MARATHON COUNTY
BROADBAND TASK FORCE MEETING
Agenda

Date & Time of Meeting: **Monday, January 24, 2022 at 4:00 P.M.**
Meeting Location: **Assembly Room, Marathon County Courthouse, 500 Forrest St, Wausau, WI**

Task Force Members: Chair John Robinson, Eric Budleski, Sandi Cihlar, Sara Guild, Jacob Langenhahn, Milton Olson, and John Robinson, Wade Carroll, Kurt Schoenroch

Task Force Purpose: *Develop recommendations identifying the potential role of Marathon County in facilitating the expansion of Broadband access in Marathon County. Review the Report: Broadband for Marathon County Broadband Assessment and Plan prepared by Design Nine and develop broad policies and partnership recommendations relating to the expansion of broadband/internet services throughout Marathon County.*

The meeting site identified above will be open to the public. However, due to the COVID-19 pandemic and associated public health directives, Marathon County encourages Task Force members and the public to attend this meeting remotely. Instead of attendance in person, Task Force members and the public may attend this meeting by **telephone conference**. If Task Force members or members of the public cannot attend remotely, Marathon County requests that appropriate safety measures, including adequate social distancing, be utilized by all in-person attendees.

Phone #: 1-408-418-9388   Access Code: 962 376 748
When you enter the telephone conference, **PLEASE PUT YOUR PHONE ON MUTE!**

1. **Call Meeting to Order**
2. **Public Comments (15 Minute limit)**
3. **Approval of the November 15, 2021 and December 14, 2021 Broadband Task Force Meeting Minutes**
4. **Educational Presentations and Committee Discussion:**
   A. Update on RDOF progress
   B. Update on NTIA Grant Application
   C. Discussion of Other Funding Opportunities
   D. Update on Bug Tussel
5. **Policy Discussion And Possible Action:**
   A. Public Education on Use of GeoPartners Survey Tool of Unmet Needs
   B. Partnership Opportunities for the Wisconsin PSC's Broadband Access Grant $100 Million
      1. Internet Service Providers
      2. Other Units of Government
      3. Use of Unallocated Capital Improvement Funds for Broadband Expansion
   C. Potential Legislative Changes that Could Expand Access to Internet Services
6. **Next Steps**
7. **Next Meeting: February 28, 2022**
8. **Adjournment**

"***Any person planning to attend this meeting who needs some type of special accommodation in order to participate should call the County Clerk's Office at 715-261-1500 or e-mail*** [***countyclerk@co.marathon.wi.us***](mailto:countyclerk@co.marathon.wi.us) ***one business day before the meeting.***

<table>
<tr><td></td><td>**SIGNED** /s/ John Robinson</td></tr>
<tr><td></td><td>Presiding Officer or Designee</td></tr>
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Emailed To: Wausau Daily Herald, City Pages, and	NOTICE POSTED AT COURTHOUSE
Other Media Groups	
Emailed By: T. Ranallo	BY: Clerk's Office
Date/Time: 1/18/2022 7:00 pm	DATE/TIME: 1/19/2022

MARATHON COUNTY
BROADBAND TASK FORCE MEETING
Minutes
Monday, December 14, 2021 at 3:00 P.M.
WebEx/Room 5, 212 River Dr, Wausau WI

Members	Present/Web-Phone	Absent
Chair John Robinson	P	
Sandi Cihlar	W	
Jon Euting	W	
Sara Guild	W	
Jacob Langenhahn	W	
Milton Olson	P	
Kurt Schoenrock		x

Also Present: Gerry Klein, Valerie Carrillo

VIA Web or Phone: Corey Hauer, Celeste Flynn, Gregg Wavrunek, Andy Faust, Randy Wolfgram, Haley Tollefson, Paul Deming, Jason Hausler, Phil Flood, Glenn Fishbine, Randy Fifer, Eric Budleski, Lance Leonard, Scott Nyman, Kurt Gibbs

1. Call Meeting to Order: Chair Robinson called the meeting to order at 3:00 p.m.
2. Public Comments (15 Minute limit) - none
3. **Minute's approval delayed to next meeting.**
4. **Educational Presentations and Committee Discussion:**
   A. Update on RDOF progress (Charter Communications, LTD)

Discussion:

Charter Communications – Celeste Flynn and Randy Wofgram presented a company overview. They will be serving 67 counties in Wisconsin after RDOF. Nationwide, they have $5 billion in total capital investment and have added 115, 000 miles of new infrastructure. Currently, Spectrum Internet speeds are at least 200 Mbps in almost 85% of the footprint and 100 Mbps to the remainder. Charter's RDOF will allow fiber to the home speeds of up to 1000 Mbps. In Wisconsin, there will be $668 million in capital investment and approximately 15,524 miles of infrastructure will be built. A map was shown of the current areas they serve in Marathon County as well as where Charter was awarded an RDOF area. They will be primarily focusing on the western half of Marathon County in 2022 (447 miles of fiber, about 3100 customers). The Hamburg area will be 2023, the north east side of the county is scheduled for 2024, and the remaining southern portion of the county in 2027, although Randy is hoping to move these up to 2024. They will extend service to areas that they have to build through. They have developed a different variety of affordability options using programs and services to help others get connected to broadband. They have a process in place to notify residents when broadband is available in their area. They will not be doing any fixed wireless. It will all be fiber to the home.

LTD – The company has been focused on rural areas for 11 years. Corey Hauer stated they are still working back and forth with the FCC for the engineering long for changes. They expect to collaborate with a number of carriers as they move through Marathon County. They expect to use several egresses in order to get back to their digital centers. They offer plans that allow low income consumers to use their network. They are hoping the county will be able to increase the responsiveness on permitting to help the process move faster. There was additional discussion on infrastructure and other county agreements. They are doing whatever they can to shorten up the construction process as well. In regards to pricing, they expect it to start at $130 but intend to include whole home Wi-Fi as well as an app to monitor connections. They would like to be done within Marathon County in 3 years from when they start but cannot give a start date until the monies are actually awarded.

   B. GeoPartners Presentation on Survey Tool

Discussion:

They recently completed getting the entire state of Wisconsin's economic development organizations under a contract and have already begun testing. Glenn showed what they currently have mapped for Brown

County and demonstrated how they are able to determine how many households are not served and what the cost would be to implement broadband using crowd source data. This can be useful in applying for grants. They also have some of the infrastructure content already available. They are able to use public domain data to see what other companies have for speed test results within a certain area range. For Marathon County, Synergy is the contact to gain access to this tool. North Central Planning is also taking the training and willing to help the county.

5. **Policy Discussion And Possible Action:**
   A. Survey of unmet needs
      1. Discussion that the information that GeoPartners tool can provide would be very beneficial. A question posed was what will the marketing plan look like? It was also pointed out that survey results may be based on personal knowledge and not necessarily the availability of service in the area. There was general consensus on connecting with Synergy and North Central Planning for further information.
   B. Update on Grant Timelines and process for the Wisconsin PSC's Broadband Access Grant
      1. Discussion of if there should be a meeting scheduled with internet service providers to see if there is someone to partner with for unserved areas. It was also suggested to use available tools to see who will not be served with the other funds. Current carry-over funds as well as funds and grants possibly available elsewhere were also discussed.

6. Next Meeting Topics
   1. Follow up with GeoPartners
   2. Regional Planning Commission capabilities
   3. Look into County resource funding with grants
   4. Look at map information
   5. Wisconsin Counties Association information

7. Next Meeting: A doodle poll will be sent out regarding moving the next meeting date to within the first couple weeks of January.

8. Adjournment
   LANGENHAHN MOTION TO ADJOURN MEETING, OLSEN SECOND. MOTION CARRIED UNANIMOUSLY. MEETING ADJOURNED AT 3:45pm.

Respectfully Submitted by,
Kathy Johnson

KEY HIGHLIGHTS OF THE GUIDANCE

1. Final Rule is effective April 1, 2022, but counties can take advantage of flexibility prior to that date

2. Allows counties to use up to $10 million of ARPA Recovery Funds as "loss revenue" for the provision of general government services without needing to use the Treasury revenue loss formula

3. Improves revenue loss calculation formula **to include utility revenue and liquor store sales, at option of counties**

4. Clarifies eligible use of funds for capital expenditures and written justification for certain projects

5. **Presumes certain populations were "impacted" and "disproportionately impacted" by the pandemic** and therefore are eligible to receive a broad range of services and support

6. Streamlines options for premium pay, by **broadening the share of eligible workers who can receive premium pay**

7. Authorizes re-hiring of local government staff, either at or above pre-pandemic levels

8. Allows Recovery Funds to be used for modernization of cybersecurity, including hardware and software

9. Broadens eligible use of funds for water and sewer projects to include culvert repair, dam and reservoir rehabilitation

10. **Broadens eligible broadband infrastructure investments to ensure better connectivity to broader populations**

NATIONAL ASSOCIATION *of* COUNTIES NACo®

REPORTING REQUIREMENTS

On January 7, Treasury released the Project and Expenditure Report and User Guide.

- **The following counties are required to submit a <u>Project and Expenditure Report the Treasury by January 31, 2022</u>:**

    — Counties with populations that **exceed 250,000 residents** (referred to as Tier 1 recipients by Treasury)
    — Counties with a population **below 250,000 residents yet received more than $10 million** in Recovery Funds (referred to as Tier 2 recipient by Treasury)

- The **Project and Expenditure Report will cover the period between March 3, 2021, and December 31, 2021,** and requires the reporting of project, obligations and expenditure data, subaward data, as well as certain required programmatic data

- Counties with **populations below 250,000 residents and received less than $10 million** in Recovery Funds, **<u>are not required to submit</u>** a report by January 31, 2022

    — First reporting deadline is now **<u>April 30, 2022,</u>** and annually afterwards

Support Public Health Response
Fund COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff

Address Negative Economic Impacts
Respond to economic harms to workers, families, small businesses, impacted industries, and the public sector

Replace Public Sector Revenue Loss
Use funds to provide government services to the extent of the reduction in revenue experienced due to the pandemic

Premium Pay for Essential Workers
Offer additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors

Water and Sewer Infrastructure
Make necessary investments to improve access to clean drinking water and invest in wastewater and stormwater infrastructure

Broadband Infrastructure
Make necessary investments to provide unserved or underserved locations with new or expanded broadband access

DECODING *THE LANGUAGE* OF THE GUIDANCE

Throughout the Final Rule, U.S. Treasury uses various key words that are important to understand in determining the eligible use of funds.

- "Should" and "must" = **Mandatory** reporting, use and compliance

- "May" and "encourage" = Allows county **discretion**

- Proportional & Reasonable

REPLACING LOST REVENUE

Counties can use Recovery Funds to provide government services, up to the amount revenue loss experienced. Under the Final Rule, <u>counties now have two options:</u>

KEY NEW FEATURES IN FINAL RULE

1. **NEW $10 MILLION <u>REVENUE LOSS</u> ALLOWANCE**
   - Counties can allocate up to $10 million of their total Recovery Fund allocation to spend on government services
   - Counties can still calculate actual revenue loss through Treasury formula
   - Simplifies reporting requirements for counties using the standard $10M standard allowance
   - <u>2,137 counties (70%) now eligible to invest entirety of allocated Recovery Funds in general government services</u>

2. **IMPROVEMENTS TO THE REVENUE LOSS FORMULA**
   - General revenue now includes utility revenue and liquor store revenue, at discretion of the county
   - Counties can choose to calculate revenue loss on a fiscal year **or** calendar year basis – *must pick & stay with 1 option*
   - Counties must adjust actual revenue totals for the effect of tax cuts/increases adopted after January 6, 2022
   - Revenue loss growth rate changed from 4.1% to 5.2%

REPLACING LOST REVENUE

Counties may use "lost revenue" for **general government services up to the *revenue loss* amount**, whether that be the standard allowance amount ($10 million) or the amount calculated using Treasury's formula:

- **Government services generally include any service traditionally provided by a government,** unless Treasury has stated otherwise
- **Common examples** include, but are not limited to:
  - Construction of schools and hospital
  - Road building and maintenance, and other infrastructure
  - Health services
  - General government administration, staff and administrative facilities
  - Environmental remediation
  - Police, first responders and other public safety services (including purchase of fire trucks and police vehicles)

RECOVERY FUNDS USED TO REPLACE "REVENUE LOSS" ARE MORE FLEXIBLE AND MAY BE USED FOR A BROAD RANGE OF GOVERNMENT SERVICES, PROGRAMS AND PROJECTS OUTSIDE OF TYPICAL ELIGIBLE USES OF RECOVERY FUNDS UNDER THE INTERIM RULE. **HOWEVER, REVENUE RECOUPMENT CANNOT BE USED FOR RAINY DAY FUNDS OR DEBT SERVICES**

REPLACING LOST REVENUE

KEY TAKEAWAYS

- Counties have two options to calculate revenue loss:
    1. Up to $10 million of ARPA allocation
    2. Calculate revenue loss with Treasury formula

- If your county previously declared "$0" for revenue loss in the Interim Report, you are allowed to update this number in the first Project and Expenditure Report

- If your county is declaring revenue loss, you may abide by the reporting requirements within the Project and Expenditure Report's "revenue loss" category

REPLACING LOST REVENUE

Counties may use "lost revenue" for **general government services up to the *revenue loss* amount**, whether that be the standard allowance amount ($10 million) or the amount calculated using Treasury's formula:

HOWEVER, the **following activities are NOT an eligible use** of a county's "revenue loss" allowance:

- Extraordinary contribution to a **pension fund**

- **Debt service** payment, including Tax Anticipation Notes (TANs)

- Rainy day or **reserve account**

- **Settlement agreement, judgment, consent decree or judicially confirmed debt** *(with limited exceptions)*

- **Activity that conflicts with the purpose of the American Rescue Plan Act statute** (e.g. uses of funds that conflict with COVID-19 mitigation practices in line with CDC guidance and recommendations)

- **Violations of Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance**

BROADBAND INFRASTRUCTURE

The Final Rule broadens eligible broadband infrastructure investments to ensure better connectivity for residents.

KEY NEW FEATURES IN FINAL RULE

1. **BROADENS BROADBAND INFRASTRUCTURE FLEXIBILITY**
   - Under IFR, counties were required to invest in households and businesses without reliable wireline 25 Mbps download/3 Mbps upload
   - Final Rule allows counties to invest in locations without reliable wireline 100 Mbps download/20 Mbps upload

2. **AFFORDABILITY IS A REQUIREMENT**
   - Projects must include an affordability option for households with an identified need for broadband infrastructure investment

Under the IFR, counties were required to invest in households and businesses without reliable wireline 25 Mbps download/ 3 Mbps upload

BROADBAND INFRASTRUCTURE

PROJECT IDENTIFICATION AND DESIGN

1. **IDENTIFY AN ELIGIBLE AREA FOR INVESTMENT**
   - Counties are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100 Mbps download/20 Mbps upload speeds
   - Beyond the threshold, counties have broad flexibility to define need in a community, including:
     - Lack of access to a reliable high-speed broadband connection
     - Lack of affordable broadband
     - Lack of reliable service

2. **DESIGNING THE PROJECT**
   - Projects are required to meet or exceed 100 Mbps download/100 Mbps upload (flexibility for 100 Mbps/20 Mbps)
   - Households and businesses with an identified need for additional broadband do not need to be the only ones in the service area served by an eligible broadband infrastructure project
   - Projects can choose to consider any available data for determining areas for investment

BROADBAND INFRASTRUCTURE

BUILD-TO SPEED STANDARDS

1. **BUILD-TO SPEED STANDARDS**
   - Projects are required to meet or exceed 100 Mbps download/100 Mbps upload
     - Flexibility remains in place building to 100 Mbps/20 Mbps with scalability to 100 Mbps symmetrical if geographical, topological or cost restraints exist
2. **FIBER-OPTIC INFRASTRUCTURE**
   - Recipients are encouraged to prioritize investments in fiber-optic infrastructure wherever feasible
3. **RELIABILITY**
   - Recipients should ensure that their broadband infrastructure provides "reliable" service at required speeds and does not require a reliance on providers' advertised speeds in their assessments.
4. **MIDDLE-MILE**
   - Recipients are permitted to make investments in "middle-mile" connections, but Treasury continues to encourage recipients to focus on projects that will achieve last-mile connections

BROADBAND INFRASTRUCTURE

AFFORDABILITY

1. **AFFORDABILITY PROGRAM INTEGRATION**
   - FCC's Affordable Connectivity Program (ACP) and/or provide access to broad-based affordability program to low-income consumers
2. **ENCOURAGEMENTS**
   - Recipients are encouraged to consult with the community on the general affordability needs of the target markets in the proposed service area.
   - Recipients also encouraged to require that services provided by a broadband infrastructure project include at least one low-cost option offered without data usage caps and at speeds that are sufficient for a household with multiple users to simultaneously telework and engage in remote learning.
3. **REPORTING**
   - Recipients will be required to report speed, pricing, and any data allowance information as part of mandatory reporting to Treasury

BROADBAND INFRASTRUCTURE

NEGATIVE ECONOMIC IMPACTS

1. **AID TO HOUSEHOLDS AND COMMUNITIES**
   - Recipients are reminded under the Final Rule that subsidies to households and communities impacted by the pandemic to access the internet, broadband adoption programs, digital literacy programs, and device programs are eligible programs to respond to the public health and negative economic impacts of the pandemic.

2. **EQUIPMENT COSTS**
   - Services that expand internet access without constructing new networks are an appropriate use of funds as assistance to households in responding to a negative economic impact. This can include: subsidies for the cost of internet service, other programs that support adoption of internet service where available, digital literacy programs, or programs that provide devices and equipment to access the internet (e.g. programs that provide equipment like tablets, computers, or routers) to households.

BROADBAND INFRASTRUCTURE

ADDITIONAL CLARIFICATIONS

1. **PRIORITIZING SUPPORT FOR PUBLIC NETWORKS**
   - The Final Rule continues to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and cooperatives.

2. **DUPLICATION OF EFFORTS AND RESOURCES**
   - To the extent that recipients consider deploying broadband to locations where there are existing enforceable federal or state funding commitments for reliable service at speeds of at least 100 Mbps download and 20 Mbps upload, recipients must ensure Recovery Funds are designed to address an identified need for additional broadband investment that is not met by existing commitments.

3. **CYBERSECURITY**
   - The Final Rule allows for modernization of cybersecurity for existing and new broadband infrastructure as an eligible use, regardless of their speed delivery standards.
   - Cybersecurity modernizations through hardware, software, and protection of critical infrastructure is an eligible provision of government services under revenue loss as well.

BROADBAND INFRASTRUCTURE

ADDITIONAL CLARIFICATIONS

1. **USE OF FUNDS TO MEET NON-FEDERAL MATCH UNDER IIJA**

   - The IIJA specifies under the BEAD program a contribution of not less than 25% of non-Federal funds. The IIJA further states that **matching contributions may include funds provided to an eligible entity or subgrantee under ARPA** for the purpose of deployment of broadband services.

   - The project must comply with program requirements established by both programs in order to use funds from the IIJA and the Recovery Funds

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COUNTY SNAPSHOT

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DENTON COUNTY, TEXAS

- County is allocating funds for a broadband project and needs assessment student.

- Goals of the project are to deliver services to every household in Denton County, allow local providers to purchases services for their area, create a system to deliver 100 Mbps upload and download speeds and provide options to operate a cooperative/non-profit to distribute and manage the system.

SUMMIT COUNTY, OHIO

- Allocated $35 million for the county's broadband fiber ring expansion, and $25 million for community broadband grants to build off the fiber ring

- Project will connect 31 community governments and the County government, and each community will have the ability to build broadband networks and provide internet/data services to schools, libraries, businesses and residents.

- Ring will serve as the backbone for public safety communications network
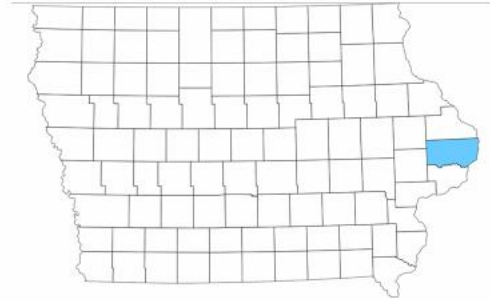
WESTMORELAND COUNTY, PA

CYBERSECURITY

- County has allocated $277,000 to modernize cybersecurity and improve critical infrastructure

- County has also allocated $344,000 for the purchase of a five-year licensing agreement with Cisco Unified Connections to improve digital collaboration