

June Broadband Authority Agenda
June 16, 2020

12:00- Open Meeting, Chairman Mitchell

12:01- Steven Sandy, Director of Planning & Community Development

- TRRC Grant updates
- 2020 VATI update
 - Pre-authorization items
 - Discussion of PPEA contracts with Blue Ridge Towers and Shentel and public hearing to be held at 6:00 p.m. †
 - VATI Contract Discussion/Approval
- 2021 VATI application
 - Project Discussion
 - BRT Phase II – Cahas Mtn., Endicott, Sago, Windy Gap
 - Shentel – Various fiber extensions
 - Letters of Intent with Blue Ridge Towers and Shentel

12:45- Comments by Authority Members

****Adjourn to 6:00 p.m. for public hearing****

FRANKLIN COUNTY
Broadband Authority



Franklin County
A Natural Setting for Opportunity

EXECUTIVE SUMMARY

<p><u>AGENDA TITLE:</u> <i>Franklin County Broadband Program</i></p> <p><u>SUBJECT/PROPOSAL/REQUEST:</u> <i>Broadband Grant Updates and Contract Approvals</i></p> <p><u>STRATEGIC PLAN FOCUS AREA:</u></p> <p><input checked="" type="checkbox"/> <i>Economic Development</i> <input type="checkbox"/> <i>Financial Stability</i></p> <p><input checked="" type="checkbox"/> <i>Infrastructure</i> <input checked="" type="checkbox"/> <i>Lifelong Learning</i></p> <p><input checked="" type="checkbox"/> <i>Managed Growth</i> <input checked="" type="checkbox"/> <i>Public Safety</i></p> <p><input type="checkbox"/> <i>Operational Effectiveness</i></p>	<p><u>AGENDA DATE:</u> June 16, 2020</p> <p><u>ACTION:</u> YES</p> <p><u>INFORMATION:</u></p> <p><u>ATTACHMENTS:</u> YES</p> <p><u>CONSENT AGENDA:</u> NO</p> <p><u>STAFF CONTACT(S):</u> Sandy</p> <p><u>REVIEWED BY:</u> <i>Christopher Whitlow County Administrator</i></p>
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BACKGROUND:

In an effort to increase access to broadband in Franklin County, the Board of Supervisors and Broadband Authority adopted a Strategic Plan for Broadband Deployment in August 2019. This plan identifies an approach to develop a new fixed wireless system throughout the County as well as extend fiber to the home wherever possible and financially feasible. The County received \$650,000 in funding in 2019 from the Virginia Tobacco Commission to complete several fiber projects with Shentel. In January of this year, the County received approval of a grant application through the Virginia Telecommunications Initiative (VATI) in the amount of \$2.3 million to assist in building Phase 1 of the Plan. Phase 1 of the Plan calls for the construction of six (6) new towers. These towers are proposed to be built at Snow Creek, Callaway, Sontag, Glade Hill, Westlake, and Summit View Business Park. The state recently authorized the County to begin due diligence work on these proposed towers while contract negotiations are finalized.

DISCUSSION:

2019 Tobacco Commission Grant Project Update

Recent months have seen continued efforts by the County and its partners to deploy broadband in Franklin County. Work continues the Shentel projects approved under the 2019 Tobacco Commission Grant. See current project updates from Shentel below:

Waldsboro – project completed

Windy Gap

- AEP has a tentative start date of 6/8 for work to begin on the poles and anticipates on completing their work by mid-July.
- Work on the underground portion of the project is continuing.

Walnut Run

- All aerial permits have been cleared and the aerial portion of the project has been released to construction.
- Per construction, Shentel is anticipating on having construction completed by the end of August.
- Work on the underground portion of the project continues.

Burnt Chimney

- Payment vouchers are being processed today for AEP's invoices and checks will go out next week.
- Per AEP, AEP is anticipating on starting their work by mid-July and having all work completed by the end of August.

2020 VATI Grant Project Update

VA DHCD authorized the County and partners to move forward on due diligence work such as permitting, environmental, structural, engineering, etc. needed for construction to begin on project. This work has begun on all sites. Below is the latest update on the Shentel project in Union Hall area.

Old Salem School Road (Shentel Fiber Project)

- Pending redlines back from VDOT regarding the permit. Per Lisa Lewis, she is anticipating on having comments back to Shentel next week.
- Shentel's drafting team continues to work on the design.
- All of AEP's field work has been completed. Their contractor is processing the field data.

VA DHCD has provided the County with a draft agreement for the grant funding approved as part of the VATI 2020 grant program. The approval and execution of the contract between the County and VA DHCD in conjunction with the County's agreements with Shentel and Blue Ridge Towers/Brisnet will allow construction of this project to begin. Staff requests that the Authority approve the Chairman to sign this agreement after legal review is completed on behalf of the Authority.

Staff and County Attorney have developed contract documents with Shentel and Blue Ridge Towers/Brisnet for the VATI 2020 project to comply with the Public-Private Education Facilities Act of 2002 (PPEA). The draft documents have been attached for review and comment. Under PPEA requirements a public hearing has been scheduled to receive public comments at 6 pm on June 16th. In addition, the documents will be placed on the County's website and made available for public review at the County's Planning Department Office for thirty (30) days.

These contract documents set forth the obligations of each party for constructing infrastructure, deploying broadband service and processing payments to comply with State and Local requirements under the PPEA and VATI grant guidelines.

Under the Shentel agreement, Shentel agrees to install and operate the fiber project as outlined and provide service and customer support. Franklin County agrees to submit appropriate reimbursement requests to VATI for grant funding and provide project accountability.

Under the Blue Ridge Towers/Brisnet agreement, BRT agrees to construct towers, provide equipment including antennae, fiber, microwave backhaul; own and operate the fixed wireless system; provide customer service and market the Broadband Authority's new vertical assets (towers). Franklin County is providing county assets, accountability and staff resources including financial reporting and reimbursements to comply with state and local requirements.

2021 VATI Applications

Staff has also been preparing for the next rounds of funding for broadband. Staff is working with Shentel and Blue Ridge Towers/Brisnet to develop the 2021 VATI Application for Phase 2 of the broadband deployment in the county. Any comments received will be discussed at the July 21st meeting prior to final approval of contracts

Finally, Staff will be preparing application materials for VATI 2021 funding. A Letter of Intent from the County is due on or before July 13, 2020 and final application deadline is August 17, 2020. Staff has developed a proposal with Blue Ridge Towers/Brisnet and Shentel for a Phase 2 buildout of fixed wireless and fiber respectively. The primary location for additional towers to support fixed wireless deployment are identified as Cahas Mtn./Naff, Endicott, Sago, and Windy Gap. The primary locations for fiber extensions with Shentel are identified as Hardy, Scruggs, Penhook, Union Hall, and Wirtz. Staff has proposed two Letters of Intent to DHCD for funding. One to partner with Blue Ridge Towers/Brisnet and one to partner with Shentel. Since these letters are due to DHCD on or before July 13, staff is seeking authorization for the County Administrator to sign these letters on behalf of the Broadband Authority.

During this COVID-19 pandemic, staff has also worked with the Franklin County Schools, Ferrum College, Tri-Area Community Health and state funding agencies to try and find additional funding for broadband deployment and/or increased broadband access. Staff worked with American Electric Power to provide funding to the Franklin County Schools to increase wifi access in the parking lots of Snow Creek, Sontag, and Henry Elementary Schools. The schools have secured funding for the remaining 13 sites. Currently, staff is evaluating the CARES Act to determine what funding may be available to assist the County and local non-profits with broadband development and Tele-Health initiatives. Additional application information will be reviewed at the July 21st meeting in anticipation of the August 17th application deadline.

RECOMMENDATION:

Staff respectfully requests that the Authority authorize the County Administrator to submit Letters of Intent with Blue Ridge Towers/Brisnet and Shentel for 2021 VATI applications.

In addition, staff recommends that the Authority approve the agreement with VA DHCD for the 2020 VATI funding reimbursement in the amount of \$2,383,039 and authorize the Chairman and County Attorney to sign the agreement on behalf of the Authority.

POSSIBLE AUTHORITY ACTIONS:

Motion to Approve

Motion to Table

Motion to Deny

Attachments:

Public Notice of PPEA Public Hearing
Draft VATI Agreement with VA DHCD
2021 VATI Draft Letters of Intent incl. maps

LEGAL NOTICE
NOTICE OF PUBLIC HEARING
BY THE
FRANKLIN COUNTY BROADBAND AUTHORITY

Pursuant to the provisions of Section 56-575.17 of the Code of Virginia of 1950, as amended, the Franklin County Broadband Authority will hold a public hearing on June 16, 2020, beginning at 6:00 P. M. in the Board of Supervisors meeting room located in the Franklin County Government Center at 1255 Franklin Street, Rocky Mount, VA, 24151. The purpose of this hearing is to obtain public comment on PPEA conceptual proposals and proposed comprehensive agreements for a system to provide fixed wireless broadband services and fiber extensions.

The Franklin County Broadband Authority advertised for and received solicited conceptual proposals from Blue Ridge Tower, Inc. (BRT), and Shenandoah Telecommunications Company (Shentel), to enter into a public-private partnerships to provide fixed wireless broadband services and fiber/cable services, respectively, under the provisions of the Public-Private Education Facilities and Infrastructure Act of 2002 (PPEA), Virginia Code §§ 56-575.1 et seq. The PPEA is an alternative procurement method by which the Authority may solicit proposals or accept unsolicited proposals for creative and innovative public-private partnerships for solutions to issues of public infrastructure, planning, and provision of services.

This BRT proposal calls for BRT to construct eight new towers throughout the county ranging from 80-195 feet in height, six to be owned by the Authority, as well as connecting fiber optic cable. In addition, the proposal calls for utilizing four existing towers. The Shentel proposal calls for extending approximately 7.5 miles of new fiber to the home in the Union Hall area of the county. The estimated cost of design, engineering, and construction for the entire project is approximately \$4.6 million, with contingencies for unfavorable subsurface conditions. BRT would then locate fixed wireless communications equipment on the new towers, as well as on the existing facilities in the County. Deployment is expected within 18 months. In return, it would provide wireless broadband internet to the general public on a nondiscriminatory basis. This project represents Phase 1 of a multi-year and multi-phase approach to broadband deployment in Franklin County. The agreement also calls for a mechanism for resolving customer complaints, ensuring quality service, and regular replacement of facilities. Finally, BRT will provide management services to assist in finding and managing other persons who may wish to collocate their wireless facilities on the towers, thereby ensuring a long-term income stream for the Authority to partially offset construction costs. \$2.3 million dollars of funding from the VA Telecommunications Initiative is proposed to leverage the private provider funding for this project.

Copies of the proposal and draft comprehensive agreement are available for review on the county website located at <https://www.franklincountyva.gov/546/Broadband-Authority> and are on file in the Franklin County Planning Office between the hours of 8:00 A. M. and 4:30 P. M. Monday through Friday, for public viewing.

CONTRACT#: VATI #2020FC-002
GRANTEE: Franklin County

AGREEMENT

This AGREEMENT, entered into on the ___ day of July, 2020, by and between the Virginia Department of Housing and Community Development hereinafter referred to as “DHCD” and Franklin County, hereinafter referred to as “GRANTEE.”

WITNESSETH

WHEREAS, the Commonwealth of Virginia has been authorized to distribute and administer the Virginia Telecommunication Initiative (VATI), and

WHEREAS, DHCD has been authorized to distribute and administer VATI funds according to the program guidelines and criteria, and

WHEREAS, the Project as described in the VATI application submitted by the GRANTEE has achieved a sufficiently high ranking through a competitive application selection system to qualify for VATI funding based on the program guidelines and criteria,

Now THEREFORE, the above-mentioned parties hereto do mutually agree as follows:

1. DHCD agrees to award the GRANTEE a Virginia Telecommunication Initiative grant in the amount of Two Million Three Hundred Eighty Three Thousand, Thirty Nine Dollars (\$2,383,039.)
2. DHCD agrees to provide the GRANTEE with technical assistance in setting up and carrying out the administration this project.
3. The GRANTEE will commence and carry out in partnership with Blue Ridge Towers/Brisnet and Shentel a broadband construction project designed to provide access to broadband services to 70% of Franklin County
4. The GRANTEE must review all remittances/invoices from Blue Ridge Towers/Brisnet and Shentel to verify that pre-construction, and construction work has been completed, or equipment has been ordered and received prior to distributing VATI funds.
5. DHCD will conduct an Interim and Final Compliance Review. The GRANTEE will make all records available upon request by DHCD.
6. The GRANTEE shall retain financial records, supporting documents, statistical records, and all other records pertinent to the VATI award for a period of no less

than five years from the date of submission of the final expenditure report. When applicable, all contractors or GRANTEE shall comply with the Virginia Public Procurement Act § 2.2-4300 et seq. of the Code of Virginia, which requires that all original bids together with all documents pertaining to the award of a contract shall be retained in accordance with a retention period of at least five years.

7. The GRANTEE shall complete the Grant Activities as described in the CONTRACT DOCUMENTS on or before **July 15, 2021**. If the ACTIVITIES are not completed by that date all Grant funding and this AGREEMENT may be terminated and the GRANTEE shall return all unexpended funds, unless an amendment to the CONTRACT DOCUMENT provides otherwise.

PROJECT TITLE: Franklin County Broadband Authority

GRANT ACTIVITIES:

1. Construction fixed wireless network with 6 towers/monopoles with Briscnet plus 7 miles of fiber.
2. 6.5 miles of hybrid coaxial fiber for the FTTP portion with Shentel
3. Electronics

OUTCOMES: 22,500 serviceable units will gain access to broadband service up to 50 mbps download/5 mbps upload from Blue Ridge Towers/Briscnet. 190 serviceable units will gain access to broadband service up to 1 Gig download/30 mpbs upload from Shentel.

REPORTING: Monthly and final progress reports to include:

- 1) Construction Status
- 2) Expenditures to date
- 3) Number of passings
- 4) Number of subscribers (i.e. residential, business, and community anchors)
- 5) Verify that the installed speed is equivalent to the subscriber ordered speed. VATI requires the minimum availability of 25 Mbps download and 3 Mbps upload.

TERMS and CONDITIONS

1. A total of Two Million, Two Hundred Sixteen Thousand, Thirty Eight Dollars (\$2,216,038) in matching funds is committed to this project by the GRANTEE or Co-Applicant, Blue Ridge Tower/Brisnet and Shentel. To be eligible, matching funds must be used to support eligible expenses as outlined in the approved budget.
2. Blue Ridge Towers/Brisnet and Shentel will provide speed validation data to the GRANTEE and/or a DHCD representative to ensure that the proposed project outcomes have been met and broadband speeds meet VATI criteria.
3. DHCD agrees to make payment to the GRANTEE upon receipt of a remittance with supporting documentation. Submissions of remittance may be made allowing approximately thirty (30) days to receive funds.
4. GRANTEE agrees to provide the following reports to DHCD:
 - a. Monthly progress reports must be submitted to DHCD no later than the 15th of each month. The reports must document VATI and Non-VATI funds obligated and expended to date and the actions taken on key deliverables, including but not limited to construction status, numbers of passings of serviceable units and number of subscribers.
 - b. Final project progress report. This report must document the total VATI and Non-VATI funds expended and the actions taken on key deliverables.
 - c. Post-closeout report on subscribers at six (6) months and one (1) year from project closeout
5. Grantee shall make all project documents available for an interim and final compliance review.
6. The Grantee must use the Centralized Application and Management System (CAMS) to provide all documentation including but not limited to:
 - a. After the AGREEMENT has been executed, the GRANTEE must submit the project budget into CAMS.
 - b. All correspondence, including contract amendment and budget revision request documents, must be uploaded into "Reports and Communication" in CAMS as *correspondence* documents.
 - c. All DOCUMENTS required by this contract must be uploaded into "Reports and Communication" in CAMS as *contract* documents.
 - d. All remittance requests must be submitted through "Remittance" in CAMS. If documents are submitted in "Reports and Communication" at the same time as a remittance request, the explanation text box at the bottom of the Remittances screen must note this fact.

7. To expedite receipt of payment, it is recommended that Grantees contact the Virginia Department of Accounts (DOA) to arrange for electronic transfer of VATI funds. The forms to establish electronic payment with DOA are available at www.doa.virginia.gov. At the home page, click on the Electronic Data Interchange (EDI) link button on the right. Scroll down to the Trading Partner Agreement and Enrollment form for Localities and Grantees. Print the form, fill it out and submit it. Instructions on completing the form are on the third page of the document.

8. The GRANTEE shall submit one of the following financial documents for the GRANTEE's fiscal year identified below: Financial Statement**, Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an Independent CPA or an audit required by the Code of Federal Regulations (CFR), (2 CFR 200 Subpart F), audited by an Independent CPA. Please see the table below to determine which document your organization is required to submit. The threshold requirements outlined below are the *minimal* standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
Total annual expenditures \leq \$100,000 (Regardless of source)	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 (Regardless of source)	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures $>$ \$300,000 (Regardless of source)	Audited Financial Statement prepared by an Independent CPA
Federal expenditures \geq \$750,000	2 CFR 200 Subpart F--Audited by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and Single Audit Act only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at:

http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf

9. GRANTEE agrees to recognize DHCD's support for Franklin County and Franklin County's efforts to expand broadband in all project related communication with the media and its marketing publications. The following statement is suggested:

"This program/project was funded/supported in collaboration with the Commonwealth of Virginia's Telecommunication Initiative."

DRAFT

In witness whereof, the parties hereto have executed or caused to be executed by their duly authorized official this AGREEMENT in duplicate, each copy of which will be deemed an original.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BY: _____ DATE: _____
Tamarah Holmes, Ph.D, Director, Office of Broadband

City of Richmond,
Commonwealth of Virginia

I do certify that Tamarah Holmes, personally appeared before me and made oath that she is the Director, Office of Broadband at the Department of Housing and Community Development and that she is duly authorized to execute the foregoing document.

My commission expires: _____.

Given under my hand this _____ day of July, 2020.

Notary Public Registration Number

Franklin County

BY: _____ DATE: _____
Leland Mitchell, Chairman

Franklin County
Commonwealth of Virginia

I do certify that Leland Mitchell, personally appeared before me and made oath that he is the Chairman of Franklin County Broadband Authority, Virginia and that he is duly authorized to execute the foregoing document.

My commission expires: _____.

Given under my hand this _____ day of July, 2020.

Notary Public Registration Number

Department of Planning & Community Development



July 10, 2020

Tamarah Holmes, Ph.D
Director
Office of Broadband
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA, 23219

Dear Dr.Holmes:

I am providing this Letter of Intent to notify the Virginia Department of Housing and Community Development of the Franklin County Broadband Authority, Blue Ridge Towers/Brisnet's intent to submit an application for the FY2021 Virginia Telecommunication Initiative (VATI).

The Franklin County Broadband Authority and Blue Ridge Towers/Brisnet intends to submit an application requesting funding of _____ for expanding an existing fixed wireless system by constructing four new towers and co-locating on three others within the Cahas Mountain/Naff, Endicott, Sago, and Windy Gap communities of Franklin County.

Steve Sandy will be our main point of contact for the purposes of the application process, and can be reached at:

1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
(540) 483-3017
steve.sandy@franklincountyva.gov

Franklin County Broadband Authority understands that this Letter of Intent is required in order to submit an application for the 2021 to the Virginia Telecommunication Initiative and that this Letter of Intent to Submit is not binding on the entity represented by the undersigned, Virginia Department of Housing and Community Development.

Sincerely,

Christopher Whitlow
County Administrator

Department of Planning & Community Development



July 10, 2020

Tamarah Holmes, Ph.D
Director
Office of Broadband
Department of Housing and Community Development
600 East Main Street, Suite 300
Richmond, VA, 23219

Dear Dr.Holmes:

I am providing this Letter of Intent to notify the Virginia Department of Housing and Community Development of the Franklin County Broadband Authority, Shentel's intent to submit an application for the FY2021 Virginia Telecommunication Initiative (VATI).

The Franklin County Broadband Authority and Shentel intends to submit an application requesting funding of _____ for expanding an existing fixed wireless system by constructing four new towers and co-locating on three others within the Hardy, Penhook, Union Hall, and Wirtz areas of Franklin County.

Steve Sandy will be our main point of contact for the purposes of the application process, and can be reached at:

1255 Franklin Street, Suite 103
Rocky Mount, VA, 24151
(540) 483-3017
steve.sandy@franklincountyva.gov

Franklin County Broadband Authority understands that this Letter of Intent is required in order to submit an application for the 2021 to the Virginia Telecommunication Initiative and that this Letter of Intent to Submit is not binding on the entity represented by the undersigned, Virginia Department of Housing and Community Development.

Sincerely,

Christopher Whitlow
County Administrator



Wysong Ext

Bermuda Dr.

Boxwood

Compass Cove/Sunset Pointe

Long Horne

Old Farm Rd

Woods Edge

Boones Mill

Wirtz

Rocky Mt

Glade Hill

Union Hall

North Shore

Corner

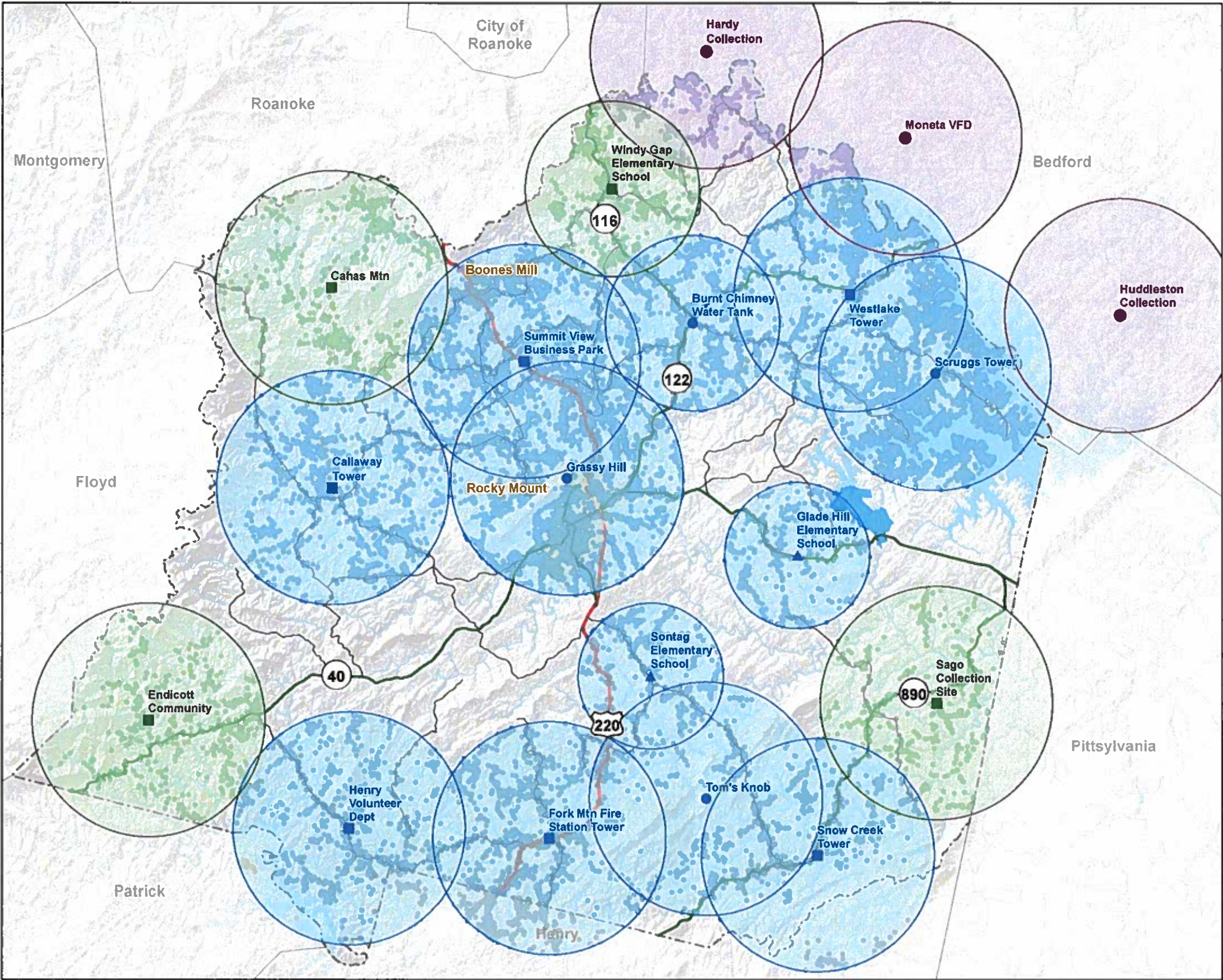
Moneta

Penhook

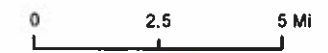
Franklin County 2021 VATI Grant

Attachment 1 - Project Area Map
Showing:

Proposed Fixed Wireless



- Franklin Sites - Phase I (21,495 Addresses)
- Franklin Sites - Phase II (2,530 Addresses)
- Reached by Bedford Sites (725 Addresses)
- Henry Co Coverage (541 Addresses)
- Patrick Co Coverage (39 Addresses)
- Franklin - Existing Pole
- Franklin - New Monopole
- ▲ Franklin - Community Pole
- Bedford - Tower Sites
- Franklin Co - Phase II
- Franklin Co - Phase I
- Bedford Co Tower Coverage
- Shentel Fiber Proposal (See Sheet 5 of 5)
- Franklin County
- Surrounding Counties
- Water Features
- US Hwy
- State Hwy
- Primary Collector



The data layers provided herein were compiled from various sources within a geographic information system (GIS) for the primary use of Franklin County. The data provided herein are believed to be accurate but are provided for reference purposes only. These GIS data are in no way meant as a replacement for a legal survey, legal description, or standard due diligence. No guarantee, expressed or implied, is made regarding their accuracy, currency, adequacy, usefulness, or reliability. These data are provided 'as is' and neither Franklin County nor its employees shall be held responsible for their inappropriate use.

Date: 6/5/2020