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4 VIRGINIA TOBACCO REGION REVITALIZATION COMMISSION

5 FALL FULL COMMISSION TWO-DAY MEETING

6 BERRY HILL RESORT AND CONFERENCE CENTER

7 3105 RIVER ROAD

8 SOUTH BOSTON, VIRGINIA

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SOUTHERN VIRGINIA COMMITTEE

13

OCTOBER 5, 2022

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9:00 a.m.

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2 APPEARANCES

3

Mr. Walter Shelton, Chair

4 Mr. T. Jordan Miles

Delegate Leslie Adams

5 Delegate Kathy Byron

Mr. Joel Cunningham, Jr.

6 Ms. Coley J. Drinkwater

Mr. Watt R. Foster, Jr.

7 Mr. Richard T. Hite, Jr.

Mr. Jay D. Jennings

8 Senator L. Louise Lucas

Delegate Daniel Marshall

9 Secretary Caren Merrick

Senator Joseph Morrissey

10 Mr. William A. Pace

Senator Frank M. Ruff, Jr.

11

12 COMMISSION STAFF

Joyce Knight

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15 Vicki Humphreys

Stephanie S. Kim

16 Jordan Butler

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17 Suzette Patterson

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19 COUNSEL FOR THE COMMISSION

Elizabeth, "Liz" Myers, Esquire

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1                   P R O C E E D I N G S

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4           MR. SHELTON: Good morning, everyone. We  
5 will go ahead and call to order the meeting of  
6 the Southern Virginia Committee.

7           Andy, will you call the roll?

8           MR. SORRELL: Yes, sir, Mr. Chairman.

9           Good morning, everybody. It is a delight  
10 to see you here on this beautiful fall morning  
11 at Berry Hill.

12           Chairman Shelton.

13           MR. SHELTON: Here.

14           MR. SORRELL: Jordan Miles.

15           Mr. MILES: Here.

16           MR. SORRELL: Delegate Adams.

17           DELEGATE ADAMS: Here.

18           MR. SORRELL: Delegate Byron.

19           DELEGATE BYRON: Here.

20           MR. SORRELL: Mr. Cunningham.

21           MR. CUNNINGHAM: Here.

22           MR. SORRELL: Mrs. Drinkwater.

23           MS. DRINKWATER: Here.

24           MR. SORRELL: Mr. Foster.

25           MR. FOSTER: Here.

1 MR. SORRELL: Mr. Hite.  
2 MR. HITE: Here.  
3 MR. SORRELL: Mr. Pace.  
4 MR. PACE: Here.  
5 MR. SORRELL: Senator Lucas.  
6 (Negative response)  
7 MR. SORRELL: Delegate Marshall.  
8 DELEGATE MARSHALL: Here.  
9 MR. SORRELL: Secretary Merrick.  
10 SECRETARY MERRICK: Here.  
11 MR. SORRELL: Senator Morrisey  
12 (Negative response)  
13 MR. SORRELL: Mr. Pace.  
14 MR. PACE: Here.  
15 MR. SORRELL: And Senator Ruff.  
16 SENATOR RUFF: Here.  
17 MR. SORRELL: You have a quorum, Mr.  
18 Chair.  
19 MR. SHELTON: Thank you, Andy.  
20 The minutes from our main meeting were  
21 published on the website. We have all had a  
22 chance to look at that.  
23 We will not have them read.  
24 DELEGATE ADAMS: Move to accept.  
25 UNIDENTIFIED SPEAKER: Second.

1 MR. SHELTON: We have a motion to accept,  
2 and a second.

3 All those in favor, signify by saying  
4 "aye."

5 (All affirm)

6 MR. SHELTON: So the minutes are  
7 approved.

8 Are there any public comment -- any  
9 comment pertaining to an application -- there  
10 will be time for that later, but any general  
11 public comment at this time?

12 (Negative response)

13 If none, we will go ahead and start into  
14 our business. We have a fairly brief agenda  
15 today, but basically we have the reallocation  
16 of a couple of broadband grants.

17 Sarah, do you want to go through those,  
18 and we will discuss those first.

19 MS. CAPPS: Mr. Chairman, as indicated,  
20 there are two projects on the agenda to  
21 approve.

22 To give a little background on this, the  
23 Commission Research and Development Committee  
24 approved last mile broadband grants during two  
25 different grant cycles.

1           The first one was in March of 2018, and  
2 then the second one was in June of 2019.

3           Several of those projects were focused on  
4 wireless solutions and both of those projects  
5 were delayed and the grant funds remain  
6 available.

7           In discussion with those localities in  
8 the fall of 2021, our then executive director  
9 made a commitment to those towns that the  
10 Commission would consider allowing the  
11 repurposing of those grant orders to be used  
12 towards Fibers To The Home project, that was  
13 part of a universal coverage plan.

14           So the universal coverage plan was how --  
15 how the DHCD, the Virginia Telecommunications  
16 Initiative, VATI how they approached funding.

17           So with these two applications  
18 essentially the staff invited new applications  
19 to be submitted. So much had changed from the  
20 original applications that we needed to see the  
21 new scope of the project funded in all of those  
22 details.

23           So the first project is from Halifax  
24 County. This is application number 4096, for  
25 \$540,598 are requested from the Commission.

1           There were two previous broadband grants  
2 awarded to Halifax, grant number 3534 in the  
3 amount of \$334,396. That was for a phase one  
4 wireless project.

5           And then we had approved a second award  
6 as well, that was grant number 3385 for  
7 \$206,202.

8           These two grants -- their combined total,  
9 I believe is \$540,598.

10          The total VATI project is -- I believe it  
11 is 61 million.

12          The VATI award itself is Paragraph one.

13          (Indiscernible)

14          This is actually a very large project.  
15 The total VATI project is -- I believe it's  
16 about 61 million.

17          The VATI award itself is 27 million.  
18 Dominion Energy is contributing 20 million.  
19 Ten million is being contributed by Empower.  
20 Mecklenburg Electric Coop's Internet service  
21 provider would be the ISP for this project.  
22 and for providing fibers to areas --underserved  
23 area of Halifax.

24          A big picture level of the project that  
25 has been negotiated here -- it is very exciting

1 to see the cooperation of Dominion Power, and  
2 their willingness to install the fiber and to  
3 use that to Empower to utilize and deliver  
4 outside of MEC's territory.

5 In total, the Commission's share is very  
6 small -- a small percentage of the total, but  
7 the project as a whole will result in 2,090  
8 linear miles of fiber network. It will result  
9 in 3,993 locations and 4,007 premises being  
10 served with Fiber Broadband Service.

11 It is estimated that at least 1603 of  
12 those premises will subscribe to the service.

13 Staff supports this request and we are  
14 recommending approval of a \$540,598 dollar  
15 grant award, conditioned on the closeout of  
16 grants number 3385 and under 3534, allowing  
17 those funds to be repurposed.

18 That's the first project.

19 MR. SHELTON: Sarah, we have two  
20 different types of recommendations. The second  
21 proposal is a little -- modified a little bit  
22 different. Let's handle these individually.

23 So does anyone have any comment on this  
24 particular project of Halifax County?

25 Go ahead.



1           SECRETARY MERRICK: I was raising my  
2 hand.

3           Thank you, Sarah, for that presentation.

4           I have a couple of questions. I see here  
5 Mbps, and I am wondering what was the actual --  
6 to date do we have a number in terms of  
7 proceeding with the broadband.

8           MS. CAPPS: We do have with Halifax  
9 County. I think you're asking what the --  
10 Empower's broad fiber service provides?

11           SECRETARY MERRICK: Yes. Because the  
12 minimum --

13           THE REPORTER: Could you speak up?

14           SECRETARY MERRICK: Yes. I am just  
15 wondering about the speed.

16           MS. CAPPS: I think it is very fast.  
17 This is where you called me and I didn't show  
18 up with my grant in hand. I think you may have  
19 that -- I don't know if we have got that.

20           I am going to be able to locate that  
21 information, but I can certainly -- I am not a  
22 broadband expert, so I can tell you with  
23 confidence that they have a fiber that was very  
24 robust. And I would guess -- and I don't think  
25 you want me to guess, but the speeds are -- I

1 would say the speeds are definitely  
2 significantly higher.

3 MS. COX: So just knowing they are using  
4 Dominion's fibers, broadband (Indiscernible).

5 MR. CUNNINGHAM: (Indiscernible)

6 We are at about 25 percent of coverage --  
7 where we have -- the city, as it relates back  
8 to that. The challenges that were made to the  
9 VATI application, I guess a year ago the VATI  
10 application had a threshold of a local provider  
11 could supply 25 (indiscernible) and it was a  
12 challengeable, then it came out. So that's why  
13 this is -- it is on now to the 4,000 premises,  
14 which is roughly 25 percent of the number of  
15 households we have here in Halifax.

16 The supply of Empower, they can supply  
17 equal internet service (indiscernible) here in  
18 Halifax.

19 The latest round of VATI application  
20 which we just submitted or are under review now  
21 at a minimum threshold of 120, then opens up  
22 about 2800 other premises in Halifax County as  
23 far as that application.

24 Should that be successful, then that  
25 combined with the towns, would be at about 95

1 percent of Halifax County.

2 So this budget here today would aid us in  
3 a local match of about 25 percent of the  
4 premises in Halifax County.

5 SENATOR RUFF: If we approve this,  
6 (Indiscernible) -- what we are already 95  
7 percent of Halifax County would be covered?

8 MR. CUNNINGHAM: Provided the current  
9 application under review, if the funding is  
10 approved, we will be at 95 percent of the  
11 county.

12 SENATOR RUFF: Thank you.

13 SECRETARY MERRICK: I would like to  
14 address the packages that would be  
15 (indiscernible)

16 The highest package is 190 megabytes per  
17 second so substantially higher than  
18 (Indiscernible).

19 A map is provided to identify their 3900  
20 locations.

21 Is that map of the size that could be  
22 included in the future?

23 MS. CAPPS: It doesn't help much when you  
24 try to print it. You really need the  
25 capability to zoom into it. And where we asked

1 Halifax for -- we wanted to get an  
2 understanding of what phase of the project  
3 (Indiscernible).

4 So it is a very small map that shows all  
5 of the phases of the project and -- including  
6 the phase one which is where (indiscernible)

7 We can send you that link.

8 SECRETARY MERRICK: (Indiscernible)

9 Okay. Okay. Thank you.

10 MR. SHELTON: Is there any other  
11 discussions or questions on this?

12 If not, what is the committee's pleasure?

13 SENATOR RUFF. I move we accept Staff  
14 recommendations on project 4096.

15 UNIDENTIFIED SPEAKER: Second.

16 MR. SHELTON: We have a motion by Senator  
17 Ruff, and a second to accept Staff's  
18 recommendation on project 4096.

19 All those in favor, signify by saying  
20 "aye."

21 (All affirm)

22 MR. SHELTON: Any opposed?

23 (Negative response)

24 MR. SHELTON: That passes, as recommended  
25 by staff.

1           Okay. Sarah, we will move on to the  
2 Dinwiddie County project.

3           MS. CAPPs: Okay. The second project is  
4 requested by Dinwiddie County, and this is a  
5 \$1,024,854 request, application number 4095.

6           This one is a little more complicated.  
7 I'll try to give you some background facts to  
8 get you caught up to where you are at this  
9 point for the consideration.

10           When the Commission awarded this project,  
11 it was a 1.7 million dollar grant that  
12 supported both Amelia County and Dinwiddie  
13 County. This was a joint project.

14           The original approval by the commission  
15 was supported. That did not come to fruition  
16 despite multiple efforts by Dinwiddie County to  
17 work with a couple of different internet  
18 service providers to deliver wireless to  
19 certain areas of the counties.

20           Dinwiddie County did apply to VATI.  
21 Their application to VATI was for a 10.5  
22 million dollar project.

23           They were awarded a 7.5 million dollar  
24 project from VATI. The -- there is a \$3,000 --  
25 I'm sorry -- a three million dollar difference

1 there that Dinwiddie County has continued to  
2 pursue with VATI to try to secure that  
3 additional three million. The reason VATI was  
4 not able to award that three million is because  
5 it was for census blocks where federal RDOF  
6 funds had already been approved.

7 So essentially Federal grant funds had  
8 been approved for a different internet service  
9 provider to serve that area of the county.

10 As I understand it, VATI's practice is,  
11 when making decisions involving funds is not to  
12 overbill with public funds, so when federal  
13 funds have been committed, VATI does not send  
14 state funds to those areas.

15 When we took -- when we invited these  
16 applications, the original request to the  
17 Commission was for one million dollars to be  
18 used towards that three-million-dollar project  
19 area that had been disputed with the VATI  
20 program. That was not something that Staff was  
21 comfortable with. We feel like that VATI is  
22 the agency for managing broadband activity in  
23 the Commonwealth, and we feel like  
24 (indiscernible).

25 As an alternative, we approached

1 Dinwiddie and Amelia Counties and suggested  
2 that a more comfortable way for the Commission  
3 would be for us to -- similar to the Halifax  
4 project -- for us to consider our funds being  
5 used towards the local match that was being  
6 contributed on the approved VATI project.

7 And we did have a letter that  
8 indicated

8 that Dinwiddie County was contributing at least  
9 \$781,820 towards the VATI contract.

10 Dinwiddie County did agree with this  
11 alternative recommendation. So that is what we  
12 are presenting to you-all for consideration.

13 If you look at the Staff recommendation  
14 section, you will see the initial paragraph on  
15 the one million, that we are not comfortable  
16 being able to recommend.

17 But since this was drafted, Dinwiddie  
18 has, as I indicated, agreed to the alternate  
19 recommendation.

20 So Staff is recommending approval of a  
21 \$781,820 grant award to -- contingent on grant  
22 funds being limited to Dinwiddie County, local  
23 match towards the approved VATI award during  
24 the eligible grant period and continued on  
25 grant number 3384 being closed and deobligated.

1 MR. SHELTON: Thank you, Sarah.

2 Any discussion on this.

3 SENATOR RUFF: Mr. Chairman.

4 MR. SHELTON: Yes, Senator Ruff.

5 SENATOR RUFF: Deobligation 3384 --

6 MS. CAPPS: We have not -- that is  
7 actually still an active grant so we haven't  
8 deobligated, but the amount that would meet the  
9 obligation is \$708,820.

10 There was \$700,000 with Amelia County  
11 (Indiscernible).

12 SENATOR RUFF: Mr. Chairman, nobody from  
13 Dinwiddie is here.

14 About a week ago, I talked to them and  
15 they did not -- (indiscernible).

16 I don't know whether they made an answer  
17 as to whether they concluded anything or not,  
18 but you haven't seen any of that.

19 MS. CAPPS: We have not. And we did meet  
20 with members of VHCB in their homes to discuss  
21 these applications. VHCB has been very engaged  
22 in this situation and they have entered into a  
23 -- with RiverStreet -- essentially what  
24 Dinwiddie would like is for RiverStreet to give  
25 up those census blocks.



1           The reason for that is Dinwiddie would  
2     like to see the VATI project, Rural Broadband,  
3     which is a subsidiary of Prince George Electric  
4     Coop, who has a very successfully program.

5           Dinwiddie's preference would be to see  
6     that across (indiscernible).

7           There is a review that DCHD has  
8     negotiated and all parties have signed. It is  
9     my understanding is that if RiverStreet  
10    defaults on that, then at that point that would  
11    be awarded additional to Dinwiddie County, but  
12    we have not heard anything about that.

13           SENATOR RUFF: Thank you.

14           MR. SHELTON: One point to reiterate,  
15    Sarah, is my understanding is since discussion  
16    of this has been taking place, Dinwiddie is  
17    acceptable to the modifications of Staff  
18    recommendations.

19           MS. CAPPs: That's correct.

20           MR. SHELTON: Is there any further  
21    discussions? If not, we will proceed to vote.

22           DELEGATE ADAMS: Mr. Chairman, I move we  
23    accept the recommendations.

24           MR. SHELTON: We have a motion. Do we  
25    have a second?

1 UNIDENTIFIED SPEAKER: Second.

2 MR. SHELTON: Any discussion.

3 (Negative response)

4 MR. SHELTON: If there is no discussion,  
5 we will proceed to vote.

6 All those in favor of accepting Staff's  
7 recommendations, signify by saying "aye."

8 (All affirm)I.

9 MR. SHELTON: Any opposed?

10 (Negative response)

11 MR. SHELTON: Hearing none, Staff's  
12 recommendation for 4095 are accepted.

13 We have two extensions, I believe, and  
14 that will wrap up our business.

15 MS. CAPPS: We do have two extensions  
16 that need to be approved by this committee of  
17 the Commission.

18 For explanation purposes, the Commission  
19 delegated to Staff the ability to extend grants  
20 for a fourth year extension period.

21 Any grant that needs more than a fourth  
22 year has to be brought back to the Commission  
23 for consideration.

24 So the first project on the list is the  
25 City of Emporia, Engineering for the Norwood

1 site Utilities and Sitework, grant number 3454.

2 It is \$130,000 grant that was awarded in  
3 September of 2018.

4 The city is requesting a fifth year  
5 extension for a small portion of the project  
6 that is remaining.

7 The grant funds were being used for  
8 engineering of utilities to service the site as  
9 well as engineering related to the site.

10 The utility portion of the project is  
11 complete. The engineering is 82 percent  
12 complete.

13 The reason for the delays has to do with  
14 its association with DEQ and the Corps of  
15 Engineers and the approval process.

16 Apparently changes in administration,  
17 changes from the Presidential Office in  
18 Washington that had -- resulted in changes in  
19 regulations. And so what was previously  
20 engineered had to be reengineered.

21 So there is a fifth year -- a little more  
22 time that was needed to complete this project.

23 So Staff is recommending approval of the  
24 extension to September 30, 2023.

25 And I'm going to present the second

1 extension.

2 The second request is from the Virginia  
3 Museum of Natural History Foundation. This is  
4 for an Outdoor Education Pavilion at the museum  
5 located in Martinsville, grant number 3457.

6 This was a \$75,000 grant, also awarded in  
7 September of 2019. The Commission had approved  
8 a fourth-year extension.

9 This project was initially delayed while  
10 they were fund-raising, and then it was delayed  
11 with the pandemic, and then now, it is just  
12 trying to get through the process where the  
13 Virginia Department of General Services has to  
14 approve all construction projects on state  
15 buildings.

16 So they are in the final approval process  
17 with DGS. (Indiscernible).

18 They are asking for a fifth year  
19 extension.

20 We are asking for the approval of a fifth  
21 year extension to September 30th, 2023.

22 MR. SHELTON: Any discussion on these two  
23 extension recommendations?

24 (Negative response)

25 If not --

1 DELEGATE ADAMS: I move that we accept  
2 the Staff recommendations for approval for an  
3 extension on both of these.

4 MR. SHELTON: Do we have a second?

5 SENATOR RUFF: Second.

6 MR. SHELTON: We have a motion by  
7 Delegate Adams, and a second by Senator Ruff to  
8 accept Staff recommendations for these two  
9 extensions.

10 If there is no further discussion, we  
11 will proceed to vote.

12 All those in favor, signify by saying  
13 "aye."

14 (All affirm)

15 MR. SHELTON: Any opposed?

16 (Negative response)

17 MR. SHELTON: Hearing none, the extension  
18 request for 3454 and 3457 is approved, as Staff  
19 recommends.

20 I believe that concludes all of our  
21 agenda business.

22 Andy, do we have anything else that needs  
23 to come before this committee?

24 MR. SORRELL: I don't think we do.

25 MR. SHELTON: Are there any final public

1        comments to come before this committee?

2                    (Negative response)

3                    MR. SHELTON:    Hearing none, this  
4        committee stands adjourned.

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7                    (End of proceedings.)

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1 COMMONWEALTH OF VIRGINIA AT LARGE, to wit:

2 I, Caroline Lane, Court Reporter, Notary  
3 Public in and for the Commonwealth of Virginia at  
4 Large, and whose commission expires February 28,  
5 2023, do certify that the foregoing is a true,  
6 correct, and full transcript of the testimony  
7 adduced.

8 I further certify that I am neither  
9 related to nor associated with any counsel or party  
10 to this proceeding, nor otherwise interested in the  
11 event thereof.

12 Given under my hand at Roanoke, Virginia,  
13 this 22nd day of November, 2022.

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Caroline Lane, Notary Public

19

Notary Registration No. 238126

20

Commonwealth of Virginia at Large

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