



## CVFiber Policy Committee Meeting Minutes

**Thursday, July 28, 2022 5:00 PM - 6:00 PM**  
**Virtual meeting**

**Present:** Allen Gilbert (Worcester), Linda Gravell (Waterbury), John Morris (Marshfield), Ray Pelletier (Northfield), Siobhan Perricone (Orange); and Jerry Diamantides, CVFiber Governing Board chair, and Jennille Smith, executive director. **Absent:** Phil Cechinni (Barre) and Alexis Julian (public member).

- 1. Call to order.** A quorum being present, the meeting was called to order at 5 p.m. by Gilbert, chair.
- 2. Changes to agenda.** There were none.
- 3. Public comment.** There was none.
- 4. Approval of June 30, 2022 draft meeting minutes.** Pelletier moved, Siobhan seconded, to approve the minutes as presented. Approval unanimous.
- 5. Approval of July 15, 2022 special meeting draft minutes.** Gilbert noted typos on pp. 3 and 4, for which he offered corrections. Pelletier moved, Siobhan seconded, to approve the minutes as corrected. Approval unanimous.
- 6. De-briefing of July 15 Equal Access to Broadband presentation.** Gravell expressed worries about CVFiber not being able to sustain affordability for some customers. She felt the EAB representatives had knowledge that can help us as we move forward on setting rates and working to keep subscriptions affordable

for everyone. Gilbert asked if she had run any financial projections; she said “no, but I would like to.” Perricone said her town, Orange, is very poor. There are lots of elderly residents. She has a lot of concerns about affordability – not just in Orange, but in the neighboring town of Washington as well. She said the cross-district numbers EAB provided were “something,” but were not town-specific – which she feels we need to have. Pelletier presented slides David Healy had produced several years ago showing family income in different towns, as well as other economic and social statistics, including what are described as “ARPU” rates – average revenue per user rates. He also noted that it’s typical for subscription rates to be higher when a new network is starting and then fall as the network is more fully developed.

Gravell said she’s done a little work to project what CVFiber needs to do to get its marketing going; she showed a chart she’s developed identifying steps needed in both “market preparation” and “marketing outreach.” Gilbert asked Smith if any points being raised were a surprise to her. She said that generally, no. She understands there’s a lot of detailed work ahead in setting subscription rates and marketing CVFiber’s services. We should be aiming for a 41-percent “take rate,” she reported one of our contractors suggesting. Gravell felt we should be working with EAB for help in marketing subscriptions. Smith believes there is a fair amount of interest already in subscriptions, and that EAB could help us.

Pelletier suggested that we should have, in next year’s CVFiber budget, money to contract with EAB for outreach among low-income homeowners. Morris wondered if there might be specific grants available for hook-ups; Gravell mentioned Lawson Brewery in Waitsfield helps to raise money for nonprofits through passing-the-cup fundraisers among customers at their brewery restaurant/bar.

**7. Development of policies needed before CVFiber network goes live; possible presentation of draft Net Neutrality Policy.** Gilbert presented a draft of a CVFiber Net Neutrality Policy (attached below). He explained that it’s based on language in state statutes that defines the commitments an internet service provider must make in order to be considered for “net neutral” certification by the state. The approach is similar to what NEK Broadband has developed. While it was agreed the policy seems well-written and complete, it was suggested that we may need a stripped-down “user’s guide” that explains in everyday language what “net neutrality” means and why it is important. There was no objection to the suggestion. Perricone moved, and Gravell seconded, a motion to approve the draft and recommend it to the CVFiber Governing Board for adoption. Approval was unanimous. Diamantides said he supports the idea of CVFiber applying for net neutrality certification from the state as soon as possible; all agreed.

Perricone, who has been working on the draft of a CVFiber Privacy Policy, said that the Waitsfield Telecom policy on privacy is exactly what she would like us to adopt. Since Waitsfield Telecom is our contractor to operate our network, it should be an easy hand-off in fashioning the Privacy Policy.

**8. Pelletier-Shenk proposal for procedure regarding delegate absences** (attached below). Pelletier showed a chart of town delegate attendance over time at CVFiber Governing Board meetings. Some towns have had zero attendance in the past year. This is a problem, especially as we look to start promoting the availability, to come shortly, of our services in network towns. Pelletier said he and Shenk feel it's a ministerial duty that the CVFiber clerk assume the bulk of the duty of implementing a five-step process for identifying and reaching out to the no-shows (and others with low attendance records); the goal would be to explain the importance to the town delegates of their involvement in our work and in communicating with their townspeople about our progress in building the network through member towns.

Perricone said that she doesn't like any idea of questioning a town's participation in the district. The town voted to join CVFiber, she said, so that's an expression that they want internet service from CVFiber, when it becomes available. She was afraid that the fifth step in the proposal is a suggestion that the town should be kicked out of CVFiber. Diamantides said he doesn't think the town doesn't want to be engaged. The issue is letting the local select board know that the folks they appointed aren't attending meetings, and it's important they do so. "We're not interested in kicking people out of CVFiber," he said. Pelletier agreed. "We're not trying to embarrass or kick people out." The point is to inform local leaders that their town is not getting representation in something that community members care about.

Gilbert suggested the proposal be re-written as a rule, and – if approved by the CVFiber Governing Board -- be incorporated into the CVFiber Rules of Procedure. Currently, the document as written is a motion. He offered to re-draft it as a rule. Pelletier said he would like something to be presented at the next board meeting, on Aug. 9; this is an important issue to address as soon as possible. After a straw poll, Gilbert suggested that he produce a rule that agrees with the Pelletier-Shenk proposal in substance; he will share the re-draft with Pelletier and Shenk, and if they approve of it, the document will be presented to the Governing Board at its August meeting for review and adoption. The suggestion was accepted as a motion, and the motion was approved unanimously.

**9. Tracking volunteer hours spent on CVFiber work – continuation of discussion.** This item was tabled, due to the late hour; but interest was expressed

in our continuing to try to test out the software mentioned previously by Perricone. All agree that tracking volunteer hours would be an important aide in explaining our work and receiving grants.

10. **Other business.** There was none.

11. **Adjourn.** The meeting adjourned at 6:15 p.m.

*-- Allen Gilbert*

**Approved Sept. 29, 2022**

## **Attachments**

### **CVFiber Net Neutrality Policy -- Draft**

Allen Gilbert  
July 21, 2022

CVFiber endorses an open internet and adheres to the net neutrality standards described in Vermont law, 3 VSA § 348. Adhering to these standards enables CVFiber to apply to the Vermont Secretary of Administration for net neutrality certification. A Certificate of Net Neutrality Compliance is awarded upon review by the state that CVFiber is in compliance with the consumer protection and net neutrality standards established by the Federal Communications Commission and adopted in February 2015 (but subsequently repealed with the change of federal administration in 2017); the standards are condensed into three broad requirements and are described in the first three sub-sections of the Vermont Net Neutrality law. In addition to these requirements, Vermont certification requires adherence to other specific requirements related to the FCC standards, as stated in 3 VSA § 348 (attached).

To that end, CVFiber pledges that it will not:

1. Block lawful content, applications, services, or non-harmful devices, subject to reasonable network management.

2. Impair or degrade lawful internet traffic on the basis of internet content, application, or service, or use of a non-harmful device, subject to reasonable network management.
3. Engage in paid prioritization – meaning the management of a broadband provider's network to directly or indirectly favor some traffic over other traffic – including through use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either
  - (a) in exchange for consideration (monetary or otherwise) from a third party, or
  - (b) to benefit an affiliated entity.
4. Unreasonably interfere with or unreasonably disadvantage either a customer's ability to select, access, and use broadband Internet access service or lawful Internet content, applications, services, or devices of the customer's choice or an edge provider's ability to make lawful content, applications, services, or devices available to a customer. Reasonable network management shall not be considered a violation of this prohibition.
5. Engage in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content to its customers.

CVFiber pledges that it will:

1. Publicly disclose to consumers accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

Explanation of terms:

- 1) "Broadband Internet access service" means a mass-market retail service by wire or radio in Vermont that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. The term also encompasses any service in Vermont that the Secretary of Administration finds to be providing a functional equivalent of the service described in this subdivision (this paragraph), or that is used to evade the protections established in this chapter.
- (2) "Edge provider" means any person in Vermont that provides any content, application, or service over the Internet and any person in Vermont that provides a device used for accessing any content, application, or service over the Internet.

- (3) "Internet service provider" or "provider" means a business that provides broadband Internet access service to any person in Vermont.
- (4) "Paid prioritization" means the management of an Internet service provider's network to favor directly or indirectly some traffic over other traffic, including through the use of techniques such as traffic shaping, prioritization, resource reservation, or other forms of preferential traffic management, either in exchange for consideration, monetary or otherwise, from a third party or to benefit an affiliated entity, or both.
- (5) "Reasonable network management" means a practice that has a primarily technical network management justification but does not include other business practices and that is primarily used for and tailored to achieving a legitimate network management purpose, taking into account the particular network architecture and technology of the broadband Internet access service.

CVFiber pledges that it will:

2. Interpret these terms and definitions broadly, and interpret any exceptions narrowly, using relevant Federal Communications Commission orders, advisory opinions, rulings, and regulations as persuasive guidance.

### **Pelletier-Shenk proposal on delegate absences**

Whereas each municipal member of CVFiber can appoint one Delegate as a member of the Governing Board and one or more alternates, and

Whereas the Governing Board sets policy, adopts budgets and awards contracts among other functions, and

Whereas municipal representatives may also serve on CVFiber committees, such as Communications, Executive, Finance and Audit, Planning and Development, and Policy to guide CVFiber in its pursuit of constructing the CVFiber Community Network, and

Whereas Delegates and alternates perform important functions communicating community needs to CVFiber and reporting to the Select Board and community about the activities and requirements of CVFiber, and

Whereas the Governing Board and the committees require a quorum to perform their responsibilities, and

Whereas Board and committee meetings have had to be cancelled or ended prematurely when a quorum was not present, and

Whereas CVFiber and the member municipalities are adversely affected by the failure of appointed delegates and alternates to attend and participate,

It is moved that CVFiber take the following actions:

1. The Clerk send the draft minutes of each Board meeting to the Governing Board and the Select Board of each member municipality of the Governing Board's activities and the participation of its representatives,
2. The Clerk notify municipal representatives when they have missed two meetings in a row and advise them of the CVFiber Absence Policy, and
3. The Clerk notify the Select Board when its representatives have missed three consecutive Board meetings,
4. The Clerk notify the Select Board when its representatives have missed four consecutive Board meetings and that CVFiber considers the representative positions "vacated" and requests the Select Board to appoint new representatives.
5. The CVFiber Board Chair request a meeting with the Select Board Chair, Council Mayor, or an appearance on the Select Board agenda when its representatives have missed five consecutive Board meetings to discuss the municipality's participation in CVFiber.