

Final Proposed Filing - Coversheet

Instructions:

In accordance with Title 3 Chapter 25 of the Vermont Statutes Annotated and the "Rule on Rulemaking" adopted by the Office of the Secretary of State, this filing will be considered complete upon filing and acceptance of these forms with the Office of the Secretary of State, and the Legislative Committee on Administrative Rules.

All forms shall be submitted at the Office of the Secretary of State, no later than 3:30 pm on the last scheduled day of the work week.

The data provided in text areas of these forms will be used to generate a notice of rulemaking in the portal of "Proposed Rule Postings" online, and the newspapers of record if the rule is marked for publication. Publication of notices will be charged back to the promulgating agency.

PLEASE REMOVE ANY COVERSHEET OR FORM NOT REQUIRED WITH THE CURRENT FILING BEFORE DELIVERY!

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I approve the contents of this filing entitled:

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

/s/ Roger M. Marcoux, Jr.

(signature)

, on 5/19/2023

(date)

Printed Name and Title:

Roger M. Marcoux, Jr.
Chairman, Enhanced 911 Board

RECEIVED BY: _____

- Coversheet
- Adopting Page
- Economic Impact Analysis
- Environmental Impact Analysis
- Strategy for Maximizing Public Input
- Scientific Information Statement (if applicable)
- Incorporated by Reference Statement (if applicable)
- Clean text of the rule (Amended text without annotation)
- Annotated text (Clearly marking changes from previous rule)
- ICAR Minutes
- Copy of Comments
- Responsiveness Summary

1. TITLE OF RULE FILING:

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

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE
23P010

3. ADOPTING AGENCY:

Vermont Enhanced 911 Board

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Barbara Neal

Agency: Vermont Enhanced 911 Board

Mailing Address: 6 Baldwin St, 2nd Floor, Montpelier, VT-
05633-7960

Telephone: 802-828-4911 Fax: 802-828-4109

E-Mail: barbara.neal@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://e911.vermont.gov/>

5. SECONDARY CONTACT PERSON:

*(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY
ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE
PRIMARY CONTACT PERSON).*

Name: Soni Johnson

Agency: Vermont Enhanced 911 Board

Mailing Address: 6 Baldwin St, 2nd Floor, Montpelier, VT-
05633-7960

Telephone: 802-828-4911 Fax: 802-828-4109

E-Mail: soni.johnson@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

*(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL;
LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND
COPYING?)* Yes

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

1 V.S.A 317 (c) (9) and (c) (25); 30 V.S.A. 7059 (c)

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

Outage reports contain information related to network
operations centers, their contact information and
telephone numbers and may include trade secret or

sensitive information which is exempt from disclosure under the Vermont Public Records Act. Restoration of service reports may include phone numbers of individuals that attempted to reach 911 the release of which is exempt under 30 V.S.A. 7059 (c).

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

Vt. Act 125 § 25 (2020) and 30 V.S.A. § 7053

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:

Vt. Act 125 § 25(2020) amended Vt. Act 79 § 25 (2019) to require that when one or more states with a combined population of 20,000,000 residents adopts a rule or enacts a law that applies a lower reporting threshold than is required under 47 C.F.R. Part 4, § 4.9(e)(1)(ii) as it pertains to wireless service providers, the E-911 Board shall initiate a rulemaking for outage reporting that incorporates the lowest above-referenced reporting threshold applicable to wireless service providers. California, population 39,000,000, ratified an emergency regulation in July 2020 that incorporates the lower thresholds. Additionally, 30 V.S.A § 7053 authorizes the 911 Board to adopt such rules as are necessary to carry out the Board's responsibilities.

9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.

10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.

11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE NOT RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.

12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.

13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.

14. CONCISE SUMMARY (150 WORDS OR LESS):

This rule establishes outage reporting protocols for originating carriers providing voice service in Vermont and for electric power companies operating in Vermont in order to enable the Enhanced 911 Board to assess 911 service availability during such outages. The updates proposed in March 2023 change the requirements for the second outage notification and require the carriers to report outage information in a format approved by the Board which will allow the Board to automate the handling of these reports.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

This rule was established to meet the requirements of Vt. Act 125 § 25(2020) and also incorporates outage reporting requirements for regulated telephone service providers. The updates proposed in March 2023 will allow the Board to reduce unnecessary second notifications and will allow the Board to automate the handling of outage report information.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

This rule was established to meet the requirements of Vt. Act 125 § 25(2020), specifically the reporting thresholds for wireless service providers, which have been adopted in California. Because other national carriers had concerns about a "patchwork" of reporting requirements around the nation, California's thresholds were incorporated for those carriers in Vermont.

The reporting requirements for regulated telephone companies in Vermont are similar to existing procedure which has been effective for over twenty years.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

The rule impacts originating carriers that provide voice services to subscribers, and electric power companies. The updates proposed in March 2023 impact only originating carriers with no impact on electric power companies.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

Implementation of the March 2023 proposed updates to the reporting requirements in this rule will not have any impact on electric power companies. The changes

are expected to have little economic impact on originating carriers. Feedback was sought from originating carriers as the language for the March 2023 updates was being developed and none indicated concerns about economic impact.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 5/5/2023

Time: 10:00 AM

Street Address: 6 Baldwin St, 2nd Floor, Montpelier, VT-

Zip Code: 05633-7960

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_MTZhODQyNDctMGQ4Yi00ZWRmLWExYTktNjc4YzEwNDM0MzMy%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%22d695f2b4-9eb3-4e26-9e4e-8c669b8458a2%22%7d

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

5/12/2023

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Vermont 911 Outage Reporting Requirements

Vermont 911 Requirements

Outage Reporting Requirements



State of Vermont
Enhanced 911 Board
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MEMORANDUM

TO: Legislative Committee on Administrative Rules

FROM: Barbara Neal, Executive Director

DATE: 5/18/2023

RE: Rule 23-P010: Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

A public hearing on proposed changes to this rule was held on May 5, 2023. Three participants attended the public hearing; two provided verbal and written comments. A summary of those comments is included in this filing. Also included in this filing are copies of all written submissions received during the public comment period.

The following changes were made to the proposed rule as a result of public input. (Note: the stricken and underlined sections indicate a change from the original rule; the highlighted sections are revisions made to the initially proposed rule changes in response to public comment.)

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 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.

4.3.2 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).~~

4.5 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 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.

4.5.2. 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 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).~~

6.1 All reports required by this rule will 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.

8.3 Changes to the format of reports will 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.

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Vermont Enhanced 911 Board

3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU
BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF
THE LAST ADOPTION FOR THE EXISTING RULE*):

Adopted Rule Number 21-001, Rule Governing Outage
Reporting Requirements for Originating Carriers and
Electric Power Companies, 2/4/2021



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: Monday, March 13, 2023, virtually via Microsoft Teams
Members Present: Chair Sean Brown, Brendan Atwood, Jared Adler, John Kessler, Diane Sherman, Michael Obuchowski, Donna Russo-Savage and Nicole Dubuque
Members Absent: Jennifer Mojo
Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the February 22, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- Note: An emergency rule titled 'Emergency Administrative Rules for Notaries Public Remote Notarization', by the Office of Professional Regulation was supported by ICAR Chair Brown on 03/09/23
 - These Emergency Rules allow an individual to satisfy the "personal appearance" requirement for the performance of notarial acts by appearing before a notary public through a secure communication link using specific protocols and standards.
 - If these Emergency Rules expire before rules are adopted to implement Act 171, Vermont notaries public will no longer be permitted to perform remote notarial acts, thus hampering the performance of crucial transactions.
- No public comments made.
- Presentation of Proposed Rules on pages 2-4 to follow.
 1. 10 V.S.A. App. § 141 Baitfish Regulation, Vermont Fish and Wildlife Board, page 2
 2. Manufactured Food Rule, Vermont Department of Health, page 3
 3. Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies, Vermont Enhanced 911 Board, page 4
- Next scheduled meeting is Monday, April 10, 2023 at 2:00 p.m.
- 2:50 p.m. meeting adjourned

Proposed Rule: Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies, Vermont Enhanced 911 Board

Presented By: Barbara Neal

Motion made to accept the rule by John Kessler, seconded by Brendan Atwood, and passed unanimously with the following recommendations:

1. Proposed Filing – Coversheet
 - a. #5: Review for clarity on what is exempt, what isn't, the actual section number reference, and personal information vs. trade secrets.
 - b. #10: Move the last sentence to a separate paragraph for clarity as regulated telephone companies are separate from wireless service providers.
 - c. #12: Define 'any significant', perhaps by changing it to 'little' or 'no' per the small business impact on the economic impact statement.
2. Public Input Maximization Plan, #4: Specific the 'Members of the Public', and include others involved and stakeholder lists.

DRAFT

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Vermont Enhanced 911 Board

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Originating carriers that provide voice service in Vermont are impacted by this rule and the March 2023 proposed changes. Prior to initiated the formal rulemaking process for the March 2023 proposed changes, these stakeholders were given an opportunity to provide input on the rule changes. While some carriers

reported it may take up to six months to implement the proposed changes, none indicated there would be any economic impact to do so.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

This rule does not impact schools.

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

N/A

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

To the extent certain telephone service providers are considered a small business, the rule is expected to have little to no economic impact.

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

The rule is expected to have little to no economic impact on small business.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Act 125 required this rule to establish outage reporting requirements for certain originating carriers providing voice service in Vermont and for electric power companies operating in Vermont so that the Enhanced 911 Board is able to assess 911 service availability during such outages. In order to make this assessment, the Board requires specific and granular outage information from all types of service providers. Absent a rule with such thresholds, only limited information would be available from VoIP and wireless

carriers, and no information would be required from electric companies.

9. **SUFFICIENCY: DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.**

During earlier rulemaking (2019 and 2020) processes on this topic, economic impact information was requested from multiple stakeholders including wireless, VoIP, and wireline telephone service providers in Vermont, as well as electric companies operating in Vermont. Impacted stakeholders were also given an opportunity to comment on the March 2023 proposed updates prior to the initiation of formal rulemaking. There were no comments received that indicated concerns about economic impacts.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify "No impact anticipated" in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Vermont Enhanced 911 Board

3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

This rule is not expected to impact greenhouse gas emissions.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

This rule is not expected to impact water or water quality.

5. LAND: *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

This rule is not expected to impact land, forestry, or agriculture.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

This rule is not expected to impact recreation in Vermont.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

This rule is not expected to impact climate in Vermont.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

This rule is not expected to impact any aspect of Vermont's environment.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

This rule is related to service provider outage reporting and is not expected to have any negative environmental impacts.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

1. TITLE OF RULE FILING:

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

2. ADOPTING AGENCY:

Vermont Enhanced 911 Board

3. PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:

Prior to the initiation of the formal rulemaking process for the March 2023 proposed updates, the Board sought preliminary input from the stakeholders listed in question 4. A public hearing was held on May 5, 2023 and public comments were accepted through May 12, 2023. The Enhanced 911 Board has been working with stakeholders impacted by this rule since July 2019 when a the original rulemaking work was initiated. Public input was been routinely requested and considered.

4. BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:

Members of the public who were engaged in the development of the original rule

Regulated telephone service providers in Vermont
State and national VoIP service providers

Wireless service providers



State of Vermont
Enhanced 911 Board
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Montpelier, VT 05633-7960
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Public Comment Responsiveness Summary

5/19/2023

Proposed Changes to the Rule Governing Outage Reporting Requirements for Originating Service Providers and Electric Power Companies

A public hearing was held on May 5, 2023, at 6 Baldwin Street, Montpelier, VT and via remote video conference regarding proposed changes to the Enhanced 911 Board's Rule Governing Outage Reporting Requirements for Originating Service Providers and Electric Power Companies.

The hearing was attended by three participants, two of whom provided both verbal and written comments. The public comment period closed on May 12, 2023. The following is a summary of all comments received and the Board's response to each:

- 1. Comment:** Comcast and Charter support the proposed amendment of section 4.3 requiring Originating Carriers to submit a second notification only when there is a change in impacted subscribers or impacted area or at the request of the Board. To avoid having to submit non-material second notifications, Comcast and Charter recommend the following language at the end of section 4.3: a second notification will be provided when there is an increase in the impacted area or more than a ten percent increase in the number of impacted subscribers, or at the request of the Board".

Response: Agreed. Changes made to Sections 4.3, 4.3.2, 4.5, and 4.5.2 to incorporate this recommendation.

- 2. Comment:** The edits made in the revised Proposed Rules regarding follow-up notifications (Section 4.6) represent a good start towards increasing efficiency in restoration by minimizing the filing burden on carriers while maintaining situational awareness for the Board about outages.

Response: Acknowledged, no revisions required.

- 3. Comment:** The revised Proposed Rules provide limited insight regarding the format of information that carriers will submit to the new automated system, though the Board includes an annotation noting that it "intends to work collaboratively with industry on format changes." CTIA looks forward to engaging with the Board to develop a format that prioritizes restoration efficiency while meeting the Board's expectations for situational awareness.

Response: See revised Section 6.1 which includes a statement that the Board will provide originating carriers a reasonable opportunity for input on format changes.

4. **Comment:** Comcast and Charter continue to recommend that the Board include language in §6.1 indicating the Board will offer Originating Carriers and Electric Companies a reasonable opportunity to provide input on changes to the format of reports. Currently, Comcast and Charter's outage reports are automatically generated. It is important that changes in the format of reports do not prevent automatically generated reporting or require new categories of information not already being reported.

Response: See revised Section 6.1 which includes a statement that the Board will provide originating carriers a reasonable opportunity for input on format changes.

5. **Comment:** CTIA also appreciates the addition of an implementation period for the Proposed Rules (Section 8.1) that, as CTIA explained in informal comments, will give time for impacted providers to implement the necessary changes to their reporting systems and adjust to the new automated system. In informal comments, multiple parties, including CTIA, suggested the Board also include an implementation period for any changes to the reporting format as well. In the most recent draft of the Proposed Rules, the Board responded in annotations that Section 8.2 is intended to address this issue by allowing a six-month implementation period for "updates to this rule". CTIA supports the inclusion of Section 8.2 for the same reason as Section 8: An appropriate implementation period for carriers to respond to rule changes is wise. However, to the extent that Section 8.2 is intended to provide implementation time for changes to the reporting format or the data requested therein, as currently written, it would not achieve that purpose. The Proposed Rules do not codify the format of the reports, and Section 6.1 of the Proposed Rules (Report Format) only requires rule changes to be communicated to industry and posted on the Board's website, not codified – i.e., format changes could happen without a corresponding rule change, failing to trigger Section 8.2's implementation period.

To rectify this issue, CTIA recommends the Board add a corresponding Section 8.3 to the Proposed Rules, mirroring the language of Sections 8.1 and 8.2, that would read:

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

Response: Agreed to add implementation period for format changes. Following this public comment, the Board's Executive Director confirmed with CTIA that a 90-day implementation period would be sufficient. New Section 8.3 was added to incorporate this recommendation.

6. **Comment:** Comcast and Charter support the addition of the proposed section 8.3 that provides updates to the rule are effective when OCs are technically capable of complying but no later than six months after adoption of the final amended rule.

Response: Acknowledged. See also new Section 8.3 which allows carriers up to 90 days to implement format changes.

END OF PUBLIC COMMENT RESPONSIVENESS SUMMARY



May 12, 2023

Barbara Neal
Executive Director
Vermont Enhanced 9-1-1 Board
100 State St., 4th Floor
Montpelier, VT 05620-6501

Dear Executive Director Neal and the Board:

Per Director Neal's March 28, 2023 email, CTIA offers the following feedback in response to the revised proposed amendments to the Vermont Enhanced 9-1-1 Board's (the "Board's") rules regarding outage reporting (the "Proposed Rules").

CTIA appreciates the continued work by the Board to gather stakeholder feedback and improve the Board's rules on outage reporting. The edits made in the revised Proposed Rules regarding follow-up notifications (Section 4.6) represent a good start towards increasing efficiency in restoration by minimizing the filing burden on carriers while maintaining situational awareness for the Board about outages.

The revised Proposed Rules provide limited insight regarding the format of information that carriers will submit to the new automated system, though the Board includes an annotation noting that it "intends to work collaboratively with industry on format changes." CTIA looks forward to engaging with the Board to develop a format that prioritizes restoration efficiency while meeting the Board's expectations for situational awareness.

CTIA also appreciates the addition of an implementation period for the Proposed Rules (Section 8.1) that, as CTIA explained in informal comments, will give time for impacted providers to implement the necessary changes to their reporting systems and adjust to the new automated system. In informal comments, multiple parties,



including CTIA, suggested the Board also include an implementation period for any changes to the reporting format as well. In the most recent draft of the Proposed Rules, the Board responded in annotations that Section 8.2 is intended to address this issue by allowing a six-month implementation period for “updates to this rule”. CTIA supports the inclusion of Section 8.2 for the same reason as Section 8: An appropriate implementation period for carriers to respond to rule changes is wise. However, to the extent that Section 8.2 is intended to provide implementation time for changes to the reporting format or the data requested therein, as currently written, it would not achieve that purpose. The Proposed Rules do not codify the format of the reports, and Section 6.1 of the Proposed Rules (Report Format) only requires rule changes to be communicated to industry and posted on the Board’s website, not codified – *i.e.*, format changes could happen without a corresponding rule change, failing to trigger Section 8.2’s implementation period.

To rectify this issue, CTIA recommends the Board add a corresponding Section 8.3 to the Proposed Rules, mirroring the language of Sections 8.1 and 8.2, that would read:

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



CTIA looks forward to continued engagement with the Board as it further refines the Proposed Rules.

Sincerely,

_____/s/_____
Matthew DeTura

Matthew DeTura
Counsel, External and State Affairs
CTIA - The Wireless Association®
MDeTura@ctia.org
(202) 736-3228



May 12, 2023

Via Email

Barbara Neal
Executive Director
Vermont Enhanced 911 Board
6 Baldwin Street
2nd Floor
Montpelier, VT 05633-7960

Re: Vermont Enhanced 911 Board / Rule Governing Outage Reporting Requirements for
Originating Carriers and Electric Power Companies

Dear Ms. Neal:

Comcast and Charter respectfully submit this letter with brief comments on the Vermont E911 Board's proposed amendments to the referenced rule dated March 3, 2023.

Comcast and Charter support the proposed amendment to §4.3 requiring Originating Carriers to submit a second notification only when there is a change in impacted subscribers or impacted area or at the request of the Board. To avoid having to submit non-material second notifications, Comcast and Charter recommend the following language at the end of §4.3: "a second notification will be provided when there is a change in the impacted area or more than a ten percent increase in the number of impacted subscribers, or at the request of the Board."

Comcast and Charter continue to recommend that the Board include language in §6.1 indicating the Board will offer Originating Carriers and Electric Companies a reasonable opportunity to provide input on changes to the format of reports. Currently, Comcast and Charter's outage reports are automatically generated. It is important that changes in the format of reports do not prevent automatically generated reporting or require new categories of information not already being reported.

Comcast and Charter support the addition of proposed §8.2 that provides updates to the rule are effective when Originating Carriers are technically capable of complying but no later than six months after adoption of the final amended rule.

Comcast and Charter appreciate the Board's consideration of these comments. Please feel free to contact us with any questions.

Respectfully submitted,

COMCAST



James G. White, Jr.
Senior Director Regulatory Affairs
james_white3@cable.comcast.com
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CHARTER



Michael A. Chowaniec
Vice President, State Government Affairs
Charter Communications
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203-705-5551

Annotated
Text

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 125 (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

Vermont Enhanced 911 Board

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

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 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.

Vermont Enhanced 911 Board

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

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:

- Actual restoration time
- The call back number(s) of any subscribers that attempted to reach

Vermont Enhanced 911 Board

Rule Governing Outage Reporting Requirements
for

Originating Carriers and Electric Power Companies

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 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 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~~

Vermont Enhanced 911 Board

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

- ~~• 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 be provided in CSV, XML, Excel, or other importable dataset accepted by the Board, and will include, at a minimum:

- Date and time of outage
- 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

Vermont Enhanced 911 Board

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

6.0 Report Format

6.1 All reports required by this rule will 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 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 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.

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.

Clean Copy

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

Amended: Insert Date

(Clean Text)

1.0 Authority

This rule is adopted pursuant to Vt. Act 125 (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.

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Vermont Enhanced 911 Board

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

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.

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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 will be provided when there is 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.

Vermont Enhanced 911 Board

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

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).
- 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 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.

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:

- 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.

Vermont Enhanced 911 Board

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

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 be provided when there is 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.

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
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- 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

Vermont Enhanced 911 Board

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

assist the Board in its assessment of an OCO or WSO and its impact on access to 911 for the affected subscribers.

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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.

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

- Date and time of outage
- 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 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.

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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.

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Vermont Enhanced 911 Board

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

§§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 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 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.

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.

No. 125. An act relating to miscellaneous telecommunications changes.

(S.301)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 30 V.S.A. § 248a is amended to read:

§ 248a. CERTIFICATE OF PUBLIC GOOD FOR COMMUNICATIONS
FACILITIES

* * *

(i) Sunset of Commission authority. Effective on July 1, ~~2020~~ 2023, no new applications for certificates of public good under this section may be considered by the Commission.

* * *

(q)(1) Emergency waiver. Notwithstanding any other provisions of this section, when the Governor has declared a state of emergency pursuant to 20 V.S.A. § 9 and for 180 days after the declared state of emergency ends, the Commission may waive, for a specified and limited time, the prohibitions contained in this section upon site preparation for or construction of a temporary telecommunications facility necessary for maintaining or improving access to telecommunications services. Waivers issued under this subsection shall be valid for a period not to exceed the duration of the declared emergency plus 180 days.

(2) A person seeking a waiver under this subsection shall file a petition with the Commission and shall provide copies to the Department of Public

Service and the Agency of Natural Resources. The Commission shall require that additional notice be provided to those listed in subsection (e) of this section and any affected communications union districts. Upon receipt of the petition, the Commission shall conduct an expedited preliminary hearing.

(3) An order granting a waiver may include terms, conditions, and safeguards to mitigate significant adverse impacts, including the posting of a bond or other security, as the Commission deems proper, based on the scope and duration of the requested waiver.

(4) A waiver shall be granted only when the Commission finds that:

(A) good cause exists due to an emergency situation;

(B) the waiver is necessary to maintain or provide access to wireless telecommunications services;

(C) procedures will be followed to minimize significant adverse impacts under the criteria specified in subdivision (c)(1) of this section; and

(D) taking into account any terms, conditions, and safeguards that the Commission may require, the waiver will promote the general good of the State.

(5) Upon the expiration of a waiver, if a certificate of public good has not been issued under this section, the Commission shall require the removal, relocation, or alteration of the facilities subject to the waiver, as it finds will best promote the general good of the State.

Sec. 2. REPORT ON CRITERIA

On or before February 1, 2021, the Public Utility Commission shall review the criteria used in awarding a certificate of public good under 30 V.S.A. § 248a and report to the Senate Committee on Finance and the House Committee on Energy and Technology any changes that should be made in light of the recent developments in telecommunications technology.

Sec. 3. EXTENSION OF SECTION 248a NOTICE PERIOD DURING
COVID-19 STATE OF EMERGENCY

Notwithstanding any contrary provision of law, during the declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, when an applicant provides notice that it will be filing an application for a certificate of public good under 30 V.S.A. § 248a, a municipal legislative body or a planning commission may request, and the Public Utility Commission shall grant, a 30 day extension to the original notice period for a total 90 day notice period. This extended notice period shall be available on any notice of application for a certificate of public good pursuant to 30 V.S.A. § 248a filed during the declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, except those for de minimis modifications.

Sec. 4. 2019 Acts and Resolves No. 79, Sec. 25 is amended to read:

Sec. 25. OUTAGES AFFECTING E-911 SERVICE; REPORTING;
RULE; E-911 BOARD

(a) The Contingent upon the event described in subsection (b) of this section, the E-911 Board shall adopt a rule establishing protocols for the E-911 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 E-911 Board to assess 911 service availability during such outages. An outage for purposes of this section includes any loss of E-911 calling capacity, whether caused by lack of function of the telecommunications subscriber's backup power equipment, lack of function within a telecommunications provider's system network failure, or an outage in the electric power system. The E-911 Board shall file a final proposed rule with the Secretary of State and with the Legislative Committee on Administrative Rules pursuant to 3 V.S.A. § 841 on or before February 1, 2020.

(b) When one or more states with a combined population of 20,000,000 residents adopts a rule or enacts a law that applies a lower reporting threshold than is required under 47 C.F.R. Part 4, § 4.9(e)(1)(ii) as it pertains to wireless service providers, the E-911 Board shall initiate the rulemaking required under subsection (a) of this section and shall incorporate the lowest above-referenced reporting threshold applicable to wireless service providers into its proposed rule, which shall be filed with the Secretary of State pursuant to 3 V.S.A. § 838 not more than 60 days after the rulemaking has commenced. Subsequent

reporting thresholds adopted or enacted outside Vermont shall not trigger a new rulemaking under this section.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Date Governor signed bill: July 1, 2020

The Vermont Statutes Online

Title 30 : Public Service

Chapter 087 : Enhanced 911; Emergency Services

(Cite as: 30 V.S.A. § 7053)

§ 7053. Board; responsibilities and powers

(a) The Board shall be the single governmental agency responsible for statewide Enhanced 911. To the extent feasible, the Board shall consult with the Agency of Human Services, the Department of Public Safety, the Department of Public Service, and local community service providers on the development of policies, system design, standards, and procedures. The Board shall develop designs, standards, and procedures and shall adopt rules on the following:

(1) The technical and operational standards for public safety answering points.

(2) The system database standards and procedures for developing and maintaining the database. The system database shall be the property of the Board.

(3) Statewide, locatable means of identifying customer location, such as addressing, geo-coding, or other methods of locating the caller.

(4) Standards and procedures to ensure system and database security.

(b)-(d) [Repealed.]

(e) The Board is authorized:

(1) to make or cause to be made studies of any aspect of the Enhanced 911 system, including service, operations, training, database development, and public awareness;

(2) to accept and use in the name of the State, subject to review and approval by the Joint Fiscal Committee, any and all donations or grants, both real and personal, from any governmental unit or public agency or from any institution, person, firm, or corporation, consistent with the rules established by the Board and the purpose or conditions of the donation or grant; and

(3) to exercise all powers and conduct such activities as are necessary in carrying out the Board's responsibilities in fulfilling the purposes of this chapter.

(f) The Board shall adopt such rules as are necessary to carry out the purposes of this chapter, including, where appropriate, imposing reasonable fines or sanctions against persons that do not adhere to applicable Board rules.

(g), (h) [Repealed.] (Added 1993, No. 197 (Adj. Sess.), § 2; amended 2011, No. 64, § 1, eff. June 2, 2011.)



Proposed Rules Postings

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Deadline For Public Comment

Deadline: May 12, 2023

Please submit comments to the agency or primary contact person listed below, before the deadline.

Rule Details

| | |
|-------------------|--|
| Rule Number: | 23P010 |
| Title: | Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies. |
| Type: | Standard |
| Status: | Proposed |
| Agency: | Vermont Enhanced 911 Board. |
| Legal Authority: | Section 25 of Act No. 125 of 2020 and 30 V.S.A. § 7053 |
| Summary: | This rule establishes outage reporting protocols for originating carriers providing voice service in Vermont and for electric power companies operating in Vermont in order to enable the Enhanced 911 Board to assess 911 service availability during such outages. The updates proposed in March 2023 change the requirements for the second outage notification and require the carriers to report outage information in a format approved by the Board which will allow the Board to automate the handling of these reports. |
| Persons Affected: | The rule impacts originating carriers that provide voice services to subscribers, and electric power companies. The updates proposed in March 2023 impact only originating carriers with no impact on electric power companies. |
| Economic Impact: | Implementation of the March 2023 proposed updates to the reporting requirements in this rule will not have any impact on electric power companies. The changes are expected to have little economic impact on originating carriers. Feedback was sought from originating carriers as the language for the March 2023 updates was being developed and none indicated concerns about economic impact. |
| Posting date: | Apr 05,2023 |

Hearing Information

Information for Hearing # 1

Hearing date: 05-05-2023 10:00 AM [ADD TO YOUR CALENDAR](#)

Location: Vermont Enhanced 911 Board

Address: 6 Baldwin Street, 2nd Floor

City: Montpelier

State: VT

Zip: 05633-7960

Hearing

Notes:

Information for Hearing # 2

Hearing date: 05-05-2023 10:00 AM [ADD TO YOUR CALENDAR](#)

Location: Virtually via MS Teams

Address: https://teams.microsoft.com/l/meetup-join/193ameeting_MTZhODQyNDctMGQ4Yi00ZWRmLWExYTktNjc4YzEwNDM0MzMy40thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22d695f2b4-9eb3-4e26-9e4e-8c669b8458a2227d

City: online

State: VT

Zip: n/a

Hearing Link: https://teams.microsoft.com/l/meetup-join/193ameeting_MTZhODQyNDctMGQ4Yi00ZWRmLWExYTktNjc4YzEwNDM0MzMy40thread.v2/0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22d695f2b4-9eb3-4e26-9e4e-8c669b8458a2227d

Notes: /0?context7b22Tid223a2220b4933b-baad-433c-9c02-70edcc7559c6222c22Oid223a22d695f2b4-9eb3-4e26-9e4e-8c669b8458a2227d

Contact Information

Information for Contact # 1

Level: Primary
Name: Barbara M. Neal
Agency: Vermont Enhanced 911 Board.
Address: 6 Baldwin Street, 2nd Floor
City: Montpelier
State: VT
Zip: 05633-7960
Telephone: 802-828-4911
Fax: 802-828-4109
Email: barbara.neal@vermont.gov
[SEND A COMMENT](#)
Website Address: <https://e911.vermont.gov>
[VIEW WEBSITE](#)

Information for Contact # 2

Level: Secondary
Name: Soni Johnson
Agency: Vermont Enhanced 911 Board.
Address: 6 Baldwin Street, 2nd Floor
City: Montpelier
State: VT
Zip: 05633-7960
Telephone: 802-828-4911

Fax:

802-828-4109

Email:

soni.johnson@vermont.gov

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Keyword Information

Keywords:

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| Times Argus / Rutland Herald Melody Hudson (classified.ads@rutlandherald.com) Elizabeth Marrier elizabeth.marrier@rutlandherald.com) | Tel: 802-747-6121 ext 2238 FAX: 802-776-5600 |
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| The Islander (islander@vermontislander.com) | Tel: 802-372-5600 FAX: 802-372-3025 |
| Vermont Lawyer (hunter.press.vermont@gmail.com) | Attn: Will Hunter |

FROM: APA Coordinator, VSARA

Date of Fax: April 4, 2023

RE: The "Proposed State Rules " ad copy to run on

April 13, 2023

PAGES INCLUDING THIS COVER MEMO:

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***NOTE* 8-pt font in body. 12-pt font max. for headings - single space body. Please include dashed lines where they appear in ad copy. Otherwise minimize the use of white space. Exceptions require written approval.**

If you have questions, or if the printing schedule of your paper is disrupted by holiday etc., please contact VSARA at 802-828-3700, or E-Mail sos.statutoryfilings@vermont.gov, Thanks.

PROPOSED STATE RULES

By law, public notice of proposed rules must be given by publication in newspapers of record. The purpose of these notices is to give the public a chance to respond to the proposals. The public notices for administrative rules are now also available online at <https://secure.vermont.gov/SOS/rules/>. The law requires an agency to hold a public hearing on a proposed rule, if requested to do so in writing by 25 people or an association having at least 25 members.

To make special arrangements for individuals with disabilities or special needs please call or write to the contact person listed below as soon as possible.

To obtain further information concerning any scheduled hearing(s), obtain copies of proposed rule(s) or submit comments regarding proposed rule(s), please call or write to the contact person listed below. You may also submit comments in writing to the Legislative Committee on Administrative Rules, State House, Montpelier, Vermont 05602 (802-828-2231).

2022 Vermont Residential Rental Housing Health and Safety Code.

Vermont Proposed Rule: 23P009

AGENCY: Department of Public Safety

CONCISE SUMMARY: The primary intent and focus of this rule is to update and transfer responsibility of the Vermont Residential Rental Housing Rule from the Department of Health to the Department of Public Safety, Division of Fire Safety. These rules are only amended to identify address changes and contact information. These rules otherwise are not changed.

FOR FURTHER INFORMATION, CONTACT: Michael Desrochers, Executive Director, Division of Fire Safety, 45 State Drive, Waterbury, VT 05671 Tel: 802-479-7539 Fax: 802-479-7562 Email: michael.desrochers@vermont.gov URL: <https://firesafety.vermont.gov/>.

FOR COPIES: Robert T. Sponable, Deputy Director, Division of Fire Safety, 45 State Drive, Waterbury, VT 05671 Tel: 802-479-7566 Fax: 802-479-7562 Email: robert.sponable@vermont.gov.

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

Vermont Proposed Rule: 23P010

AGENCY: Vermont Enhanced 9-1-1 Board

CONCISE SUMMARY: This rule establishes outage reporting protocols for originating carriers providing voice service in Vermont and for electric power companies operating in Vermont in order to enable the Enhanced 911 Board to assess 911 service availability during such outages. The updates proposed in March 2023 change the requirements for the second outage notification and require the carriers to report outage information in a format approved by the Board which will allow the Board to automate the handling of these reports.

FOR FURTHER INFORMATION, CONTACT: Barbara Neal, Vermont Enhanced 911 Board, 6 Baldwin St, 2nd Floor, Montpelier, VT-05633-7960 Tel: 802-828-4911 Fax: 802-828-4109 Email: barbara.neal@vermont.gov URL: <https://e911.vermont.gov/>.

FOR COPIES: Soni Johnson, Vermont Enhanced 911 Board, 6 Baldwin St, 2nd Floor, Montpelier, VT-05633-7960 Tel: 802-828-4911 Fax: 802-828-4109 Email: soni.johnson@vermont.gov.

Rule 1: Licensing of Cannabis Establishments.

Vermont Proposed Rule: 23P011

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: Rule 1 regulates the licensing of any person or entity that seeks to participate in the legal market for cannabis. The rule explains Vermont's tiered cannabis licensure system; the essential requirements to obtain the various licenses the Board administers; and background check requirements, presumptively disqualifying convictions, and how to overcome a presumption of disqualification. The rule further explains how license applications are prioritized, establishes a system for issuing identification cards, and sets out what is required of licensees when material changes are planned in their ownership, location, or operations. Proposed amendments clarify ambiguous definitions, address high-THC hemp-derived products, recognize a new extraction method, announce a standard for determining when an individual has overcome presumptive disqualification, and make other updates reflecting maturation of the new cannabis marketplace.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

FOR COPIES: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708 Email: kimberley.lashua@vermont.gov.

Rule 2: Regulation of Cannabis Establishments

Vermont Proposed Rule: 23P012

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: Rule 2 regulates the operation of any entity that has received a license to participate in the legal market for cannabis. Proposed amendments improve upon omitted or ambiguous definitions; address the need of outdoor cultivators to use artificial lighting in limited circumstances; clarify the entities to which the rule applies; refine escrow requirements; update the text of mandated health warnings; clarify location requirements; recognize personal-use cultivation; allow for the sale of clones; and refine rules pertaining to laboratories.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

FOR COPIES: Kimberley Lashua, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-836-7708 Email: kimberley.lashua@vermont.gov.

Rule 4: Compliance and Enforcement.

Vermont Proposed Rule: 23P013

AGENCY: Cannabis Control Board.

CONCISE SUMMARY: This rule provides the enforcement mechanisms, procedures, and penalties for the

Cannabis Control Board's Rules 1 through 3, which govern the licensing and regulation of commercial cannabis businesses and patient access to therapeutic cannabis. The most substantial proposed amendment adds a section governing the administrative appeals process. The new section controls the content and management of the record on appeal, provides for appellate prehearing conferences, explains briefing and argument procedures, and ensures licensees are made aware of further statutory rights.

FOR FURTHER INFORMATION, CONTACT: Gabriel M. Gilman, Cannabis Control Board, 89 Main Street, Montpelier, VT 05620-7001 Tel: 802-261-1510 Email: gabriel.gilman@vermont.gov URL: <https://ccb.vermont.gov/>.

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