrez, Lit Communities
- Ashley Pollard, The City of Philadelphia
- Ashley White, CCAP
- Kimberly Auman, Geisinger
- Barb Burba-Filoreto, PA Wireless Association
- Adam Bender, Warren News
- Brett Biggica, Lumen
- Brianna Petitti, CCAP
- Doug Brown, Dauphin County
- David Gonzalez, York County Economic Alliance
- Dominic Thecka, AdTran
- Elizabeth Loose, Centre County
- Jason Fajerski, Comcast
- David Fletcher, Geisinger
- Gary Yenko, Irontron
- Gio Brackbill, PA Utility Law project
- Ross Henzel, DQE
- Jennifer Blatz, PERSAD Center
- Jodie Stuck, Malady & Wooten
- Joe Calzone, Everstream
- Joe Gerdes, PSATs
- Juliet Fink-Yates, The City of Philadelphia
- Jeremy Jurick, Michael Baker International
- Kate Rivera, Kate Rivera Solutions
- David Kerr, AT&T
- Kevin Sunday, PA Chamber
- William Kiger, PA 1-Call
- Kimberly Walker, Lackawanna County
- Scott Kramer, SEDA-COG
- Kyles Rosner, All Points Broadband
- Laura Grassia, Temple University
- MaryBeth Osborne, Rolka Loube
- Mike Brown, Lackawanna County
- Josh Motzer, Lumen
- Melissa Penkrot, Pittsburgh University
- Peter Butler, Centre County
- Kim Pizzingrilli, Buchanan Ingersoll & Rooney
- Tejal Raichura, Geisinger
- Randy Whitehead, Fastbridge Fiber
- Nate Regotti, Comcast
- Ria Pereira, PA Utility Law Project
- NazAarah Sabree, Office of Small Business Advocate

- Andrew Stutzman, Drexel University
- Tim Hippensteel, Drive Industry
- Teresa Wagner, Office of Small Business Advocate
- Eric Wilden, Comcast
- Carl Yastremski, Frontier Communications

I. Call to Order

Chairman Thall called the meeting to order at 2:04 PM.

Kalie Snyder conducted a roll call of the board members and confirmed quorum.

II. Approval of July 7, 2022 Meeting Minutes

Chairman Thall called for questions and comments regarding the meeting minutes as presented to the Board for the Special Meeting held on July 7, 2022.

Chairman Thall called for a motion to approve the minutes. Motion made by Dr. Kopko. Motion was seconded by Chairman Thall. Chairman Thall asked for all Board members to approve or deny the motion. Motion passed unanimously.

III. State Broadband Plan Update

Erin Wachter provided a recap of the webinars held in May, that offered an overview of the State Broadband Plan (Plan). Erin also acknowledged the feedback received from those webinars and how that was incorporated into the current draft.

Erin Wachter outlined the proposed process for soliciting additional feedback on the Plan by utilizing the sub-committees and additional outreach efforts to stakeholders and communities.

She acknowledged the statutory deadline of Act 96, which requires the Authority complete and approve the Plan by end of December 2022. She concluded by asking for questions and comments from the Board on the status of the Plan.

Representative Snyder provided comments regarding the FCC maps and asked if there is a plan in place to gather more data that is reliable. She also acknowledges the conflict of having industry partners on the sub-committees but recommends establishing an advisory committee that brings industry partners together for input and feedback.

Erin Wachter recognizes that the Plan is currently outdated regarding the maps and noted that the anticipation of the release of the new FCC maps should be in-line with the time frame to provide the final Plan to the Board. Once released, the Plan will be updated.

Brandon Carson commented on the importance of working with industry partners and that their respective associations will be recommended for the sub-committees. He indicated that some intend to establish their own internal committees to engage the members and gather feedback to be shared through their representative at the sub-committee meetings.

Chairman Thall acknowledged how complex this process is and that we want to be cognizant of all ideas and organizations that want to be considered and we will ensure their participation.

Senator Phillips-Hill highlighted the importance of having devices and technology access but that it's important to ensure we're connecting the un/underserved, because without connectivity devices aren't helpful. Senator Phillips-Hill also has concerns regarding the deployment of devices and suggested we provide a clear process for management of devices, upgrading, cybersecurity, and training of these devices. Senator Phillips-Hill also mentioned other federal programs that will provide devices and access and the need to ensure we are not being duplicative in our efforts. Senator Phillips-Hill asked what the timeline looks like to provide input on the Plan.

Erin Wachter shared that the first task of the sub-committees will be to review and offer feedback on the Plan. Erin also confirmed that the Board members may begin to review and provide feedback as soon as they'd like. Brandon Carson added that the November meeting will ask for an approval so having feedback about a month out from that would be helpful.

Senator Kane wanted to clarify that the device and technology access is both a rural and urban issue being address by the Authority.

Erin Wachter confirmed that it is. Brandon Carson also commented on the work of Dr. Kyle Kopko in researching the lack of device access in both rural and urban areas. Dr. Kopko confirmed and touched on some statistics he's found from the American Community Survey through the Census Bureau.

IV. Introduction and Discussion with Pennsylvania's Federal Program Officer, National Telecommunications Information Administration (NTIA)

Brandon Carson introduced Nicole Ugarte, the PA Federal Program Officer (FPO) and explained her role to the Authority.

Nicole Ugarte introduced herself and explained her role as the state's FPO. Additionally, she shared an overview of the BEAD program and assured the Authority that she is here to be a resource for the Authority and commended its work thus far.

Chairman Thall thanked Nicole for her attendance and overview.

V. Approval of Broadband Equity, Access, and Deployment (BEAD) Initial Planning Grant Application

Brandon Carson provided an overview of the purpose for these funds and the application process. Additionally, he discussed the various components of the application and provided an overview on the scope of work, budget, and period of performance. He concluded by asking for questions and comments from the Board regarding the BEAD application.

Senator Kane commented on the work done by an organization who has done data collection and the work of Penn State Extension, asking how their data will be integrated into the state's data collection. Brandon Carson explained that we intend to partner with DCED's Local Government Services division to survey local governments on their existing planning and data collection efforts.

Senator Phillips-Hill asked for additional details regarding the work that the consultant will be hired to do. Brandon Carson explained that we will want their assistance regarding outreach with local communities and development of a local coordination plan, a survey of un/underserved communities, creation of an asset map, and assistance in the development of the 5-year Action Plan. Senator Phillips-Hill clarified that the asset map will include the work being done by the Department of General Services, County and Local Government Assets. Brandon Carson confirmed that will be included in the process. She also asked if we do not expend the full \$5MM for planning purposes could that be applied back to BEAD for deployment purposes, to which both Brandon Carson and Nicole Ugarte confirmed to be correct.

Mark Critz asked what the process will be to interact with the sub-committees and receive feedback on the work they are doing and if we were going to consider adding ISPs and consulting firms directly on the sub-committees. Brandon Carson provided the intended process to have the sub-committees report to the Board and that Board members are welcome to participate in those meetings. He reviewed the concerns we have regarding the conflicts of having direct partners as opposed to associations who represent a large swath of partners to avoid conflicts of interest, as well as the limitations on number of members.

Chairwoman Brown-Dutrieuille asked how we will be keeping apprised of the work being done in the sub-committees and how we'll engage stakeholders who are not part of the sub-committees. Brandon Carson confirmed that once we have additional staff capacity, there will be a staff member assigned to each sub-committee who will, in addition to the report outs at Board meetings, provide that direct feedback to the Broadband Office to ensure information is being communicated out to those stakeholders engaged outside of the sub-committees.

Chairman Thall called for a motion to approve the BEAD application. Motion made by Representative Snyder. Motion was seconded by Senator Kane. Chairman Thall asked for Kalie Snyder to do a roll call vote of each Board member for concurrence. Motion passed unanimously.

VI. Middle Mile Broadband Infrastructure Program Update

Brandon Carson provided a recap of the Middle Mile program and the process to provide Letters of Support (LOS) to those entities applying to NTIA for funding. He outlined the coordination with the Governor's Office and that those applications we support through the issuance of an LOS, will be shared with the Board members.

Chairman Thall asked for questions and comments regarding this process.

Senator Phillips-Hill confirmed her support for the process but shared a concern with middle mile projects that were previously funded and not yet complete, and the need to ensure fiduciary responsibility of the projects being proposed and our support of those applications.

Brandon Carson agreed that we need to ensure these investments are viable and sustainable. He asked for Nicole Ugarte to provide insight on the process for ensuring viable middle mile projects. Nicole confirmed that she will get those details and circle back with us to share that with us.

VII. Sub-Committee Membership

Brandon Carson provided an overview of the process to identify the recommended members on the sub-committee list, as well as next steps to engage the sub-committees. Brandon concluded by asking for a vote of the recommended sub-committee members.

Representative Snyder shared concerns for not having individuals from the Energy Association or from the electrical companies. Representative Metzgar shared a similar sentiment and asked if we could table the vote on the sub-committee members until the following meeting.

Brandon Carson highlighted the time frame we're under, Chairman Thall concurred. Representative Snyder and Representative Metzgar requested a short period of time to review the list again and provide additional feedback.

Senator Phillips-Hill also suggested additional time to review. Chairman Thall asked for concurrence to reconvene within a 10-day window to vote on the sub-committee members. Senator Phillips-Hill also asked if the sub-committee meetings will be public to which Brandon Carson confirmed that they will not be open to the public. He did share that the sub-committees will have a chair who will be responsible for reporting out on the work of each of the sub-committees at regular meetings of the Authority Board. Representative Snyder also suggested allowing the sub-committee members to invite other partners to join meetings as necessary to provide presentations, education, and expert insight.

Senator Kane asked about establishing a Digital Equity sub-committee in addition to the existing four. Brandon Carson confirmed that we've identified someone within each committee to represent the digital equity efforts and that we will continue to engage digital equity partners to provide input.

Chairman Thall concluded by stating we will hold another meeting in 7-10 days to confirm membership.

VIII. Capital Projects Fund Update

Zach Reber provided a recap of the funding, purpose, and guidelines.

Brandon Carson explained that the office will now focus on completing the requirements of the application. He concluded by asking that the Authority members provide any feedback or input for consideration in the application being sent to the Treasury.

Mark Critz asked for clarification on the total funds and Zach confirmed the total amount is \$278,793,641.

IX. Public Comment

Chairman Thall called for public comment.

Eric Epstein with Rock the Capital shared details on the work of his organization and provided recommendations on other entities to engage and the structure of the sub-committees. He outlined some of his efforts surrounding broadband work, specifically device access.

Todd Eachus with the Broadband Communications Association of Pennsylvania highlighted that data obtained from providers will continue to evolve and the need to ensure a process where we're continuing to obtain updated data.

X. Meeting Adjournment

Chairman Thall called for a motion to adjourn. Motion to adjourn was made by Senator Kane. Motion seconded by Representative Snyder. Chairman Thall asked for all Board members to confirm adjournment. Meeting adjourned at 3:32 PM.

Respectfully submitted,
Senator Kristin Phillips-Hill
Secretary