

APPROVED

A regular meeting of the Albemarle County Broadband Authority was held on April 26, 2022. The meeting was held electronically using Zoom and telephone starting at 5:03 p.m.

PRESENT AND ATTENDING REMOTELY: Mr. Bucky Walsh, Mr. Waldo Jaquith, Ms. Donna Price, Mr. Jim Andrews, Mr. Trevor Henry

ABSENT: Mr. Bill Fritz

Also Present: Mr. Richard DeLoria (Senior Assistant County Attorney), Mike Culp (Director of Broadband Accessibility and Affordability Office) and Jason Inofuentes as Secretary Pro Tem (Broadband Office)

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Agenda Item No. 1. Establish Quorum and Call to Order.

Mr. Walsh established a quorum and called the meeting to order.

Mr. DeLoria announced the following for the record:

As authorized by Virginia Code Section 15.2-1413 and Albemarle County's Continuity of Government Ordinance, this meeting is being held electronically over the Zoom platform.

The public has real time audio-visual access to this meeting over Zoom and real time audio access over telephone. Everyone on the phone and attending via Zoom from the public is in listen only mode.

If there are members of the public attending by Zoom who wish to speak during public comment, please use the Raise Hand feature to notify the meeting facilitator. For those joining by telephone, please use \*9 to indicate you would like to comment. State your full name and the magisterial district in which you reside before getting into the substance of your comment. If you don't know your district, provide a general location for your home or business.

Each speaker will have 3 minutes to comment.

This meeting is being recorded. A copy will be posted on the County's website.

With that explanation, I ask the board members to identify themselves and their general location.

Mr. DeLoria requested that each member and officer identify the location from where they were attending the meeting.

Mr. Walsh stated he was attending from his home.

Mr. Jaquith stated he was attending from his home.

Mr. Henry stated he was attending from his home.

Ms. Price stated she was attending from her home.

Mr. Andrews stated he was attending from his home.

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Agenda Item No. 2 Approval of Agenda

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Mr. Walsh **moved** to approve the agenda.

Mr. Henry **seconded** the motion.

The motion was **approved** unanimously.

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Agenda Item No. 3 Brief Announcements from the Board

Ms. Price reminded the Authority of an upcoming Board of Supervisors meeting to discuss the budget, and asked that members consider attending or watching on-line.

Mr. Jaquith advised the Authority of persistent difficulty with internet connectivity at his home, and apologized if it impacted his presence in the meeting.

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Agenda Item No. 4 Public Comment

There was no public comment.

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Agenda Item No. 5 Approval of February 22, 2022 and March 22, 2022 Meeting Minutes

Mr. Jaquith **moved** to approve the February 22, 2022 minutes.

Mr. Walsh **seconded** the motion.

The motion was **approved** unanimously, with Mr. Henry abstaining due to his absence.

Mr. Walsh **moved** to approve the March 22, 2022 minutes.

Mr. Jaquith **seconded** the motion.

The motion was **approved** unanimously.

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Agenda Item No. 6 Old Business

Agenda Item No. 6a VATI 2021 Update

Mr. Inofuentes shared a PowerPoint presentation. (Attached to these minutes)

Mr. Culp updates the Authority on delays and offers the floor to Mr. Steven Brewer of Lumen.

Mr. Brewer describes supply chain and labor issues that have impacted progress, but reports that they have those mostly resolved and are working to catch up.

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Mr. Culp shares a revised timeline of the project areas and a statement from Lumen that was shared with residents interested in the project, and on the BAAO website.

Mr. Culp also provides the take rate for the different project areas, showing an overall take rate of 23%.

Mr. Walsh expresses a desire to ensure that BAAO and ABBA are not responsible for marketing on behalf of CenturyLink, Mr. Culp agrees but points out that the Department of Housing and Community Development considers take rate when evaluating project success.

Mr. Culp reports on various construction issues, along with ordering issues in the Gilbert Station project area, to which Mr. Brewer adds that all impacted residents have been contacted.

#### Agenda Item No. 6b VATI 2022 Update

Mr. Culp shared a PowerPoint presentation. (Attached to these minutes)

Mr. Culp shared that BAAO has met with Lori Allshouse and David Blount from TJPDC to discuss the pending contract, with an expectation that it will be before the Authority by the next meeting.

Mr. Henry asks for clarification on whether the Authority or the County would be party to this contract.

Mr. Culp answers that it is the Authority, then offers the floor to Mr. Gary Wood from Firefly.

Mr. Wood updates that the continued work to service all County CVEC customers is progressing and they intend to complete that portion of the project by July. Firefly looks forward to being under contract in June, and make-ready work has begun in the Red Hill area with Appalachian Power. This work includes sending letters to impacted residents in the Red Hill area in order to collect necessary data.

Mr. Jaquith inquires as to the nature of the data being collected from Red Hill residents, Mr. Wood clarifies that they are informing residents that they will have crews doing pole locates and identifying served structures on residents' property, as Appalachian Power does not have that data.

#### Agenda Item No. 6c VATI 2023 Guidelines

Mr. Inofuentes shared a PowerPoint presentation. (Attached to these minutes)

Mr. Inofuentes discussed the ways that prior successes, and the updated VATI 23 guidance provides opportunities to pursue projects in the development areas, where incumbent service is above the FCC's definition but may be below DHCD and IIJA guidance.

Mr. Inofuentes also notes the shift towards including equity and affordability in VATI considerations. A notice to apply is due to DHCD by July 7, 2022; applications are due by August 25, 2022.

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Agenda Item No. 6d ABBA Financial Report (Appendix A)

Mr. Henry stated that there were no changes from last month.

Agenda Item No. 6e Broadband Accessibility and Affordability Report

Mr. Culp informed the Authority of the disposition of Lumen's transfer of assets case before the State Corporation Commission. The SCC authorized the transfer under the conditions described in a Joint Stipulation and Settlement Agreement. BAAO will continue to monitor CenturyLink service concerns and escalate as necessary to affect a positive outcome for our residents. CenturyLink reported that it had analyzed the condition of 72 cables, and had plans to rehabilitate 51 of those cables, with work to be completed by July 31, 2022.

Mr. Inofuentes updated the Authority on the affordability programs, including hopes that plans for launch of two programs by the next meeting.

Mr. Inofuentes updated the Authority on plans for future expansion efforts, including mention of the possibility of owning and managing an open-access conduit network.

Mr. Jaquith praised this initiative for its innovative approach and questioned whether it wouldn't be expeditious in laying fiber while laying conduit.

Mr. Inofuentes clarified that fiber is fed through conduit after the conduit is buried so the two actions are contiguous not coincident.

Mr. Jaquith suggested pre-allocating conduit in areas of particular interest to providers as a means of providing planned revenue towards this project.

Mr. Inofuentes expressed a desire to not add complexity to avoid delaying concurrent projects.

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Agenda Item No. 7 New Business

Agenda Item No. 7a LECAP Guidelines

Mr. Inofuentes presented a summary of the recently released Line Extension Customer Assistance Program guidelines, noting that a public comment period ends on May 4<sup>th</sup>. BAAO plans to submit comment encouraging DHCD to allow renters to participate in the program. The program covers 100% of the cost for extending broadband service to eligible households. The eligibility criteria is income-based and means-tested to the locality's Area Median Income.

Mr. Deloria followed this presentation with a brief update on the current legislative guidelines regarding the Authority's ability to meet virtually, stating that meetings should be able to be held virtually three times over the course of the year, and noted that the Authority could adopt a rule allowing it to be virtual in the event of special or emergency meetings.

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Agenda Item No. 8 Adjourn

Mr. Jaquith **moved** to adjourn.

Mr. Henry **seconded** the motion.

The motion was **approved** unanimously.

The meeting adjourned at 6:07 p.m.

Appendix A ABBA Financial Report

**4-4300-91097-491097-950030-9999 (EXPENSE CODE)**

**BROADBAND INCENTIVES>ALBEMARLE BROADBAND AUTHORITY**

	Fund Balance	Commitment/ Projected Expenses	Paid Expenses	Remaining Project Funds
Current FY22 Balance (includes \$4.5mil in ARPA Appropriation, \$4.37mil of that for VATI 2022)	\$5,806,415.16			
VATI 2020 Project at 8 locations Commitment (PO 2021-7747 CenturyLink)		\$291,300.00	\$291,300.00	\$0.00
Administrative Fee for DHCD VATI 2020 Award   1% of \$291,300		\$2,913.00	\$2,913.00	\$0.00
Administrative Fee for DHCD VATI 2021 Award   1% of \$2,276,110		\$22,761.10	\$22,761.10	\$0.00
Administrative Fee for ARPA Appropriation   1% of \$4,500,000		\$45,000.00	\$45,000.00	\$0.00
VATI 2021 Project Commitment		\$640,000.00	\$0.00	
VATI 2022 Project Commitment		\$4,368,000.00	\$0.00	
	<b>\$436,441.06</b>	<b>\$5,369,974.10</b>	<b>\$361,974.10</b>	<b>\$436,441.06</b>