

# Connecticut Broadband Internet Coordinating Council

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**MINUTES: June 7, 9-11 a.m., LOB, 1B**

## **9:00, CALL TO ORDER, INTRODUCTIONS**

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

**Rob Vietzke**, *Council Vice Chairman*, Internet 2

**Mike Chowaniec**, Cablevision

**Burt Cohen**, Murtha Cullina LLP

**Rob Earley**, Comcast

**John Emra**, AT&T

**Jack McCoy**, Town of Manchester

**Bob Mundy**, *Ex-officio*, Dept. of Public Utility Control (DPUC)

**Pat O'Brien**, *Ex-officio*, Office of Policy and Management

**Anthony Santino**, Independent Businesses

**Bill Vallée**, Office of Consumer Counsel (OCC)

**Call for Approval of March 2010 Minutes** — Chairman Manzione called for approval of the March minutes. Santino made a motion, Earley seconded. All were in favor.

**Summary of April Legislative Briefing** — Manzione summarized his presentation to members of the Energy & Technology Committee of the General Assembly on Mar. 10, 2010. Sen. Fonfara and others expressed interest in adoption programs over infrastructure expansion. Manzione cited Slide 9 (see link below) in his PPT presentation regarding incentives to services providers for public-private partnerships and emphasized broadband as an economic and education enabler. Manzione encouraged members of the Energy & Technology Committee to look to the CBICC for advice. ([http://www.ct.gov/cbicc/lib/cbicc/CBICC\\_Report\\_to\\_the\\_E&T\\_CMTE,\\_CT\\_Legislature\\_042010.pdf](http://www.ct.gov/cbicc/lib/cbicc/CBICC_Report_to_the_E&T_CMTE,_CT_Legislature_042010.pdf))

**Update on NTIA Expansion of State Broadband Data Development Program** — Mundy reported that the NTIA (National Telecommunications and Information Administration) grants are expanding from 2 to 5 years (though funding is not increasing 150%). He also briefed the Council on DPUC's efforts to date on the mapping grant. The goal is to assess broadband capability in the state and move toward expansion of capability and adoption. Efforts have been focused on collecting data from providers and community anchor institutions; with initial results providing meaningful data. DPUC has until July 1 to apply for the additional 2M in funding. An initial broadband map is expected (i.e. providers that are at your doorsteps, their speeds etc.) by end of July. Visit [www.wabroadbandmapping.org](http://www.wabroadbandmapping.org) to see the Washington state map by the same consultant that CT is using. The consultant noted that CT has had a better provider response than in Washington. Mundy also noted that there would be a public rollout with press releases.

There was further discussion regarding the NTIA'S BTOP (Broadband Technology Opportunities Program) grants. Vallée noted that BTOP funds must be applied for by the state, thus the DPUC application. McCoy mentioned that the CT-Muni-Net project has a 3-4 town spinoff and asked about the possibility of pushing that through a state channel. Vallée said he would explore that. It was noted that that CT was not eligible for any Dept. of Agriculture grants for rural areas.

**Municipal Subcommittee Legislative Recommendation to Establish Statewide Pole Administrator** — McCoy noted that towns are advocating for a statewide pole administrator, similar to the role AT&T once filled. He explained that the issue of pole administrators came up as part of rate case going before the DPUC about CL&P pole use. He raised the issue for the Council's consideration. The Pole Administrator would be one central office funded by operating fees and rate payers. McCoy cited a recent publication by the Federal Communications Commission (FCC) which mentioned pole administration frequently. It's a major issue for fast-turnaround and being able to deploy capacity. Historically, the work of pole administration is funded by the entities that are installing/maintaining poles and cable.

He cited a specific example in Manchester where there are three applications pending to connect a small site to the municipal education network. McCoy said the goal is to go back to a pole attachment agreement instead of submitting

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applications to at least two entities: CL&P and AT&T. His understanding of the current system is that all entities must be notified as to whether an application will or will not require their poles. McCoy cited three categories of fees for the applications going through the pole administration process: 1) **application fee** 2) **engineering fee** and 3) **ongoing cost of use fee**

Emra noted that the current procedure is that the pole owner administers the pole. AT&T administers its own poles – rather than all poles (which was not a good system for AT&T). He disagreed with the characterization that the pole application process was difficult and onerous, and noted that the funding issue for a new pole administration entity had not been addressed. The poles cost the companies money.

To underscore his point McCoy deferred to Emra's comment that AT&T had wanted to stop administering *all* poles, cited the cable company's testimony before the DPUC which stated that the current system is not the best way to handle pole administration, as well as the fact that municipalities owe payment to two entities.

Vietzke cited a prior experience on a project in Michigan to build 1500 miles of fiber with FiberTech. He noted that the AT&T poles were processed fastest and municipal poles were slowest. It was not clear where things were held up. He added that the FCC has recognized the pole administration issue in the National Broadband Plan. CT should become more transparent instead of being more divided, per Vietzke. He suggested that the CBICC ask the DPUC to report to the CBICC on the issue, or that the CBICC send a letter to the DPUC underscoring that in CT, pole administration should be fast, transparent and fair.

Chowaniec highlighted key points on the pole administration discussion:

- Regarding the transfer that is happening on the administration side with AT&T. The cable association has been involved with the CL&P rate proceeding. There are some concerns with how CL&P envisions its role. A draft decision is expected in next 7 to 10 days. If there is dissatisfaction with how those issues play out – then they will have to be addressed separately.
- There are legal and rate-related issues that should not be included in the discussion. We have to figure out how to make the CL&P process work.

McCoy reiterated that a statewide pole administrator would still make the process better and then municipalities would only have to pay one entity. There was general agreement that the issue is an important one and one that makes sense for the CBICC to consider. Emra noted that the electric companies should be included in the discussion which was a sentiment echoed by council members. Vietzke said that the CBICC should not get into the details but should come up with a position and send it to the DPUC.

Vallee suggested conducting a forum in which the CBICC meets with the Make Ready Working Group (see Next Steps below).

**National Broadband Plan**— Vietzke gave an overview of the National Broadband Plan (NBP), released on March 16, 2010. The plan has been praised and ridiculed, according to Vietzke, depending on the source (see link to plan below). It has six bulleted long term goals:

1. At least 100 million U.S. homes should have affordable access to actual download speeds of at least 100 megabits per second and actual upload speeds of at least 50 megabits per second.
2. The United States should lead the world in mobile innovation, with the fastest and most extensive wireless networks of any nation.
3. Every American should have affordable access to robust broadband service, and the means and skills to subscribe if they so choose.
4. Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.
5. To ensure the safety of the American people, every first responder should have access to a nationwide, wireless, interoperable broadband public safety network.

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6. To ensure that America leads in the clean energy economy, every American should be able to use broadband to track and manage their real-time energy consumption. <http://download.broadband.gov/plan/national-broadband-plan.pdf>

Veitzke reported that the top two people who promoted the NBP have left so it will be interesting to see what reaches implementation.

Vallée posted a question about whether e-rates are addressed in the NBP to Vietzke. Per Vietzke, the plan aims to frame Universal Service Fund (USF) in a different way with more people paying in. He noted that this could be potentially disruptive to, for example, the roughly 180 library systems in CT for which a change in that funding source could be a problem. **So the work to gain access** to USF programs for other purposes will have to be done carefully.

**FCC Broadband Reclassification** — Emra summarized this issue, reporting that the FCC is revisiting its jurisdiction over the internet and looking at assuming a role like its present role with the telecom industry. Cable industries and telecom companies have made public statements against this position, citing the success of the existing structure. Emra said that there are situations where pending regulatory changes potentially stalls forward movement and mentioned the example of WIFI on trains – a creative innovation that would be hindered by more regulatory hurdles.

Manzione noted that it does seem as though the internet has moved beyond a regulatory model similar to what happened to the telephone industry.

Emra underscored that the FCC reclassification is not just proposing re-regulating, but regulating providers who have never been regulated before (cable internet providers).

Vietzke said that there is more to it than the latter characterization. Comcast sued the FCC on the internet neutrality issue and a federal court ruled against the FCC. Vietzke indicated that with reclassification the FCC is trying to go back to status quo. He added that it is an issue for Congress to consider. Emra disagreed with the status quo notion, saying that what the FCC is advocating goes back to a 1930s model. He did agree that it is an issue for the Congress. Vallée said he supports the FCC move and noted that it displays the battle lines clearly.

## **NEXT STEPS FOR THE BICC**

Discussion returned to the pole administration issue. A meeting with the Make Ready Working Group was suggested by Vallée. McCoy said that the municipalities should be involved. It was noted that the Working Group would need an outline to prepare for the meeting. Two possible events were identified: a fall forum of some kind along with a meeting with the Make Ready Working Group.

It was decided that the Council should have a conference call to better define the approach and the participants for such events. A representative from the DPUC speaking in the audience suggested that Peter Pescosolido would be the best choice in approaching DPUC – perhaps instead of, or in addition to Commissioner Tony Palermino.

Chowaniec noted that September and October will be a difficult time for getting legislative attention. November could work.

## **No Public Comment**

**Meeting Adjourned 11:00 a.m.**