

Albemarle
Broadband
Authority

Broadband Status Report

1st Quarter CY2022

March 27, 2022

The Albemarle Broadband Authority (ABBA) reviewed and is submitting the Broadband Status Report for first quarter calendar year 2022 (January 1, 2022 through March 31, 2022). The report is provided to the County of Albemarle, VA Board of Supervisors as information. This report provides summary level information on all activities completed and underway by ABBA. Here is this quarter's *From the Chair*:

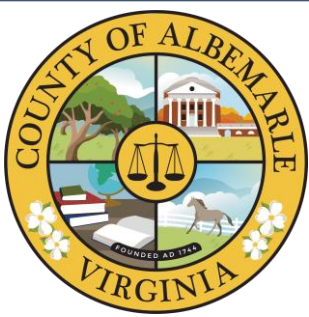
While we await the signing of a contract for VATI 2022 between Firefly/CVEC, DHCD and the TJPDC sometime in March or April, we are assured by Gary Wood of Firefly/CVEC that they are moving ahead with the work for the project in the interim. Our current focus for this project and other continuing work falls on the vendors and the staff in the BAAO who are keeping the public informed on project progress. Knowing that broadband may be coming to your door only heightens interest in when it can be had.

Bucky Walsh
ABBA Chair

Virginia Telecommunication Initiative (VATI) 2022 Update

The VATI 2022 award to Firefly and the TJPDC continues to progress through its contract phase. Firefly remains committed to completing this progress by 2025, and we will continue to support Firefly in its efforts in Albemarle County.

This project involves not just collaboration between Firefly, the TJPDC, and the 13 municipalities involved in the project; Firefly has partnered with Dominion Energy, Rappahannock Electric Cooperative, and Appalachian Power, to extend its fiber network across the County through existing utility poles and conduits. Coordinating efforts with these providers is a primary driver for determining the schedule of this deployment.



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The Broadband Accessibility and Affordability Office (BAAO) will continue to monitor the progress of this project and will begin disseminating the schedule for Albemarle County as soon as it is available.

Virginia Telecommunication Initiative (VATI) 2021 Update

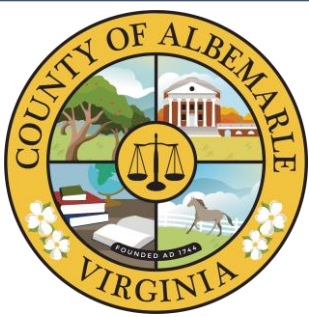
The first five markets for this project have launched, despite some environmental delays. January's winter storms produced some staffing delays and setback related to utility markings, but the project schedule was able to be adjusted to keep the target to launch all five initial project areas by the end of this quarter.

BAAO has continued the informational webinar series associated with this project and hosted a focus group with interested residents to develop a list of technical questions that could better inform the public about the network deployment or the user experience. The focus group yielded an excellent set of questions which were presented to Lumen. Answers are expected by the end of April.

Lumen provided the following update on March 30, 2022:

As requested, below are status updates for the VATI/ABBA projects. Our internal team will meet again on Wednesday, March 30th to prepare an updated milestone chart for you.

- 1) **Tilman/Meriweather** is on target to **launch in April**.
- 2) **Snow Hill** – is experiencing a delay for full launch which is directly related to a water locate compliance obligation with Valley Water. This portion affects approximately a third of the build. We are hopeful this locate can be provided and the construction of this project, in its entirety, can be completed and launched by **the end of April**.
- 3) **Gilbert Station** – has recently encountered an issue as a result of the national material shortage which puts this project in jeopardy of launch as anticipated. The specific arrival date of the material required is still unknown, but we fully anticipate that this project will complete and **launch by the end of June 2022**. Our internal construction team, along with our procurement teams, will continue to pursue all avenues possible to expedite this project to completion. We commit to continuous updates regarding status of acquiring the required pertinent pieces to complete this project.



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- 4) The remaining projects, as outlined in our original milestone chart, are being engineered and assessed for any possible delays. Once we receive feedback from our engineering and construction teams, we will continue to provide ABBA with the most current updates and projections so that you can share those with the county residents.

When received, we will post the updated milestone chart on the project's webpage:

<https://www.albemarle.org/government/county-executive/broadband-accessibility-and-affordability-office/accessibility/vati-2021-information>

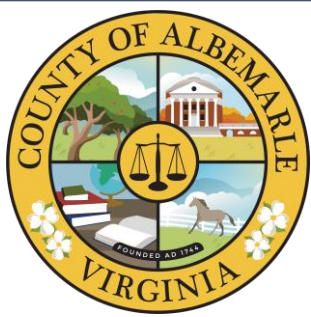
Virginia Telecommunication Initiative (VATI) 2020 Update

While work on the VATI 2020 project, a partnership with CenturyLink/Lumen, was completed in 2021, BAAO awaits receipt of some reporting documents from Lumen. As of today, Lumen staff have yet to present network performance data and financial details required by DHCD to close-out this project. BAAO has been in touch with DHCD staff to ensure that ABBA will not be penalized for this lapse.

ABBA Public Meetings

Due to the continuation of the COVID-19 pandemic and the limitations on group gatherings imposed by the Governor's Executive Orders, ABBA meetings during this reporting quarter were held by electronic communication means on either the Zoom platform or Teams platform. Authorized by the County's April 15th and June 17th Continuity of Government Ordinances, the ABBA Resolution of April 22nd, and the Virginia statute signed into law on April 24th permitting ABBA to meet electronically to discuss and transact business necessary to continue its operations.

The public had real time audio-visual access to the January, February, and March ABBA public meetings over Zoom and real time audio access over telephone, both as provided in the lawfully posted meeting notice. The public is always invited to send questions, comments, and suggestions to ABBA through email at broadband@albemarle.org. All public meetings held



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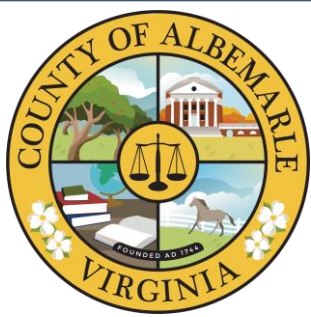
this quarter were recorded and are available for viewing thru links on the County's website. ABBA meetings are experiencing higher public attendance since the start of the virtual meetings; many public comments expressing concern over the need for broadband during the pandemic.

Among the topics discussed by the Authority during its meetings, but not otherwise covered in this document:

- The Authority participated in the authoring and submission of a letter as public testimony for the State Corporation Committee in the case of Lumen's transfer of ILEC assets to Connect Holding. The letter is attached as an addendum to this update. Further details on the hearing can be found below.
- BAAO staff reported on the Emergency Broadband Benefit (EBB) and its transition to the permanent Affordable Connectivity Program (ACP). The new program decreases the benefit from \$50 to \$30 but maintains broad eligibility criteria. BAAO is also working to develop a supplemental benefit that will provide an additional \$20 per month to ACP beneficiaries. Updates on that program will be forthcoming.
- BAAO staff updated the Authority on the availability of remaining American Rescue Plan Act funds being requested for the FY23 budget. Treasury guidance expands the criteria for eligible projects to include areas that lack access (defined as speeds below 100 Mbps symmetrical), lack of reliability, and lack of affordability. This expands the area eligible for consideration to include much of the development area and introduces affordability as a criteria. Over the coming weeks, BAAO will use these new criteria to develop a list of potential project areas that reflect the eligibility criteria.

BAAO Updates

BAAO has dedicated considerable staff time to preparations for the VATI 2021 and 2022 projects, while continuing to pursue programs for affordability.



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BAAO has worked to implement a supplement to the Affordable Connectivity Program (ACP). A permanent evolution of last year's Emergency Broadband Benefit, the ACP provides a \$30 stipend for broadband costs to eligible residents. The permanent program represents a \$20 per month reduction in benefit compared to the EBB. Analysis of local broadband costs suggests that the average cost of adequate broadband service remains above \$50 in our region, necessitating a supplement to ensure residents can afford service.

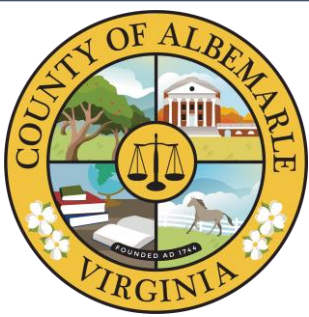
BAAO has collaborated with the Department of Social Services and Albemarle County Public Schools to expand outreach as the Emergency Broadband Benefit closes, while also preparing for similar outreach regarding the ACP.

Expected to launch this May, BAAO has partnered with Comcast and Lumen to provide this benefit to the largest internet service provider in the development and rural areas, respectively. This program is a big step in fulfilling BAAO's mission to ensure residents of all means have access to adequate and affordable broadband.

On January 12th, the Albemarle County Board of Supervisors (Board) hosted a work session to discuss service performance by CenturyLink/Lumen in its provision of phone and internet services. The work session elicited over 100 public comments and lead to a request for a response from Lumen staff that were in attendance.

Following that work session, ABBA and the Board submitted letters as public testimony in the State Corporation Commission (SCC) case regarding Lumen's transfer of ILEC assets to Connect Holding.

On February 15th, Lumen addressed the attached letter to the BoS as its Transition Plan. The letter recognizes that Lumen has had significant deficits in service reliability and customer service. Lumen commits to the rehabilitation of 58 telephone cables in Albemarle County and reports on efforts it has made to improve customer service and restoration efforts.



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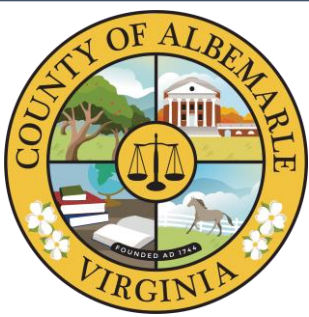
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Prior to the public hearing before the SCC, Lumen, Connect Holding, and SCC staff reached a settlement agreement (See attached). The settlement agreement largely echoes the commitments made in Lumen's letter to the Board, making those commitments binding across the state.

In March, the hearing examiner issued her report, echoing many of the sentiments expressed in public comment, and citing the contributions from ABBA and the Board. She recommended the SCC accept the increased regulatory scrutiny of the settlement agreement along with the transfer of assets. The Commission's decision was still pending as of this report.

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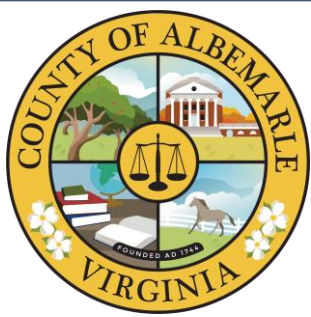
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Plans for Next Quarter

ABBA will continue to prepare for implementation of VATI 2022. Coordination of communications with TJPDC, Firefly and partner municipalities will be an important aspect of future work. Former Albemarle County employee Lori Allshouse has been hired by TJPDC to manage this initiative.

Work will continue on the VATI 2021 project, and ABBA and BAAO will continue to monitor progress.

With the announcement of a project that will provide fiber broadband to much of the community, along with new guidance from the FCC and Treasury, the Authority will consider new options for how to direct its efforts to ensure that all residents have access to adequate and reliable broadband service.



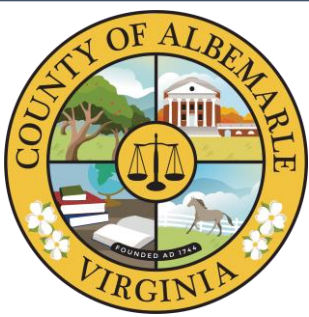
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Appendix A – ABBA Summary Budget Report

					Update: 03/15/2022
4-4300-91097-491097-950030-9999 (EXPENSE CODE)					
BROADBAND INCENTIVES>ALBEMARLE BROADBAND AUTHORITY					
	Fund Balance	Commitment/ Projected Expenses	Paid Expenses	Remaining Project Funds	
Current FY22 Balance (includes \$4.5mil in ARPA Appropriation, \$4.37mil of that for VATI 2022)	\$5,806,415.16				
VATI 2020 Project at 8 locations Commitment (PO 2021-7747 CenturyLink)		\$291,300.00	\$291,300.00	\$0.00	
Administrative Fee for ARPA Appropriation		\$45,000.00	\$45,000.00	\$0.00	
VATI 2021 Project Commitment		\$640,000.00	\$0.00		
VATI 2022 Project Commitment		\$4,368,000.00	\$0.00		
	\$88,867.16	\$5,344,300.00	\$336,300.00	\$88,867.16	



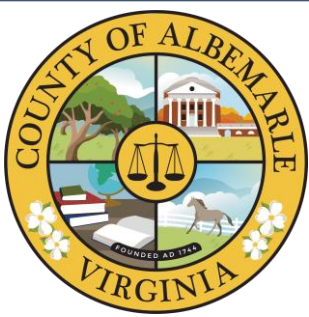
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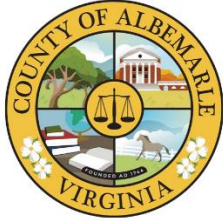
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Appendix B – ABBA Letter to SCC re: Lumen

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Bucky Walsh, Chair
401 McIntire Road
Charlottesville, VA 22902

February 2, 2022

State Corporation Commission
Tyler Building, First Floor
1300 East Main Street
Richmond, VA 23219

Re: *Joint Petition of Lumen Technologies, Inc., Embarq Corporation, Central Telephone Company, United Telephone Southeast LLC d/b/a CenturyLink, Central Telephone Company of Virginia d/b/a CenturyLink, Centurytel Broadband Services, LLC and Connect Holding, LLC, For approval of the transfer of control of United Telephone Southeast LLC d/b/a CenturyLink and Central Telephone Company of Virginia d/b/a CenturyLink to Connect Holding, LLC*
Case No. PUR-2021-00246

Honorable Commissioners,

The Albemarle Broadband Authority, in coordination and consensus with the Albemarle County Board of Supervisors and Albemarle County's Broadband Accessibility and Affordability Office (BAAO) writes to provide comment in the above-referenced proceedings.

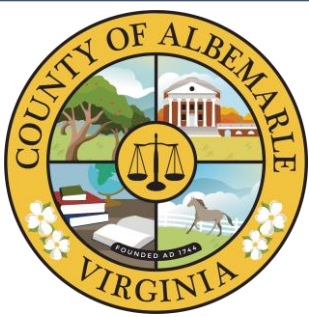
Albemarle County is covered almost entirely by Lumen's incumbent local exchange carrier (ILEC). While broadband internet has penetrated our most populous areas, thousands of rural households still depend on Lumen's ILEC assets for telephony and internet services. This includes access to health monitoring services, security systems, point-of-sale terminals, and critical access to 911.

Established in May 2021, BAAO has partnered with Lumen on various broadband expansion projects but has also dedicated considerable staff time on tracking unresolved outages and community concerns regarding CenturyLink telephony and DSL services. At a work session during a Board of Supervisors regular meeting on January 12, 2022, BAAO presented analysis of e-mail contacts from CenturyLink customers between April 2021 and January 2022.

This analysis demonstrated significant concern in the community regarding the degradation of service and the frequency of phone and internet outages on Lumen ILEC assets. These concerns were echoed in public comment preceding the work session and in responses to a request for comment by e-mail issued by the Board of Supervisors prior to the work session. Analysis of both tranches of e-mails is attached.

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baao@albemarle.org



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Bucky Walsh, Chair
401 McIntire Road
Charlottesville, VA 22902

Neither the Authority nor the Board of Supervisors oppose the transfer of these assets. In submittals to the SCC and the FCC, Lumen CEO Jeffrey Storey states that the markets included in the transfer "are markets that Lumen would not have invested as heavily in." This suggests that any hope for improving the degraded state of the copper-plant would come from the new entity.

Ahead of that transfer, investments in copper-plant are necessary to avoid prolonged outages and degraded service quality. BAAO staff and members of the community continue to monitor these service complaints, and staff frequently escalates service issues to Lumen staff for resolution. Without large investments in assessing and remedying degraded copper-plant, residents will continue to suffer service disruptions.

Looking beyond the sale, the Authority is concerned that the many service disruptions and underperformance will persist, and that the degradation of this copper plant will continue or accelerate. Given these concerns, the SCC might ask Connect Holding to provide assurances of its willingness to invest sufficiently in this copper-plant to ensure the provision of adequate and reliable telephony service.

This past December, Albemarle County, along with 12 other municipalities, celebrated the announcement of a Virginia Telecommunications Initiative award that will bring near-universal access to Central Virginia by 2025. It is the stated mission of the Authority to expand broadband access throughout the County and welcome the innovation and opportunities that this project will provide for our residents. Much of Lumen's ILEC areas in Albemarle will be covered by this project.

On completion of this project, however, many of our residents will continue to depend on these ILEC assets for telephony service. The topography of our county poses challenges for cellular deployments, so many of our rural communities lack cellular coverage. During weather-related or human-caused power and internet service outages, these areas would lack 911 access without this copper-plant.

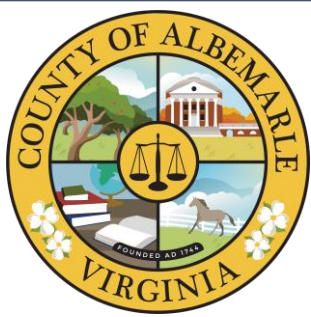
We would ask Connect Holding to provide assurances that this copper-plant will not be abandoned, and that no application to retire it will be submitted until Connect Holding is prepared to demonstrate that sufficient replacement exists for all the features and services these assets enable, including 911 access.

Sincerely,

Bucky Walsh

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broadband@albemarle.org

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baao@albemarle.org



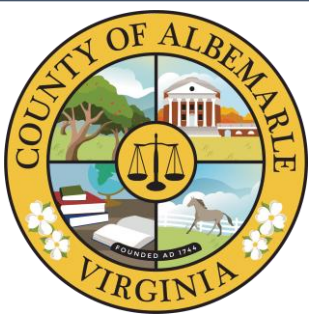
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Appendix C – Lumen Joint Stipulation

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Exhibit 1

Before
THE VIRGINIA STATE CORPORATION COMMISSION

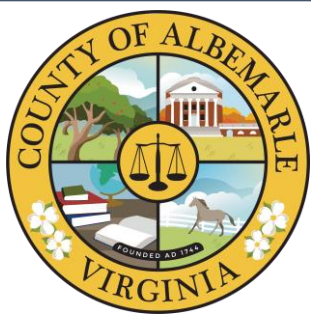
Joint Petition of Lumen Technologies, Inc., Embarq Corporation, Central Telephone Company, United Telephone Southeast LLC d/b/a CenturyLink, Central Telephone Company of Virginia d/b/a CenturyLink, CenturyTel Broadband Services, LLC, and Connect Holding LLC for Approval of the Transfer of Control of United Telephone Southeast LLC d/b/a CenturyLink and Central Telephone Company of Virginia d/b/a CenturyLink to Connect Holding LLC

Case No. PUR-2021- 00246

JOINT STIPULATION

This Joint Stipulation represents the agreement among Lumen Technologies, Inc. ("Lumen"), Embarq Corporate, Central Telephone Company, United Telephone Southeast LLC d/b/a CenturyLink ("United Telephone"), Central Telephone Company of Virginia d/b/a CenturyLink ("Central Telephone"), CenturyTel Broadband Services, LLC, and Connect Holding LLC ("Connect Holding") (collectively, "Joint Petitioners"), and the Staff of the State Corporation ("Staff") (together "Stipulating Participants") relating to the Joint Petition for Approval of the Transfer of Control of Central Telephone and United Telephone (the "VA ILECs") to Connect Holding filed herein (the "Transaction"). This Joint Stipulation resolves all issues raised by the Stipulating Participants in this proceeding, as further set forth herein. The Stipulating Participants, by counsel, hereby agree as follows:

1. Joint Petitioners' October 7, 2021, Joint Petition and the Direct Testimony and Exhibits of Deloris L. Carroll, Aaron Sobel, Thomas Maguire, and Michael J. Balhoff filed on December 13, 2021, shall be made a part of the record without cross-examination by the Stipulating Participants.



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2. The Pre-Filed Testimony and Exhibits of Staff witnesses Michael W. Knight, Phillip M. Gereaux, and Sheree L. King, filed on January 27, 2022, shall be made a part of the record without witnesses taking the stand and without cross-examination by the Stipulating Participants.

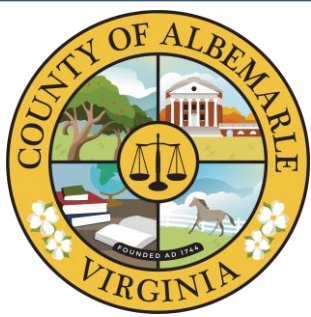
3. The Pre-Filed Rebuttal Testimony of Joint Petitioner witnesses Deloris L. Carroll, Aaron Sobel, Thomas Maguire, and Michael J. Balhoff, dated February 10, 2022, shall be made a part of the record without cross-examination by the Stipulating Participants.

4. Joint Petitioner's requested approval for the Transaction requested in the Joint Petition, is reasonable and should be approved.

5. Joint Petitioners stipulate that the VA ILEC guarantees of the \$4.86 billion in new debt related to the Transaction are limited to the assets of each individual VA ILEC.

6. Joint Petitioners stipulate that after the closing of the Transaction, the VA ILECs will continue to meet their commitments and related reporting requirements under the Service Quality Settlement Term Sheet, dated as of February 18, 2022, attached hereto and incorporated herein as Exhibit A.

7. Joint Petitioners stipulate that the VA ILECs and Connect Holding will schedule and hold meetings with Staff, to occur periodically within 90 calendar days after close of the Transaction, and continuing thereafter as mutually determined, and ending January 1, 2027, or until the VA ILECs, Connect Holding, and Staff mutually agree to an alternative date, whichever date is later, to address service quality issues, if any. The meetings will provide an opportunity to discuss any consumer concerns regarding service quality; consumer complaints received by Staff; any outages, including those caused by circumstances beyond the control of the VA ILECs such as weather, flooding, Acts of God, or other special circumstances impacting the service such as



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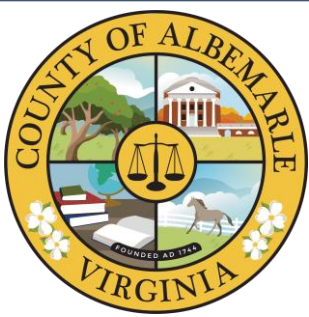
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supply chain disruptions, material shortages, right of way or pole and conduit issues, labor shortages or other access issues; maintenance and repair of the existing network; the transition from Lumen operations to Connect Holding's operations; any additional agreed-to metrics or reporting as applicable; the changes to the competitive landscape associated with alternative providers building broadband networks with public funding, and the like.

8. This Joint Stipulation represents a compromise for the purposes of settlement in this case only, and shall not be regarded as precedent with respect to any other principle in any future matters before the Commission. Notwithstanding that representation, Joint Petitioners agree that they will comply with the terms of the Service Quality Settlement Term Sheet, attached hereto and incorporated herein as Exhibit A. The Stipulating Participants agree that the resolution of the issues herein, taken as a whole, and the disposition of all other matters set forth in the Joint Stipulation, are in the public interest. This Joint Stipulation is conditioned on and subject to acceptance by the Commission and is non-severable and of no force or effect and may not be used for any other purpose unless accepted in its entirety by the Commission, except that this paragraph shall remain in effect in any event.

9. In the event that the Commission or the Hearing Examiner does not accept the Joint Stipulation in its entirety, including the issuance of a recommendation by the Hearing Examiner to not approve the Joint Stipulation, the Stipulating Participants retain the right to withdraw support for the Joint Stipulation. In the event of such action by the Commission or the Hearing Examiner, any Stipulating Participant will be entitled to give notice exercising its right to withdraw support for the Joint Stipulation; provided that the Stipulating Participants may, by unanimous consent, elect to modify the Joint Stipulation to address any modifications required, or issues raised, by the Commission or Hearing Examiner. Should the Joint Stipulation not be approved, it will be



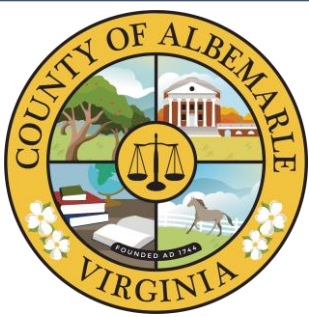
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considered void and have no precedential effect, and the Stipulating Participants reserve their rights to participate in all relevant proceedings in the captioned case notwithstanding their agreement to the terms of the Joint Stipulation. If the Commission or Hearing Examiner chooses to reject the Joint Stipulation, the Stipulating Participants may request that an *ore tenus* hearing be convened at which time testimony and evidence may be presented by the case participants and cross-examination may occur on any issues arising in this proceeding.

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Respectfully submitted,

LUMEN TECHNOLOGIES, INC., EMBARQ CORPORATION, CENTRAL TELEPHONE COMPANY, UNITED TELEPHONE SOUTHEAST LLC D/B/A CENTURYLINK, CENTRAL TELEPHONE COMPANY OF VIRGINIA D/B/A CENTURYLINK, CENTURYTEL BROADBAND SERVICES, LLC, AND CONNECT HOLDING LLC

By:

//Eric M. Page//
Counsel

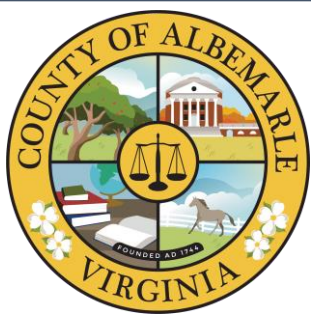
STAFF OF THE STATE CORPORATION COMMISSION

By:

/s/ Raymond L. Doggett, Jr.
Counsel

Date: February 18, 2022

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EXHIBIT A

SERVICE QUALITY SETTLEMENT TERM SHEET

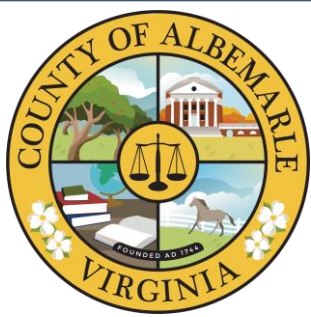
1. *Commitment on Service Quality Improvement.* United Telephone Southeast LLC d/b/a CenturyLink ("United Telephone") and Central Telephone Company of Virginia d/b/a CenturyLink ("Central Telephone") (collectively, the "VA ILECs") commit to continue to work with Staff, before and after completion of the proposed transfer of control ("Transfer") to address certain service-related issues that have been identified by Staff related to the provision and restoration of service in Albemarle, Buckingham, Hanover, and Rappahannock Counties (the "Counties") including ongoing reporting until such service-related issues have been addressed to the mutual satisfaction of the VA ILECs and the Staff. The VA ILECs commit to implement service quality measures as set forth below post-Transfer.

2. *Targets and Associated Statewide Reporting Requirements.* Until such time as the VA ILECs demonstrate compliance for 3 consecutive months with the following targets, measured on a statewide basis, the VA ILECs will periodically, but no less frequently than monthly, report their metrics to Staff regarding these matters at the statewide level.

The VA ILECs commit to the following for the Central Telephone and United Telephone service territories post-Transfer:

- (a) For voice out-of-service and voice service affecting complaints reported directly to the VA ILECs, the VA ILECs shall restore no less than 80% within 48 hours, and no less than 95% within 96 hours, per calendar month, on a statewide basis. Exclusions to these metrics include: instances in which the customer is unavailable or elects an alternative time frame, force majeure events, which include natural disaster, severe storm, flood, work stoppage, civil unrest, major transportation disruptions, or any other catastrophic events beyond the control of the VA ILECs, Sundays and LEC-recognized holidays for business customers, and excluding Saturdays, Sundays, and LEC-recognized holidays that do not result in three consecutive excluded days for residential customers (collectively, "Excusable Events").
- (b) For a voice customer stating a medical necessity or having a medical form on file with the Companies, the VA ILECs shall restore all out-of-service trouble reports within 24 hours, per calendar month, on a statewide basis, when restoration is feasible. Feasible shall mean service can be restored unless there exists a condition beyond the control of the VA ILECs.
- (c) The VA ILECs shall not exceed a 3.0% outside plant trouble report rate, per calendar month, on a statewide basis.

If the commitments are not met for three consecutive months, additional action by the Commission may be taken (e.g., corrective action plans). In addition, the VA ILECs will provide Staff with an appropriate escalation list for primary points of contacts, as mutually agreed, in order to address issues brought to the attention of Staff. If the above have not been met and the Staff informs Central Telephone or United Telephone of any voice out-of-service or voice service affecting Commission complaint Central Telephone or United Telephone shall restore the affected



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voice service within 24 hours of the report, subject to extended intervals that are explicitly accepted or requested by customers or an extension granted by the Staff. Exclusions for this metric also include Excusable Events.

3. *On-Going Targeted Copper Rehabilitation Plans.* The VA ILECs shall continue to work to identify copper cables with a higher-than-normal occurrence of trouble. This data will be used to identify cables to be rehabilitated or replaced thereby resulting in fewer future customer outages. As the cable routes are tested, issues identified will be remedied. The VA ILECs are currently focusing on 78 copper cables across 4 counties, impacting approximately 3,600 working lines. This additional copper rehabilitation commitment impacts:

- 52 cables and 2,486 working lines in Albemarle County.
- 14 cables and 483 working lines in Buckingham County.
- 7 cables and 335 working lines in Hanover County.
- 5 cables and 257 working lines in Rappahannock County.

Additional cable and working lines relative to other counties will be impacted by this supplemental rehabilitation commitment, depending upon the analysis and need for rehabilitation.

The VA ILECs' plans include weekly updates to Staff as to the progress of the rehabilitation projects set forth above until they are completed. These updates will be in addition to the ongoing reporting referenced above in Paragraph 1.

4. *Reporting Requirements for Copper Projects Post-Transfer.* The VA ILECs agree to meet and provide a confidential report to Staff with updates associated with the copper network, as set forth in Paragraph 7 of the Joint Stipulation submitted on February 18, 2022. This report shall provide measurable and verifiable commitments regarding the plans for the maintenance, repair, and replacement of the copper network. The first report is to be submitted to the Staff no later than 90 days after the Report of Action is filed with the Commission post-Transfer. In addition, an annual report will be submitted to Staff starting January 31, 2023 through January 31, 2027, or until Staff and the VA ILECs mutually agree to discontinue said reports, whichever date is sooner. Said reports will include, but not be limited to, a report of projects completed, projects started, and a forecast of upcoming projects.

5. *Settlement.* The VA ILECs make the above commitments solely for purpose of settlement, to address certain issues raised by Staff regarding adequate service quality, but do not concede that metrics set forth in 20 VAC 5-428-90 apply to the VA ILECs given their Competitive Telephone Company status.

Dated: February 18, 2022