

## Minutes of the Meeting of the Heath MLP Advisory Board

January 14, 2020

Sawyer Hall

Present: Ned Wolf, Art Schwenger, Sheila Litchfield, and Jan Carr

Art called the meeting to order at 9:40 am. Art said he would like to review the TriWire contract already reviewed by Bob Bourke and Sheila. He said that he is hesitant to sign it now because there could be a big reduction in the number of PDU's for Mohawk Estates. Signing the contract now might mean that Heath would later have to pay for a change in network design. Plan to call WG&E today to clarify.

Members looked at a copy of the January 14 Agenda for the BOS and the MLP which includes the possibility of going into Executive Session. Art asked whether we are a committee of the Town of Heath or of the MLP. Sheila said that the MLP was established by a vote of town meeting; the MLP Advisory Board was appointed by the Selectboard and sworn in by the Town Clerk. Art said that the question has been researched by WiredWest whose counsel, Deidre Lawrence, would be a good person to ask. Sheila provided members with copies of Section 47D of Chapter 164 of Massachusetts General Laws. It says that in certain circumstances an MLP is exempt from public records and Open Meeting Law requirements. Sheila drew a distinction between a Selectboard and an MLP. An MLP is a business undertaking with proprietary information. The committee listed examples of items that would be discussed in closed meeting until ready for release to the public: drop policy, subscription rates, and finances.

Art and Jan reported on their findings from studying TriWire's PDU list. They found clerical errors, duplications, drops to empty lots, and combined lots. They found Ledges Road in FSA3.

Sheila phoned Westfield Gas & Electric to ask how reducing the number of PDU's and making corrections might affect cost. She was connected to Joe Parada who explained that the costs of the work specified in the TriWire contract are unit based. The cost is determined by the number of splices, connections, extensions, etc., and a reduction in the number of PDU's would mean a reduction in cost of labor and materials based on how many fewer units. WG&E's % as OPM would also be reduced. Joe said he did not think that TriWire would balk at the edits of the design and added that he would check with TriWire and get back to us by email later in the day. Art asked Joe whether the Selectboard should sign the contract at its meeting that evening. Joe said that signing the contract at that meeting sounded good.

Members of the committee asked Joe about the feasibility of having two phases of construction to enable subscription income to help cover costs for subsequent phases. Joe said that although WG&E does not have costing for that, it sounds logical. He said Phase1 should include feeders into the cabinet, connectivity to the hub, feeders to the permanent residents, and taking care of CAF II requirements. Phasing of construction could permit time to investigate feasibility of wireless technology that is evolving. A still later phase could allow the hard wiring of wireless customers. This is all to be determined.

The discussion turned to deciding what questions to ask Bill Ennen by email. The first question was about the need to clarify the number of drops in Heath that would be eligible for \$500 in state aid. Would the number be 70% of 800, where 800 is an early estimate of the total number of drops in Heath, or would it be 70% of a smaller more likely estimate? The second question arose in understanding the timing of a potential \$365,691 in additional make-ready funds after true-up. Would that true-up occur shortly after the completion of make-ready, or would it occur at the very end of the project? Jan sent Bill an email with these questions.

Sheila suggested that we ask the Selectboard to appoint Margo Newton to the MLP Advisory Board. Margo, who was visiting Sawyer Hall, joined the meeting. Sheila said that increasing the number on the committee to 5 would according to the Open Meeting Law allow conversations between any 2 members as long as no other member is present. Another benefit would be Margo's knowledge of Mohawk Estates where more broadband planning is needed. Margo said she would be interested in serving on the committee. The MLP Advisory Board said it would recommend to the Selectboard that Margo be appointed to the MLP Advisory Board.

Sheila said that she has sent Charlemont the IRU and asked that they get back to us by the last Tuesday of the month so the IRU can be signed by MLP Board that evening.

Next the committee reviewed bills provided by Hilma:

|                         |         |
|-------------------------|---------|
| Hanover Insurance Group | \$3000  |
| Hanover Insurance Group | 3000    |
| Whip City Fiber         | 2873.52 |
| Osterman                | 670.81  |
| Jerry Ferguson          | 2432.15 |

Sheila made a motion seconded by Ned to pay these bills. The motion passed unanimously. The MLP Advisory Board said it would recommend to the Selectboard that the bills be paid.

The committee, in preparation for the evening's MLP Board meeting, turned to updating a handout 'Heath Telecommunications Network costs' originally given to the MLP Board in December 2019. One edit was that the number of PDU's was taken to be 400 instead of 800. This meant taking the amount of state aid for drops to be \$140,000 instead of \$280,000. Sheila said she would include Ned's estimates of revenue "available" and expenses in the handout for the MLP Board.

There was a consensus among the committee that if the Selectboard/MLP Board required proprietary details in order to sign the TriWire construction contract the committee would recommend they go into Executive Session. It was agreed that due to the cost reductions based on corrections to the PDU's and the likelihood of income from subscribers that there will be sufficient funds to pay for the broadband project. For all future MLP Board meetings the committee recommends that there be separate agendas for the Selectboard and the MLP Board meetings.

Respectfully submitted,  
Ned Wolf

