

**STATE: WEST VIRGINIA**

**Date of Reports:** No reports issued.

**Nature of report (preliminary, final, advisory, executive/legislative):** N/A

**Key recommendations:** N/A

**Key Programs Initiated:**

- Broadband Deployment Council (See "How are we Going to Get There" heading below).
- Created Broadband Deployment Fund (See "How are we Going to Get There" heading below).

**Recommended Appropriations:** None

**Web link to legislation:**

[http://www.legis.state.wv.us/Bill\\_Text\\_HTML/2008\\_SESSIONS/RS/BILLS/HB4637SUB.htm](http://www.legis.state.wv.us/Bill_Text_HTML/2008_SESSIONS/RS/BILLS/HB4637SUB.htm)

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**Statement of Values:**

- Make every municipality, community, and rural area in West Virginia accessible to the Internet through the expansion and extension of broadband services and technology.
- Respect progress of market forces and industry; governmental assistance and funding is to be used only in those areas without broadband service and will not compete with private industry or duplicate or displace broadband service in areas already served, or where industry feasibly can be expected to offer services in the reasonably foreseeable future.

**Where we've been:** Not addressed.

**Where we are today:**

- Although market-driven deployment has extended broadband access to almost all of West Virginia's cities, towns, and other concentrated areas, some of the most rural areas of the state that remain unserved.
- Based on the same network principles that providers of telephony services have faced since the inception of the telecommunications industry, high fixed costs and technological limitations permit broadband networks to extend into rural areas only so far before the level of demand in those sparsely populated areas no longer justifies the construction costs.

- West Virginia's unique topography and demography further hinder the provision of broadband access to rural areas of the state. West Virginia's mountains and hills increase the cost of deploying broadband infrastructure. West Virginia's high-percentage of elderly and low-income households are the least likely to own computers or subscribe to Internet service. In light of these topographical and demographic challenges, any attempt to fill the gaps in West Virginia's broadband availability must be organized according to the levels of demand in the various unserved areas to which service is sought to be extended.

**Where we want to be:** By the year 2010, make every municipality, community, and rural area in this state accessible to the Internet through the expansion and extension of broadband services and technology.

**How are we going to get there?**

- Established a Broadband Development Council with the following powers:
  - Provide consultation services in connection with the planning, acquisition, improvement, construction or development of any broadband deployment project;
  - To make and execute contracts, commitments and other agreements necessary or convenient for the exercise of its powers, including but not limited to the hiring of consultants to assist in the mapping of the state, categorization of areas within the state, and evaluation of project applications. Connected Nation has been hired to do the mapping. Verizon is funding the mapping project.
  - Acquire by gift or purchase, and hold or dispose of real and personal property in the performance of duties;
  - Receive and dispense funds appropriated for its use by the Legislature or other funding sources or solicit, apply for and receive any funds, property or services from any person, governmental agency or organization to carry out statutory duties.
- Creation of a Broadband Deployment Fund.
  - Funding comes from legislative appropriations or third-party gifts and donations.
  - Provide funding assistance to broadband projects in area where deployment is not economically feasible for the private sector.
  - Funds may not be used for projects providing speeds below 600 Mbps.
  - For projects involving download speeds of up to 5 Mbps, minimum upspeed/downspeed ratio must be 8.5:1.
  - For projects involving download speeds of 5 Mbps or higher, upload speed must be at least 588 Kbps.

**Broadband functionality (tiers of service)**

"Broadband" or "broadband service" means any service providing advanced telecommunications capability with either a downstream data rate or upstream data rate of at least 200 Kbps, that does not require the end-user to dial up a connection, and for which the transmission speeds are based on regular available bandwidth rates, not sporadic or burstable rates, with a minimum downstream-to-upstream data ratio of 10:1 for services with a downstream data rate of up to 5Mbps, and with a minimum upstream data rate of 500 Kbps for services with a downstream data rate of 5 Mbps or greater.