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Legislative Committee on Administrative Rules (LCAR)

To: Rep. Timothy Briglin, Chair, House Committee on Energy and Technology
Sen. Ann Cummings, Chair, Senate Committee on Finance

From: Legislative Committee on Administrative Rules

CC: Barbara Neal, Executive Director, Enhanced 911 Board
Maria Royle, Legislative Counsel

Date: April 13, 2020

Subject: Request for review of 2019, Act No. 79, Sec. 25 (outages affecting E-911 service; reporting; E-911 Board rule) and E-911 Board Rule 19-P81 (rule governing outage reporting requirements for originating carriers and electric power companies)

The Legislative Committee on Administrative Rules (LCAR) is writing to request that your committees review [2019, Act No. 79, Sec. 25](#) and [E-911 Board Rule 19-P81](#) and determine whether further legislative action is necessary. That act section required the E-911 Board to adopt a rule establishing protocols for the Board to be made aware of system outages applicable to originating carriers providing voice service and electric companies so that the Board can assess 911 service availability during those outages. The Board rule is proposed pursuant to that enabling law.

On Monday, April 6, 2020, LCAR voted to object to the following two provisions of the rule as arbitrary: 1) Section 3.4.1's definition of an originating carrier's outage that includes a "lack of function of subscribers' backup-power equipment during a power outage"; and 2) Section 6.2's confidentiality provision. LCAR voted to approve the remainder of the rule.

Attached please find a copy of LCAR's objection memo. Pursuant to [3 V.S.A. § 842\(a\)](#), the Board must respond to LCAR's objection within 14 days and its response may include revisions to the proposed rule that seek to cure defects noted by LCAR.

However, it is also LCAR's understanding that Secs. 3 and 4 of [S.301 As Recommended by the Senate Committee on Finance](#) would amend 2019, Act No. 79, Sec. 25 in order to address a carrier's requirement to report outages of backup power equipment and to establish threshold outage reporting requirements applicable to wireless service providers. These recommended amendments relate in part to LCAR's objection.

They would also impact the current substance of the Board's proposed outage reporting rule; accordingly, Sec. 3 of the amendment would provide the Board with a new September 30, 2020 deadline to file a final proposed rule with LCAR. LCAR notes S.301 is currently on the Senate's action calendar.

LCAR encourages your committees to review the issues described in LCAR's objection memo, to take any necessary testimony, and to pursue the S.301 amendments or any other amendments necessary to establish the system outages that should be reported to the Board by rule.

Thank you for your consideration of this issue. If you need additional information, please contact Maria Royle in the Office of Legislative Council.