Before the Vermont House Committee on Energy and Technology

Comments with respect to H.19-1206 1.3 Omnibus Telecommunications Bill as submitted 02/22/2019

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From: Carole D Monroe, ValleyNet, LLC, the operating company of ECFiber

I have been involved in rural broadband initiatives in VT and NH since 2000. Since June of 2015, ECFiber has built an additional 450 miles of optical fiber network accessible by premises in 22 of its 24 towns. This network reaches deep into the rural areas of Vermont's Green Mountains. Not only are we connecting over 3,300 homes and small businesses, but milking parlors, sugar shacks, auto repair garages, and general stores. These general stores are the communication hub of the community and ECFiber has implemented internet cafes at those locations for use by the local community and by the tourists that pass through town. Schools, libraries, and municipal buildings on the network receive wicked fast (700 Mbps) service for the price of residential basic service at $74/month. With 700 miles of fiber network completed, we have another 700 miles to build to reach every underserved location in our 24 towns. The process has been slow, but steady.

COMMENTS:

Sec. 19 Pole Attachments: Public Utility Commission Rules

As the CEO of ValleyNet, LLC, the construction and operating company of ECFiber, the most difficult challenge in all of the network expansion projects is gaining access to the utility poles in the right-of-way. The rules and tariffs in place to provide guidance to this process are not working effectively nor efficiently. The pole owning utilities seem to consider make-ready to be non-essential work and delays abound, far beyond the timelines in the rules. Network expansion that should take 12 months to complete, often take 18 – 24 months to finish. Vermont residents are waiting far longer than they should to access the reliable, affordable, and powerful ECFiber network. Without knowing when poles will be licensed, it is nearly impossible to line up the necessary contractors to begin construction in a timely manner. After expending thousands of dollars for the utilities to perform their make-ready work, the work is delayed beyond any reasonable expectations. The pole owning utilities are implementing an effective roadblock to high speed internet access for Vermont citizens.

Section 19.1 One-touch make-ready policies

- Often One-Touch Make-Ready can be defined as One-Touch MR in the telecommunications space on the pole, the direction the FCC has moved, or One Touch MR for the complete pole, telecommunications and electrical utility areas of the pole.
- One-Touch MR in the telecommunications space allows for qualified technicians to move the existing facilities of all current attachers in the telecommunications space to make room for a new attaching entity. In essence, this is easily accomplished. Most contractors that work in the telecommunications space, already do so for the cable companies and most of the existing

carriers. They have even done this work for the incumbent telephone carrier when their line workers were on strike.

- One-touch MR in the electrical space is much more difficult. Electrical line workers need to be certified to work in that space, rightly so since it can be dangerous work. There are fewer contractors who work in this space.
- If the PUC were to move in the direction of One-Touch in the telecommunications space, appropriate enforcement for completing make-ready work by the power companies will need to be put into place. Of the 48 applications submitted by ECFiber this past year, 30 (63%) were not completed on time by the power company.
- Identifying the ability to use one-touch make-ready at the time the pole surveys are conducted will considerably minimize the time and the costs to complete required make-ready work. However, if one-touch make-ready is not implemented until it is known that the pole owners cannot meet the required deadlines, there may not be significant cost or time savings.

Section 19.3 Rapid resolution of disputes

- The current 3.710 Complaint Procedure identifies the only recourse for an attaching entity is to file a complaint with the Public Utility Commission. The language in the current rules indicates the PUC will take final action with 180 days (6 months). The time frames needs to be tighten to 30 days in order to remedy the situation early to prevent another 6 month delay to an already difficult situation. Until the penalties are increased and State oversight is more timely and effective, I expect these 'pole owners' will continue to delay the implementation of effective and efficient broadband service in the State of Vermont.

Section 19.4 Standards and procedures that will clarify for when a make-ready completion period commences and ends

- Permitting often delays the start time of make-ready work. The pole attaching entity is often not aware of when the pole owner has requested the necessary AOT or railroad crossing permits, nor of when they are received. There needs to be better communication and transparency around potential delays in the process.
- Under the current rules regarding survey and make-ready time periods, pole licensing should occur anytime between 6 – 9 months after a request has been made. The reality for ECFiber in 2018 is that only 23% of the poles applications were completed on time, 77% were over 30 days late, some as late as 175 days. The current rules leave little recourse for the attaching entity. Thousands of dollars are tied up in the make-ready process delaying network completion and the start of revenues on the network expansion

Section 5 (b)

- I am encouraged by the tight time frame of a final proposed rule by September 30, 2019. We are now submitting applications for 2020 construction of another 250 miles of network. It would be great if we could actually complete the work in 2020 and bring much needed service to the residents and businesses in the small rural towns of our District.

Section 20. 30 V.S.A. 209 (A) Joint Ownership

- Most poles in the state are owned jointly between Green Mountain Power and the incumbent telephone company, most often Consolidated Communications. Between themselves, they have divided the territory as to which entity is responsible for pole maintenance, including the replacement of poles necessary to make space ready on a pole for a pole attaching entity. Often the delay in completing the work on a pole attachment application is due to the need to replace poles. This causes delays, not only for the entity replacing the poles, but also for the joint owner. I suggest all reference to Pole Owner or Pole Owning Entity be changes to "owners" or "entities" to reflect the responsibility for pole access and make-ready completion is on both owners, the responsibility of completing survey and make-ready work is borne by both.

Section 20. 30 V.S.A. 209 (B)

- Assuming one-touch make-ready is not an option from the time of the initial survey, the language allowing for the attaching entity to hire a qualified contractor to complete the work and to bill back the costs to the pole owners is necessary. To be effective, 'qualified contractors" need to be agreed upon and listed at the PUC.

Section 21 Communications Union District Specialist

- Although the Communication Union District structure has proven to be successful in the East Central Vermont Telecommunications District, it is not the only possibility to extending real broadband throughout the unserved and underserved areas of Vermont. As municipalities explore the options and opportunities for public/private partnerships, they will need to draw upon both technology expertise and organizational expertise, such as the Communication Union District structure. The position should not be limited to Communication Union Districts.

Other Comments on H.19-1206 1.3 Omnibus Telecommunications Bill as submitted 02/22/2019

Sec.2 7523 Rate of Charge – I agree there should be no end to the slight increase in Vermont USF fee. There is much work to be accomplished and will need many years of funding.

Sec 2, 7516 Connectivity Fund – As shown by the successful challenge to the FCC Mobility Maps this year, the amount of work needing to be accomplished in the Department of Public Service to extend broadband universally is endless. The addition of a staff person to validate federal data, and provide outreach, technical assistance and other support to the municipalities of Vermont is necessary if we are serious at bridging the broadband divide.

Sec 2 7515 High Cost Program and 7515B Connectivity Initiative – The increase to 25 Mbps download and 3 Mbps upload (25/3) from 10/1 is absolutely necessary as the minimum acceptable level. Any state funded support should also look to carriers to deploy technologies that will benefit VT many years into the future.

Sec. 8 (3) and Sec. 11 Broadband using the electrical utility infrastructure – Many electrical cooperatives and municipal electrical utilities across the south and mid-west are expanding broadband in their markets. Many differing successful models exist. This model can be a cost effective method of

implementing broadband in very rural areas. In most cases the electrical utility owns the utility poles, has complete control over make-ready work in the power space, and has much of the necessary equipment to facilitate network construction for a very reasonable cost. Whether they choose to operate the FTTH network themselves or provide a network that is open access and accessible to internet service providers for distribution, the costs to deliver the service should be significantly reduced. Providing funding to further look at this as a possibility for areas of Vermont and to determine if barriers that may restrict this possibility can be lessened could benefit many areas.

Sec. 15 Broadband Expansion Loan Program – This is much needed and well defined!

The complete bill is comprehensive and well defined. If passed it will change the landscape of rural broadband in Vermont. The bill opens up options and opportunities for Communication Union Districts, municipal broadband endeavors, public/private partnerships and electrical utilities. It will take all support identified, all funding options, and all entities to move broadband, a necessary utility, forward.