

Comments on S.301 regarding E-911 Outage Reporting Rule  
House Committee on Energy and Technology, May 28, 2020  
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Good morning. I'm Jonathan Gibson, a resident of Shrewsbury in Rutland County. I appreciate the chance to address the Committee again today as I did four weeks ago.

I want to make a few specific suggestions regarding Sections 3 and 4 of S.301 so the Committee can ensure that the intent of Section 25 of Act 79 which passed last year is fully realized and the Enhanced 911 Board is aware of and can address any vulnerabilities in our 911 emergency communications system. This can be accomplished by several changes in the wording of S.301 as passed by the Senate. These are shown in track change format below:

1. The first sentence of Sec. 3 should read as follows:

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

2. The middle section of Sec. 3 should read as follows (showing 14-word Senate strike-out):

"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 an outage in a telecommunications provider's system network,~~ or an outage in the electric power system. For purposes of this section, an outage in a telecommunications provider's network is any degradation in network capacity or any loss of network connectivity that prevents subscribers from being able to complete or receive 911 communications."

To explain, S.301 appropriately deletes from Act 79 the reference to "subscriber's backup-power equipment" but it then goes on specifically to enumerate ONE component of a provider's network, i.e. the provider's backup power equipment - but not any other of their devices, equipment, or facilities. If the purpose is to clarify the statute by removing the term "backup-power equipment", then it is not necessary to cite it again. However, if the Committee wishes to include the Senate's language referring to "failure of backup power equipment" that is owned by a provider, then it should also most certainly include "lack of function or failure of equipment on a subscriber's premises that enables network connectivity" which equipment is also owned by the provider.

I also want to comment on the carriers complaint that the outage reporting rule proposed by the E-911 Board would subject them to a patchwork of different Federal and state reporting requirements. The Committee should know that the California Office of Emergency Services has proposed what it calls "Community Isolation Regulations", the final public comment period for which ends today. What California is proposing is very similar to what our 911 Board proposes; you can view this at the website [www.caloes.ca.gov/sb670](http://www.caloes.ca.gov/sb670). The California definition of outage may be of interest and relevant as you consider how you deal with S.301. It reads as follows: "*Outage*" means a significant degradation in the ability of an end user to establish and maintain a channel of communications to make 911 calls or receive emergency notifications as a result of failure or degradation in the performance of a communications provider's network.

Finally, I urge you to allow our E-911 Board to propose outage reporting thresholds that are appropriate for Vermont by deleting S.301's imposition on the Board of the FCC's 900,000 minute threshold for the National Outage Reporting System. Thank you for your consideration.

