

Connecticut Broadband Internet Coordinating Council

Minutes from Dec. 14, 2009, 9-11 a.m. Legislative Office Building, 1B

CALL TO ORDER, INTRODUCTIONS

Time: 9:06

Lou Manzione, *Council Chairman*, Univ. of Hartford

Rob Vietzke, Internet 2

Rob Earley, Comcast

John Emra, AT&T

Jack McCoy, Town of Manchester

Pat O'Brien, *Ex-officio*, OPM

Mike Chowaniec, Cablevision

Anthony Santino, Independent Businesses

Bill Vallée, Office of Consumer Counsel

Bob Mundy, *Ex-officio*, DPUC

Not Present: Ed Murphy (JDSU), Greg Shimer (Consultant)

OPERATIONAL

October Minutes -- The Chairman called for approval of the minutes from the October meeting. Santino motioned and Vietzke seconded. All were in favor.

Council Terms -- Rick Strauss explained that CASE investigated the rules of council term expirations with the Legislative Commissioner's Office due to the inconsistencies in the date/year of appointment of various Council members as well as appointments made a year prior to the Council getting under way. The LCO advised that the Council should refer to the appointment date on the letter for the official start of term and that we can pursue revised letters for those Council members who were appointed in 2007 prior to the Council's start of business. The Council's enabling legislation allows members to serve for two consecutive terms of two years each. CASE recommended getting new letters of appointment so that a change in administration would not affect sitting members. However, following the meeting, an alternative approach to the term issue was discussed that involves seeking an amendment to the Council's enabling legislation that would remove the "term limit" for members. This would have the effect of providing for a natural attrition of Council Members which would accomplish the main purpose of seeking a remedy to the existing language – that is to avoid almost a complete turnover of the Council after 4 years.

Resigned Members – The Council's enabling Legislation states that members who miss three consecutive meetings or fifty percent of meetings during a calendar year shall be deemed resigned. Given that stipulation, council members Edmund Murphy and Greg Shimer resigned and their appointing authority, Sen. Don Williams, was given notice of their resignation and the need to appoint two new members.

Schedule – Potential 2010 meeting dates were discussed. It was decided that Ann Bertini would send out a call for availability (2010 meeting dates have since been scheduled.)

STIMULUS UPDATES

DPUC -- According to Mundy, the DPUC has had iterative conversations with the NTIA. The application has been reduced from \$5M to \$ 1.2M. He said there were unofficial indications that the application is under review and funding is anticipated. Emra asked if NTIA is going to use the states' maps for developing the national broadband (BB) mapping project. Vallée said yes.

Ct-Muni-Net –McCoy said the CT-Muni-Net grant deals with shared services and local projects. Other than the fact that the schedule has slipped, there was no news on the application’s status. Appendix F of the DRAFT BICC legislative report includes details on the CT-Muni-Net application.

DOIT – Vallée briefly touched on the CT Department of Information Technology (DOIT) application. It is a 3-part application, calling for \$109M. The application includes 911 emergency services and a CT Education Network (CEN) component, in addition to a backup pop server. NTIA requested more information from DOIT.

Chairman Manzione clarified that each of the states and territories (56 total) will receive a grant for mapping. Discussion revealed that states will not each be awarded the same amount of dollars.

Per Vallée, the mapping has to be done in two years, with reporting for five years. The national map has to be done in two years also.

Follow-up Federal Stimulus Discussion -- Vietzke offered that Connecticut will not be leading the states in the BB stimulus. He cited NC and RI which have rich Public Private Partnerships (PPPs). The next round of BB applications will be January/February, focusing around comprehensive communities. It is unfortunate that CT will not be ready to take advantage of this opportunity.

Earley, speaking for Comcast, noted that the company has announced several major investments in Eastern CT – so as not to lose sight of the fact that the private industry is still investing.

There was discussion of the fact that CT does already have a significant amount of BB infrastructure, unlike other states that are struggling in that area.

Emra noted that CT is not likely to have the PPPs because of all the constraints put on those dollars. He noted that even the U.S. Congress seems to be frustrated by it because they are seeing the big providers pulling back. The constraints end up making no economic sense for AT&T. Emra also noted that mapping has to get done anyway to know what the next steps would be. AT&T will be making a major announcement in 3G wireless expansion in some areas of the state. He asked that if there are strings attached to federal legislation precluding the private sector from investment, who will take that on? That might be something for the CT legislature to consider.

DRAFT BICC LEGISLATIVE REPORT

Draft Report Content — Chairman Manzione reviewed the content of the draft report. There was discussion about the report addressing the Council’s need for expanded authority/responsibility to develop a strategic plan for the state but still in an advisory role to the legislature.

Earley said from a process perspective Council members need some time to review the document.

Emra asked what do we think this Council should be doing going forward?

Manzione emphasized that the report states that the Council should be responsible for recommendations and planning with regard to BB for the state. Further discussion followed. The question was raised whether this is already being done.

Chowaniec also noted that the Council’s subcommittee for the draft legislative report discussed the notion that the Council will not be an agent of implementation. The scope of the discussion is that the Council will continue to function in an advisory capacity and in doing this, does it need to somehow broaden its authority to be effective?

McCoy noted the lack of county government and the Council’s potential role in filling that void.

Funding — Discussion centered around funding for consultants in order to be effective. Emra would like to know how much funding is needed before making an official request. That is, it would not be philosophically

consistent for him to argue for more money since AT&T is saying that government is getting too big. The Council needs to develop a budget.

Emra stated that the report is good but added that the “good news” part is lacking. The state has a lot of BB capacity and it is growing every day. The report should talk about mapping. He expressed appreciation for the work done, knowing the challenges of creating a collaborative document. The report should acknowledge the private sector investment. Availability is not the issue but adoption.

There was general agreement that the basic funding of \$10,000 per year for administrative work for CASE is reasonable. However, Chowaniec also underscored a disinclination to go to General Assembly for additional money. Realistically, the only source of funding is likely to be the leveraging of federal stimulus funds. For example, if the Council was granted 50K, does it have the authority in the legislation to expend it?

Staffing — Vietzke said the Council is lacking full-time staff and that is an issue, but the Council’s enabling legislation should remain unchanged.

With regard to the staffing discussion, Strauss cited the CT Energy Advisory Board (CEAB) model. CERC serves as administrator to CEAB as CASE does for BICC; then the CEAB utilizes paid consultants produce their Integrated Resource Plan. They do not have staff and there has been debate about that within the CEAB. The CEAB is funded through ratepayer charges.

The Council’s Role — How to bring the disparate perspectives of council members together? Vietzke: we need someone to drill down and figure out where the gaps are and figure out how to bridge them; without that the Council should not request funds. He still believes it is a staffing issue.

McCoy cited product/adoption content in the report. The notion of municipalities building networks because there are interests in shared services form entities like the Capitol Region Council of Government (CROG). McCoy asking what the applicable products are; some are not feasible due to lack of bandwidth. McCoy cited Curtis Hill and *Concepts for Adaptive Learning* – with AT&T supplying that product. He asked if that model be applied more often?

There was further discussion of the Council’s empowering legislation and whether it needs to be expanded. Vietzke reiterated that he believes the legislation is fine as it is.

Manzione raised the question of incentivizing the private sector and reiterated the strategic plan approach. His view is that the report highlights the fact that this a critical period for developing an effective action plan.

Earley noted that BB penetration has probably increased since the CASE study, *Advanced Communications Technologies* study (2006). The Council needs to provide an appropriate snapshot in the report.

Vallée: Discussion has centered on what does the BICC want to do; however, the activities are not happening because there no funds, and infrastructure is not the issue in CT. Sustainability and PC centers are a huge issue. Perhaps the Council could be used to consider opportunities such as these.

Manzione: Also workforce development, education. Schools are not taking advantage of the available educational content. The Council can shift the emphasis from effective implementation to *guiding* effective use of the Internet.

Emra agreed and cited an anecdote about CT Community Colleges currently teaching software development on software that does not get used anymore. There are niche issues and other things that we do need to be sure to address, like computer centers and computers in homes. How can the Council facilitate these discussions? Curtis Hill has parents who understand the value proposition.

O’Brien: we also have to allow that some people understand the value proposition but still decide not to have broadband.

Going Forward—Vietzke: The national broadband plan will be completed in the next 6 months, assuming it will be good plan, perhaps the thing for the Council to do would be a gap analysis of what is in that plan and what needs to get done. As soon as the map is complete, the industry will go in and invest to have a competitive advantage. New information could surface there (for example, business speeds being faster than home and private BB data rates). The Council should respond to the national broadband plan to ensure that CT moves beyond its current status and becomes even better.

Mundy noted that the current report draft does go beyond the mandate of the legislation and echoed the need for more context, for example where CT stands relative to other states with regard to service (see FCC high speed internet report).

Manzione called on private sector members of Council for input on what to include in the report with relation to encouraging development of BB availability. He emphasized preparation in responding to the national broadband plan and the need to address workforce competitiveness and education issues relative to broadband.

There was discussion around the question of the funding for CASE to support the BICC. Vallée pointed out that those dollars could possibly come out of the stimulus funding for planning going to DPUC. Chowanec underscored the fact that such a request is not for the draft report but may involve contacting key legislators or agency leaders.

It was pointed out that with federal planning funding for BB coming to the state, if the Council does not say what its priorities are then it will miss the opportunity.

Emra expressed concern that a turf battle would develop if BICC suggests it be the lead agency. He noted that legislation similar to last year's is very likely to be introduced and thinks the Council should support the legislation and that would avoid any turf war with other entities.

Manzione expresses concern that the proposed legislation will not result in a cohesive plan. Should the Council be a leader of this process given the technical expertise it encompasses? Concern was expressed that the Council will be perceived as trying to reinvent the wheel.

OUTCOMES

Vallée to send out the draft for further comment and summarize the discussion and recommended changes. Members should respond before Dec. 22. A new draft would be reviewed by Council in 2010 for their consideration.

Chairman Manzione called for public comment there was none.

Adjournment.