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ConnectME Authority Meeting Notes - March 5, 2009

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ConnectME Authority

Meeting Notes

March 5, 2009

1. Introduction

Authority Members: Jean Wilson, Mitch Davis, Sharon Reishus, Dick Thompson

Staff: Phil Lindley, Amy Spelke

2. Remaining Second Round Grant Challenge:

Second Round Grant Challenge discussion continued from the last meeting.

- Phil introduced the challenge and recommended that Time Warner (TW) speak first but pointed out that RedZone (RZ) had committed to comply with the Authority's requirements in a letter dated January 27, 2009.
- Tom Federle provided TW's response:
 - Tom stated the TW doesn't enjoy its antagonistic position but believes that it is interpreting the statute correctly.
 - At the last two meetings TW presented its position and provided the Authority with maps of its territory.
 - TW and RZ have had "a number" of conversations since the last meeting and TW has not yet seen more detailed mapping from RZ.
 - The maps that were produced with the application do not seem "realistic" and show overlap with TW in Tremont and Trenton.
 - Tom presented TW's conditions for its agreement to withdraw its challenge.
 - The conditions would apply to TW indicated coverage "bubbles" 1, 2, and 3 on RZ's map not 4 and 5, as TW does not provide service in those areas.
- Changes were suggested to the conditions document. These were:
 - TW territory is defined by houses to which a standard drop would be provided at no expense to the subscriber within two to three weeks.
 - Removing "after consulting with the map".
 - Agreement that the map for RZ to follow will be a "point in time" map, likely as provided to the Authority by TW, dated 11/6/08.
- Tony Perkins presented RedZone's response to TW.
 - The mapping that TW is requesting is very difficult and expensive.
 - RZ is willing to ask for customers to verify that they do not have an option for TW service and do an independent visual inspection and build an overlap database as they go forward.

- Conversations with Mr. Lindley had caused them to focus on the small pockets or “holes in the swiss-cheese” to find the unserved areas.
- RZ is concerned with TW’s language regarding the Authority’s ability to impose sanctions. (there was a discussion about the Authority’s ability to impose fines – final language is reflected in the agreement between RZ and TW)
- There may be customers that even RZ can’t reach – they can’t guarantee 100% coverage.

Authority members’ discussion:

- Dick Thompson stated that we should be careful about the agreement to avoid using Authority funded equipment to serve the “served” customers in the future.
- Time of award will determine gaps.
- Change “would” to “could” in the conditions of approval document.
- Modify 2(B) and 3, (delete the \$1000 penalty)
- Put remedies in the contract
 - The authority shall be authorized to impose a monetary penalty it deems commensurate with the violation and shall be authorized, without limitation to declare RedZone ineligible for future grants.

MOTION: To sustain the award if both parties sign the conditions of approval within in 10 days.

Vote: unanimous yes

3. Executive Director Report

Phil presented the Executive Director’s report:

1. The Utilities and Energy Committee would like to see a change to the challenge process.
2. Phil plans to issue an RFP for mapping that follows the Federal Broadband Data Improvement Act language for grant funding. He would like to post it next week. He also plans to conduct a short term “quick and dirty” mapping project by requesting data from providers.
 - a. Authority determined a vote to “authorize” the RFP was not needed.
 - b. Jean recommended that the mapping project be “updatable.”
3. Phil presented his proposal to change the grant process – the Authority approved.
 - a. The next round will request smaller, more focused proposals – suggested limit \$100,000, with flexibility.

- b. Sharon asked if the smaller size would eliminate “economies of scale” for providers. No, if a company could apply for multiple grant projects.
 - c. June is a good target date for the next grant awards – to embrace the construction season.
- 4. NTIA grants were discussed - this may be the opportunity for a bigger project funded both by the Authority and the NTIA.
- 5. LD 764 will allow municipalities to deploy DSL. Phil will monitor this and other relevant legislation.
- 6. Mitch would like to see figures for number of customers served since CMA started – and number of homes passed, etc.

4. Pubic Comment Period

- 1. Fletcher Kittredge from GWI and the Authority’s Advisory Council:
 - a. The Advisory Council is ready and willing to advise the Authority.
 - b. An observation: wireless broadband will never “compete” with wireline. That should not be a consideration in awarding grants.
- 2. Don Flewelling – Pioneer Broadband:
 - a. Asked if Pioneer was supposed to sign a document with Axiom regarding their challenge. Not necessary.
- 3. Ben Sanborn from TAM
 - a. Wireline carriers are considering requesting Authority funding and looking at stimulus money.
 - b. The goal should be to fill all gaps and leverage the most money.
 - c. Consider counting loss of property tax as the state’s match.
- 4. Andy Vamvakias – Premium Choice Broadband:
 - a. Authority should consider other models.
 - i. Suggests a “bounty” or \$/per customer for all unserved areas.
 - ii. Create tax credit/swap program.
 - iii. Encourage using advisory council.
- 5. Reggie Palmer – TDS telecom and Advisory Council
 - a. Encourage the Authority to use the Advisory Council
 - b. Raised concerns about the confidential mapping material.