

1 TO THE HONORABLE SENATE:

2 The Committee on Finance to which was referred House Bill No. 347
3 entitled “An act relating to the State Telecommunications Plan” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. 30 V.S.A. § 202d is amended to read:

8 § 202d. TELECOMMUNICATIONS PLAN

9 (a) The Department of Public Service shall constitute the responsible
10 planning agency of the State for the purpose of obtaining for all consumers in
11 the State stable and predictable rates and a technologically advanced
12 telecommunications network serving all service areas in the State. The
13 Department shall be responsible for the provision of plans for meeting
14 emerging trends related to telecommunications technology, markets, financing,
15 and competition.

16 (b) The Department shall prepare a Telecommunications Plan for the State.
17 The Department of Innovation and Information, the Agency of Commerce and
18 Community Development, and the Agency of Transportation shall assist the
19 Department in preparing the Plan. The Plan shall be for a 10-year period and
20 shall serve as a basis for State telecommunications policy. Prior to preparing
21 the Plan, the Department shall prepare:

1 (1) ~~an~~ An overview, looking 10 years ahead, of future requirements for
2 telecommunications services, considering services needed for economic
3 development, technological advances, and other trends and factors which, as
4 determined by the Department of Public Service, will significantly affect State
5 telecommunications policy and programs;

6 (2) ~~a survey~~ One or more surveys of Vermont residents and businesses,
7 conducted in cooperation with the Agency of Commerce and Community
8 Development to determine what telecommunications services are needed now
9 and in the succeeding ~~ten~~ 10 years, generally, and with respect to the following
10 specific sectors in Vermont;

11 (A) the educational sector, with input from the Secretary of
12 Education;

13 (B) the health care and human services sectors, with input from the
14 Commissioner of Health and the Secretary of Human Services;

15 (C) the public safety sector, with input from the Commissioner of
16 Public Safety and the Executive Director of the Enhanced 911 Board; and

17 (D) the workforce training and development sectors, with input from
18 the Commissioner of Labor.

19 (3) ~~an~~ An assessment of the current state of telecommunications
20 infrastructure;

1 (4) ~~an~~ An assessment, conducted in cooperation with the Department of
2 Innovation and Information and the Agency of Transportation, of the current
3 State telecommunications system and evaluation of alternative proposals for
4 upgrading the system to provide the best available and affordable technology
5 for use by government; ~~and.~~

6 (5) ~~an~~ An assessment of the state of telecommunications networks and
7 services in Vermont relative to other states, including price comparisons for
8 key services and comparisons of the state of technology deployment.

9 (c) In developing the Plan, the Department shall take into account the State
10 telecommunications policies and goals of section 202c of this title.

11 (d) In establishing plans, public hearings shall be held and the Department
12 shall consult with members of the public, representatives of
13 telecommunications utilities with a certificate of public good, other providers,
14 including the Vermont Electric Power Co., Inc. (VELCO), and other interested
15 State agencies, particularly the Agency of Commerce and Community
16 Development, the Agency of Transportation, and the Department of Innovation
17 and Information, whose views shall be considered in preparation of the Plan.
18 To the extent necessary, the Department shall include in the Plan surveys to
19 determine existing, needed, and desirable plant improvements and extensions,
20 access and coordination between telecommunications providers, methods of
21 operations, and any change that will produce better service or reduce costs. To

1 this end, the Department may require the submission of data by each company
2 subject to supervision by the Public Service Board.

3 (e) Before adopting a Plan, the Department shall conduct public hearings
4 on a final draft and shall consider the testimony presented at such hearings in
5 preparing the final Plan. At least one hearing shall be held jointly with
6 Committees of the General Assembly designated by the General Assembly for
7 this purpose. The Plan shall be adopted by September 1, 2014, and then
8 reviewed and updated as provided in subsection (f) of this section.

9 (f) The Department, from time to time, but in no event less than every three
10 years, shall institute proceedings to review the Plan and make revisions, where
11 necessary. The three-year major review shall be made according to the
12 procedures established in this section for initial adoption of the Plan. For good
13 cause or upon request by a joint resolution passed by the General Assembly, an
14 interim review and revision of any section of the Plan may be made after
15 conducting public hearings on the interim revision. At least one hearing shall
16 be held jointly with Committees of the General Assembly designated by the
17 General Assembly for this purpose.

18 (g) The Department shall review and update the minimum technical service
19 characteristic objectives not less than every three years beginning in 2017. In
20 the event such review is conducted separately from an update of the Plan, the

1 Department shall issue revised minimum technical service characteristic
2 objectives as an amendment to the Plan.

3 Sec. 2. 30 V.S.A. § 7515b is amended to read:

4 § 7515B. CONNECTIVITY INITIATIVE; BROADBAND; CELLULAR

5 (a)(1) The purpose of the Broadband Connectivity Initiative is to
6 provide each service location in Vermont access to Internet service that is
7 capable of speeds of at least 10 Mbps download and 1 Mbps upload, or the
8 FCC speed requirements established under Connect America Fund Phase II,
9 whichever is higher, beginning with locations not served as of December 31,
10 2013 according to the minimum technical service characteristic objectives
11 applicable at that time. Within this category of service locations, priority shall
12 be given first to unserved and then to underserved locations. As used in this
13 section, “unserved” means a location having access to only satellite or dial-up
14 Internet service and “underserved” means a location having access to Internet
15 service with speeds that exceed satellite and dial-up speeds but are less than 4
16 Mbps download and 1 Mbps upload. Any new services funded in whole or in
17 part by monies from this Initiative shall be capable of being continuously
18 upgraded to reflect the best available, most economically feasible service
19 capabilities.

20 (b)(2) The Department of Public Service shall publish annually a list of
21 census blocks eligible for funding based on the Department’s most recent

1 broadband mapping data. The Department annually shall solicit proposals
2 from service providers to deploy broadband to eligible census blocks. The
3 Department shall give priority to proposals that reflect the lowest cost of
4 providing services to unserved and underserved locations; however, the
5 Department also shall consider:

6 ~~(1)~~(A) the proposed data transfer rates and other data transmission
7 characteristics of services that would be available to consumers;

8 ~~(2)~~(B) the price to consumers of services;

9 ~~(3)~~(C) the proposed cost to consumers of any new construction,
10 equipment installation service, or facility required to obtain service;

11 ~~(4)~~(D) whether the proposal would use the best available technology
12 that is economically feasible;

13 ~~(5)~~(E) the availability of service of comparable quality and
14 speed; and

15 ~~(6)~~(F) the objectives of the State's Telecommunications Plan.

16 (b)(1) The purpose of the Cellular Connectivity Initiative is to expand
17 Vermont's network of small cell sites and thereby provide targeted cellular
18 coverage along unserved roadways as well as adjoining areas.

19 (2) The Department annually may solicit proposals from wholesale
20 companies that lease wireless spectrum in order to provide coverage to
21 customers of other cellular carriers through standard roaming agreements. The

1 Department is authorized to award not more than \$100,000.00 in grants to
2 eligible companies consistent with the purpose of this subsection.

3 Sec. 3. 9 V.S.A. § 2453 is amended to read:

4 § 2453. PRACTICES PROHIBITED; ANTITRUST AND CONSUMER
5 PROTECTION

6 (a) Unfair methods of competition in commerce and unfair or deceptive
7 acts or practices in commerce are hereby declared unlawful.

8 (b) It is the intent of the ~~Legislature~~ Vermont General Assembly that in
9 construing subsection (a) of this section, the courts of this State will be guided
10 by the construction of similar terms contained in Section 5(a)(1) of the Federal
11 Trade Commission Act as from time to time amended by the Federal Trade
12 Commission and the courts of the United States.

13 (c) The Attorney General shall make rules ~~and regulations~~, when necessary
14 and proper to carry out the purposes of this chapter, relating to unfair methods
15 of competition in commerce and unfair or deceptive acts or practices in
16 commerce. The rules ~~and regulations~~ shall not be inconsistent with the rules,
17 regulations, and decisions of the Federal Trade Commission and the federal
18 courts interpreting the Federal Trade Commission Act.

19 (d) Violation of a rule ~~or regulation~~ as made by the Attorney General is
20 prima facie proof of the commission of an unfair or deceptive act in commerce.

1 (e) The provisions of subsections (a), (c), and (d) of this section shall also
2 be applicable to real estate transactions.

3 (f) The Attorney General, in consultation with the Commissioner of Public
4 Service, shall adopt privacy and data security rules applicable to
5 telecommunications service providers subject to the jurisdiction of the Public
6 Service Board under 30 V.S.A. § 203(5), including broadband Internet access
7 service providers. To the extent consistent with federal law, the rules shall
8 apply to “edge providers,” which shall include any individual or entity that
9 provides any content, application, or service over the Internet, and any
10 individual or entity that provides a device used for accessing any content,
11 application, or service over the Internet. The rules shall be modeled after, and
12 not more or less restrictive than, the Federal Communications Commission’s
13 2016 Privacy Order, WC Docket No. 16-106, FCC 16-148, adopted October
14 27, 2016 and released November 2, 2016. As such, the rules shall include:

15 (1) disclosure requirements pertaining to a provider’s privacy policies;

16 (2) opt-in or opt-out procedures for obtaining customer approval to use
17 and share sensitive or nonsensitive customer proprietary information,
18 respectively; and

19 (3) data security and data breach notification requirements.

1 Sec. 4. 30 V.S.A. § 218(c) is amended to read:

2 (c)(1) The Public Service Board shall take any action, ~~including the setting~~
3 ~~of telephone rates, enabling~~ necessary to enable the State of Vermont and
4 telecommunications companies offering service in Vermont to participate in
5 the ~~Federal Communications Commission telephone~~ federal Lifeline program
6 administered by the Federal Communications Commission (FCC) or its agent
7 and also the Vermont Lifeline program described in subdivision (2) of this
8 subsection. ~~The Board shall set one or more residential basic exchange~~
9 ~~Lifeline telephone service credits, for those persons eligible to participate in~~
10 ~~the Federal Communications Commission Lifeline program.~~

11 (2) A ~~person shall be eligible for the Lifeline benefit who meets the~~
12 ~~Department for Children and Families means test of eligibility, which shall~~
13 ~~include all persons participating in public assistance programs administered by~~
14 ~~the Department. The Department for Children and Families shall verify this~~
15 ~~eligibility, in compliance with Federal Communications Commission~~
16 ~~requirements.~~

17 (A) ~~The benefit under this subdivision shall be equal to the full~~
18 ~~subscriber line charge, plus an amount equal to the larger of:~~

19 (i) ~~50 percent of the monthly basic service charge, including 50~~
20 ~~percent of all mileage charges and, if the Board determines after notice and~~
21 ~~opportunity for hearing that their inclusion will make Lifeline benefits more~~

1 ~~comparable in different areas, 50 percent of the usage cost arising from a fixed~~
2 ~~amount of monthly local usage; and~~

3 ~~(ii) \$7.00 per month;~~

4 ~~(B) provided that in no event shall the amount of the monthly credit~~
5 ~~exceed the monthly basic service charge, including any standard usage and~~
6 ~~mileage charges household that qualifies for participation in the federal~~
7 ~~Lifeline program under criteria established by the FCC or other federal law or~~
8 ~~regulation shall also be eligible to receive a Vermont Lifeline benefit for~~
9 ~~wireline voice telephone service. The Vermont Lifeline benefit established~~
10 ~~under this subdivision shall be set at an amount not to exceed the benefit~~
11 ~~provided to a household as of October 31, 2017, or \$4.25, whichever is greater,~~
12 ~~and shall be applied as a supplement to any wireline voice benefit received~~
13 ~~through participation in the federal Lifeline program. However, in no event~~
14 ~~shall the aggregate amount of benefits received through the federal and State~~
15 ~~programs described in this subdivision exceed a household's monthly basic~~
16 ~~service charge for wireline services, including any standard usage and mileage~~
17 ~~charges.~~

18 ~~(3) A person shall also be eligible for the Lifeline benefit who submits~~
19 ~~to the Commissioner for Children and Families an application containing any~~
20 ~~information and disclosure of information authorization necessary to process~~
21 ~~the Lifeline credit. Such application shall be filed with the Commissioner on~~

1 or before June 15 of each year and shall be signed by the applicant under the
2 pains and penalties of perjury. A person shall be eligible who is 65 years of
3 age or older whose modified adjusted gross income as defined in 32 V.S.A. §
4 6061(5) for the preceding taxable year was less than 175 percent of the official
5 poverty line established by the federal Department of Health and Human
6 Services for a family of two published as of October 1 of the preceding taxable
7 year. A person shall be eligible whose modified adjusted gross income as
8 defined in 32 V.S.A. § 6061(5) for the preceding taxable year was less than
9 150 percent of the official poverty line established by the federal Department
10 of Health and Human Services for a family of two published as of October 1 of
11 the preceding taxable year. In the case of sickness, absence, disability,
12 excusable neglect, or when, in the judgment of the Secretary of Human
13 Services good cause exists, the Secretary may extend the deadline for filing
14 claims under this section. The provisions of 32 V.S.A. § 5901 shall apply to
15 such application. The Secretary of Human Services shall perform income
16 verification. Upon enrollment in the program, and for each period of renewal,
17 such participant shall receive the credit for 12 ensuing months.

18 (A) The benefit under this subdivision shall be equal to the full
19 subscriber line charge, plus an amount equal to the larger of:

20 (i) 50 percent of the monthly basic service charge, including 50
21 percent of all mileage charges and, if the Board determines after notice and

1 ~~opportunity for hearing that their inclusion will make Lifeline benefits more~~
2 ~~comparable in different areas, 50 percent of the usage cost arising from a fixed~~
3 ~~amount of monthly local usage; and~~

4 ~~(ii) \$7.00 per month.~~

5 ~~(B) The amount of the monthly credit pursuant to subdivision (A) of~~
6 ~~this subdivision (3) shall not exceed the monthly basic service charge,~~
7 ~~including any standard usage and mileage charges company designated as an~~
8 ~~eligible telecommunications carrier by the Board pursuant to 47 U.S.C.~~
9 ~~§ 214(e) shall verify an applicant's eligibility for receipt of federal or State~~
10 ~~Lifeline benefits as required by federal law or regulation or as directed by the~~
11 ~~Vermont Agency of Human Services, as applicable. The Agency shall provide~~
12 ~~the FCC or its agent with categorical eligibility data regarding an applicant's~~
13 ~~status in qualifying programs administered by the Agency.~~

14 (4) Notwithstanding any provisions of this subsection to the contrary, a
15 subscriber who is enrolled in the Lifeline program and has obtained a final
16 relief from abuse order in accordance with the provisions of 15 V.S.A. chapter
17 21 or 33 V.S.A. chapter 69 shall qualify for a Lifeline benefit credit for the
18 amount of the incremental charges imposed by the local telecommunications
19 company for treating the number of the subscriber as nonpublished and any
20 charges required to change from a published to a nonpublished number. ~~Such~~
21 ~~subscribers shall be deemed to have good cause by the Secretary of Human~~

1 ~~Services for the purpose of extending the application deadline in subdivision~~
2 ~~(3) of this subsection. For purposes of As used in this section, “nonpublished”~~
3 means that the customer’s telephone number is not listed in any published
4 directories, is not listed on directory assistance records of the company, and is
5 not made available on request by a member of the general public,
6 notwithstanding any claim of emergency a requesting party may present. The
7 Department for Children and Families shall develop an application form and
8 certification process for obtaining this Lifeline benefit credit. ~~Upon enrollment~~
9 ~~in the program, such participant shall receive the Lifeline benefit credit until~~
10 ~~the end of the calendar year. Renewals shall be for a period of one year.~~

11 Sec. 5. LIFELINE ELIGIBILITY AND PARTICIPATION; REPORT

12 On or before January 1, 2019 and annually thereafter for the next three
13 years, the Commissioner for Children and Families, in consultation with the
14 Commissioner of Public Service, shall file a report with the General Assembly
15 describing the eligibility and participation rates in Vermont with respect to
16 both the federal and State Lifeline programs. The first report shall include the
17 number of persons 65 years of age or older who became ineligible for the
18 federal and State Lifeline programs pursuant to the repeal of the State-specific
19 eligibility criteria.

1 Sec. 6. CONSUMER EDUCATION AND OUTREACH; REPORT

2 (a) On or before September 15, 2017, the Commissioner for Children and
3 Families and the Commissioner of Public Service, with input and
4 assistance from representatives of various advocacy groups, including AARP,
5 Inc., shall prepare and distribute one or more notices for distribution to
6 Vermonters, particularly persons 65 years of age or older, who are eligible to
7 participate in the Lifeline program according to the Department for Children
8 and Families' data. The notices shall describe the criteria for eligibility and the
9 process necessary for such participation. With input and assistance from the
10 same advocacy groups' representatives, the Commissioners shall engage, on
11 or before October 31, 2017, in other education and outreach efforts designed to
12 increase participation in the Lifeline program, with particular focus on
13 eligibility through the Supplemental Nutrition Assistance Program (SNAP). In
14 addition, education and outreach efforts shall be targeted to persons age 65
15 years or older who are eligible for the Lifeline program pursuant to the State-
16 specific eligibility criteria that will be repealed effective November 1, 2017.
17 Beginning on November 1, 2017, the Commissioners shall cooperate, to the
18 extent necessary, with outreach efforts conducted by eligible
19 telecommunications carriers and the FCC or its agent.

20 (b) On or before **September 15, 2017**, the Commissioner for Children and
21 Families, within input from the Commissioner of Public Service, shall file a

1 report with the General Assembly describing the specific efforts made to
2 identify persons age 65 or older who might be at risk of losing eligibility for
3 Lifeline because of the elimination of State-specific eligibility criteria and to
4 inform them of alternative means of obtaining Lifeline eligibility under the
5 new federal criteria and summarizing the results of such outreach efforts.

6 Sec. 7. EFFECTIVE DATES

7 This act shall take effect on passage, except that Sec. 4 (Lifeline eligibility
8 and administration) shall take effect on November 1, 2017, and Sec. 3
9 (Attorney General privacy rules) shall take effect on July 1, 2019.

10

11

12

13

14

15

16

17

18 (Committee vote: _____)

19

20

Senator _____

21

FOR THE COMMITTEE