

Rule Governing Outage Reporting Requirements
for
Originating Carriers and Electric Power Companies

Amended: Insert Date

(Annotated – Changes from original rule are underlined; changes from initial proposed rule are highlighted)

1.0 Authority

This rule is adopted pursuant to Vt. Act 79, Sec. 25 (2019) as amended by Vt. Act 125, Sec. 4 (2020) and 30 V.S.A. § 7053.

2.0 Purpose

The purpose of this rule is to establish protocols for the Enhanced 911 Board (the Board) to obtain information about or be apprised of, in a timely manner, system outages applicable to wireless service providers, to providers of facilities-based, fixed voice service that is not line-powered, and to electric companies for the purpose of enabling the Board to assess 911 service availability during such outages. This rule also updates and incorporates existing protocols for the Board to obtain information about or be apprised of, in a timely manner, system outages applicable to facilities-based, fixed voice service that is line-powered.

3.0 Definitions

3.1 Commercial Mobile Radio Service (CMRS): A Federal Communications Commission (FCC) designation for any carrier or licensee whose wireless network is connected to the public switched telephone network.

3.2 Electric Power Company: A company that provides distribution of electricity to residential and/or business customers.

3.3 Incumbent Local Exchange Carrier (ILEC): A class of carriers as defined in 47 U.S.C. § 251(h) which includes, but is not limited to, Rural Local Exchange Carriers (RLECs).

3.4 Originating Carrier (OC): Also known as originating service provider, an entity that provides voice services to a subscriber. An OC includes ILECs operating in Vermont.

3.5 Outages

3.5.1 Originating Carrier Outage (OCO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the OC's subscribers from being able to complete a call to, or communicate with, 911, or prevents subscribers from receiving emergency notifications. An OCO includes any loss of 911 calling capacity caused by such an OC's network failure.

3.5.2 Wireless Service Outage (WSO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the subscribers of a wireless service, also known as cellular service, from

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being able to complete a call to, or communicate with, 911, or prevents subscribers from receiving emergency notifications. A WSO includes any loss of 911 calling capacity caused by such a wireless service network failure.

3.5.3 Electric Power Outage: Any known failure, failures, or circumstances that prevent the electric power company from distributing electricity to residential and/or business customers.

3.6 System Provider: An entity that provides the systems and support necessary to enable 911 calling for one or more Public Safety Answering Points (PSAPs) in a specific geographic area.

3.7 Voice Service: A service that provides voice transmission services. These services are provided over a network that transmits any combination of voice, video and/or data between users. Voice service is provided by an OC that could be a facilities-based fixed voice service that is line powered, a facilities-based fixed voice service that is not line powered, or a Commercial Mobile Radio Service provider.

3.8 ZIP code: The five-digit postal code established by the United States Postal Service. For purposes of this rule, a ZIP code associated only with (A) a Post Office box, or (B) a single physical address, shall be deemed part of the nearest ZIP code not meeting the descriptions of (A) or (B) of this definition for determining thresholds and reporting purposes.

4.0 Notification Requirements for Originating Carriers

4.1 An ILEC providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known OCO lasting at least 30 minutes that limits or prevents 25 or more subscribers in a served geographic area within Vermont, such as a town or community, from completing calls to, or communicating with, 911.

4.2 All other facilities-based fixed voice service OCs providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known OCO that lasts at least 30 minutes and limits or prevents (A) 100 or more subscribers in a single ZIP code or (B) at least 50% of subscribers in a ZIP code with fewer than 100 subscribers, from completing calls to, or communicating with, 911.

4.3 OCs shall make an initial notification as required under subsections 4.1 or 4.2 within one hour of discovery of the OCO; a second notification ~~within two hours of discovery, will~~ **shall** be provided when there is ~~a change~~ **an increase of more than 10% in the number of impacted subscribers or a change in the impacted area,** ~~and shall provide additional updates as they become available,~~ or at the request of the Board.

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4.3.1 The initial OCO notification shall include, to the extent that it is known, the following information:

- OC name
- Affected geographic area identified by ZIP code, town, county, or community name
- Approximate subscriber physical locations – including town or community name
- Approximate number of affected subscribers
- Date and time outage began
- Estimated date and time for restoration of service
- General cause (for example – fiber cut, equipment failure, or similar general description)
- Description of the limitation of 911 calling capability: (for example - subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911).
- ~~Brief description of the limitation of 911 calling capability~~
- Contact Name (presumed non-public)
- Contact Phone (presumed non-public)
- 24/7 contact if different from above contact (presumed non-public)

4.3.2 A second OCO notification shall be provided when there is a change an increase of more than 10% in the number of impacted subscribers or a change in the impacted area, or at the request of the Board. The second OCO notification shall further include, to the extent that it is known, the following information:

- ~~Affected ZIP code and associated readily identifiable descriptive term that would enable validation of the ZIP code, such as the name of a town, county, community name, or similar term~~
- ~~Approximate subscriber physical locations – including town or community name~~
- ~~Approximate number of affected subscribers~~
- ~~Date and time outage began~~
- ~~Estimated date and time for restoration of service~~
- ~~General cause (for example – fiber cut, equipment failure, or similar general description)~~
- ~~Description of the limitation of 911 calling capability: (for example - subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911).~~

4.3.3 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage and shall include, to the extent it is known, the following information:

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- Actual restoration time
 - The call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available. (exempt from public disclosure)
 - Any other information requested in the initial and second notifications that was previously unavailable or unverified such as general cause, or number of affected subscribers.
- 4.4** All Commercial Mobile Radio Service (CMRS) OCs providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known WSO that lasts at least 30 minutes and limits or prevents the OC's subscribers in at least 50% of the OC's coverage area within a single ZIP code from completing calls to, or communicating with, 911.
- 4.5** CMRS providers shall make an initial notification as required under subsection 4.4 within one hour of discovery of the WSO; a second notification ~~within two hours of discovery, will~~ **shall** be provided when there is ~~a change~~ **an increase of more than 10% in the number of** impacted subscribers or **a change** in the impacted area, ~~and shall provide additional updates as they become available, or at the request of the Board.~~
- 4.5.1** The initial WSO notification shall include, to the extent that it is known, the following information:
- CMRS provider name
 - Affected geographic area identified by ZIP code, town, county, or community name
 - Approximate subscriber physical locations – including town or community name
 - Approximate number of affected subscribers
 - Date and time outage began
 - Estimated date and time for restoration of service
 - General cause (for example – fiber cut, equipment failure, or similar general description)
 - Description of the limitation of 911 calling capability: (for example - subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911).
 - ~~Brief description of the limitation of 911 calling capability~~
 - Contact Name (presumed non-public)
 - Contact Phone (presumed non-public)
 - 24/7 contact if different from above contact (presumed non-public)
- 4.5.2** ~~The~~ **A** second WSO notification ~~shall be provided when there is a change~~ **an increase of more than 10% in the number of** impacted subscribers or **a change** in the impacted area, ~~or at the request of the Board. shall further include, to~~

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~~the extent that it is known, the following information:~~

- ~~• Affected ZIP code and associated readily identifiable descriptive term that would enable validation of the ZIP code, such as the name of a town, county, community name, or similar term~~
- ~~• Approximate subscriber physical locations — including town or community name~~
- ~~• Approximate number of affected subscribers~~
- ~~• Date and time outage began~~
- ~~• Estimated date and time for restoration of service~~
- ~~• General cause (for example fiber cut, equipment failure, or similar general description)~~
- ~~• Description of the limitation of 911 calling capability: (for example subscribers are receiving dial tone and can make calls to other local subscribers but cannot complete calls to 911).~~

4.5.3 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage and shall include, to the extent it is known, the following information:

- Actual restoration time
- The call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available. (exempt from public disclosure)
- Any other information requested in the initial and second notification that was previously unavailable or unverified such as general cause, or number of affected subscribers.

4.6 The Board may request additional details about the cause of an OCO or WSO and any mitigating steps taken to prevent future outages of a similar nature. All OCS shall work cooperatively with the Board to provide the level of detail needed to assist the Board in its assessment of an OCO or WSO and its impact on access to 911 for the affected subscribers.

5.0 Notification Requirements for Electric Power Companies

5.1 Electric power companies shall provide a detailed monthly report on all outages affecting 25 or more customers and lasting 8 or more hours to the Board by the 15th of each month.

5.1.1 Quarterly reporting may be allowed if, in the judgment of the Board, that frequency will allow for sufficient and timely information gathering.

5.2 The monthly reports ~~will~~ **shall** be provided in CSV, XML, Excel, or other importable dataset accepted by the Board, and ~~will~~ **shall** include, at a minimum:

- Date and time of outage

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- Date/time of restoration of service
- Approximate number of affected customers
- Location of outage and approximate subscriber physical locations including identification of street or section of road, if available, and town or community name;
- Cause of the outage

6.0 **Report Format**

6.1 All reports required by this rule ~~will~~ **shall** be submitted in a format approved by the Board. Format changes will be communicated to the OCs and electric power companies and posted to the Board's website. **Originating carriers and electric power companies will be provided a reasonable opportunity to provide input on changes to the format of the reports.**

7.0 **Confidentiality**

7.1 Information submitted as required by subsections 4.3.1, 4.3.2, 4.3.3, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 is presumed to be public information unless otherwise noted in each section.

7.1.1 Submitters of information required by subsections 4.3.1, 4.3.2, 4.3.3, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 will be notified of all public records requests for the information.

7.2 Submitters of information that may be required by Section 4.5 will be notified of all public records requests for the information and provided an opportunity to mark information they believe to be exempt from public disclosure under Vermont Public Records Law.

7.2.1 When requesting that material be considered exempt from disclosure, the submitter shall identify the specific information they request not be disclosed and provide an explanation of why the subsection of 1 V.S.A. §§315-320 upon which they rely applies. Such requests may be considered but are not binding on the Board in responding to public requests.

8.0 **Effective Date**

8.1 Mandatory outage reporting will begin as soon as originating carriers and electric power companies are technically capable of providing the information but no later than six months after adoption of the final rule.

8.2 Updates to this rule ~~will~~ **shall** become effective as soon as originating carriers and electric power companies are technically capable of complying but no later than six months after adoption of a final amended rule.

8.3 **Changes to the format of reports ~~will~~ shall become effective as soon as originating carriers and electric power companies are technically capable of complying but no later than 90 days after the format changes have been communicated pursuant to section 6.1.**

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9.0 **Enforcement**

9.1 Pursuant to 30 V.S.A. § 7061(a), the Enhanced 911 Board may file a civil action for injunctive relief in Washington County Superior Court to enforce this rule and recover its costs and reasonable attorneys' fees in the event that the Board prevails in the action.