



**Testimony of
Matthew DeTura
CTIA**

Sec. 18 of Vermont S. 310

Before the Vermont Senate Committee on Government Operations

March 12, 2024

Chair Hardy, Vice-Chair Vyhovsky, and members of the committee, on behalf of CTIA, the trade association for the wireless communications industry, I write to raise concerns with Section 18 of Senate Bill 310, which among other things, would require a telecommunications provider to “notify its customers of planned or unplanned outages that impact customers’ ability to complete a call to, or communicate with, 911 or that prevent subscribers from receiving emergency notifications”. While well-intentioned, this provision fails to acknowledge the unique way that wireless networks operate and would not only create customer confusion but also infeasible requirements for wireless providers.

CTIA and its members recognize the importance wireless consumers place on their devices and networks in emergency situations, including reliance on their wireless devices to reach emergency services. This is why the wireless industry is strongly committed to minimizing network downtime and focusing on restoring service quickly when outages occur.

CTIA also understands the desire to supply affected parties with advance outage notification. This is one reason that the wireless industry continues to work with state, federal, and local public safety organizations on Wireless Emergency Alert (or “WEA”) system. WEA alerts are an effective tool for Vermont agencies to notify citizens of weather and other emergency events, some of which may impact their ability to reach telecommunications networks, allowing them to prepare accordingly. However, unlike a weather event, the nature of an unplanned network outage is that there is no way to predict it in advance. Accordingly, an unplanned outage curtails the ability of network providers to contact the affected consumers, making notification infeasible, if not impossible.



A number of factors help ensure that infrastructure outages do not impact consumers' ability to reach 911. Planned outages for maintenance to specific infrastructure are minimal, and wireless networks are designed with redundancy, meaning that just because a specific wireless tower may go out of service, the consumer could still receive uninterrupted service from another tower. Additionally, the majority of areas throughout Vermont are served by two or more wireless networks. This is important, because even if one provider's network is unreachable for any reason, the Federal Communications Commission's ("FCC's") mandatory "All Calls" rule means that any 911 call placed must be picked up and connected by another carrier with a compatible network.

The acknowledgement that there are a number of reasons why outages would *not* impact a consumer's ability to reach 911 is a significant reason why the FCC considered, but expressly *declined* to impose requirements like these following a 2022 rulemaking. In its Report and Order, the FCC cited that unnecessary customer notifications could cause consumer confusion or panic. Moreover, security concerns were raised by the FCC, because information detailing wireless network outages is considered protected critical infrastructure information under federal law and is to be closely guarded from disclosure for reasons of national security. Disclosure of such information could give bad actors actionable information about infrastructure vulnerabilities. When providing the public information about network outages, providers are careful only to release information that advances situational awareness without disclosing protected critical infrastructure information, such as information about cell site locations, response crew locations and identities, or other protected critical infrastructure information, the release of which could put at risk the security of the nation's communications infrastructure.

The FCC also noted that state emergency management agencies already have access to outage notifications and can use that information to develop situational awareness. The wireless industry supports the efforts of the committee to ensure that public safety stakeholders and consumers are properly informed about the availability of 911 services. Indeed, wireless providers work closely with the Public Safety community, undertaking a variety of initiatives to provide both public safety and consumers actionable information during outages impacting 911 services. The FCC



already imposes a robust outage reporting regime on wireless providers nationwide via its Network Outage Reporting System (NORS) and Disaster Information Reporting System (DIRS).

The wireless industry works diligently to maintain our networks, collaborate with the public safety community, and make sure connectivity is restored quickly when outages do occur. CTIA supports the goal of enhancing the situational awareness in the event of a disruption to 9-1-1 services. Although Section 18's intent is to advance these goals, some of its proposals, specifically customer notification requirements, could potentially run counter to the legislation's objectives if not carefully implemented. CTIA thus offers proposed amendments that account for the numerous technical issues and practical complexities attendant to providing timely and accurate notice of outage events. We look forward to working further with the Legislature on this important issue.