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H.513

Senator Brock moves to amend the bill by adding Secs. 22–~~26~~ and accompanying reader assistance headings to read as follows:

* * * State Telecommunications Plan * * *

Sec. 22. 30 V.S.A. § 202d is amended to read:

§ 202d. TELECOMMUNICATIONS PLAN

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

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

1 (1) 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~~ statewide growth and development
6 as they relate to future requirements for telecommunications services,
7 including patterns of urban expansion, statewide and service area economic
8 growth, shifts in transportation modes, economic development, technological
9 advances, and other trends and factors that will significantly affect State
10 telecommunications policy and programs. The overview shall include an
11 economic and demographic forecast sufficient to determine infrastructure
12 investment goals and objectives.

13 (2) One or more surveys of Vermont residents and businesses,
14 conducted in cooperation with the Agency of Commerce and Community
15 Development to determine what telecommunications services are needed now
16 and in the succeeding 10 years, generally, and with respect to the following
17 specific sectors in Vermont;

18 (A) the educational sector, with input from the Secretary of
19 Education;

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

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

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

5 (3) An assessment of the current state of telecommunications
6 infrastructure.

7 (4) An assessment, conducted in cooperation with the ~~Department of~~
8 ~~Innovation and Information and the Agency of Transportation, of the current~~
9 ~~State telecommunications system and evaluation of alternative proposals for~~
10 ~~upgrading the system to provide the best available and affordable technology~~
11 ~~for use by government~~ Agency of Digital Services and the Agency of
12 Transportation, of State-owned and managed telecommunications systems and
13 related infrastructure and an evaluation, with specific goals and objectives, of
14 alternative proposals for upgrading the systems to provide the best available
15 and affordable technology for use by State and local government, public safety,
16 educational institutions, community media, nonprofit organizations performing
17 governmental functions, and other community anchor institutions.

18 (5) ~~An~~ A geographically specific assessment of the ~~state~~ status,
19 coverage, and capacity of telecommunications networks and services ~~in~~
20 available throughout Vermont, a comparison of available services relative to

1 other states, including price and broadband speed comparisons for key services
2 and comparisons of the ~~state~~ status of technology deployment.

3 (6) An assessment of opportunities for shared infrastructure, open
4 access, and neutral host wireless facilities that is sufficiently specific to guide
5 the Public Utility Commission, the Department, State and local governments,
6 and telecommunications service companies in the deployment of new
7 technology.

8 (7) An analysis of available options to support the State's Access Media
9 Organizations.

10 (8) With respect to emergency communications, an analysis of all
11 federal initiatives and requirements, including the Department of Commerce
12 FirstNet initiative and the Department of Homeland Security Statewide
13 Communication Interoperability Plan, and how these activities can best be
14 integrated with strategies to advance the State's interest in achieving
15 ubiquitous deployment of mobile telecommunications and broadband services
16 within Vermont.

17 (9) An analysis of alternative strategies to leverage the State's
18 ownership and management of the public rights-of-way to create opportunities
19 for accelerating the buildout of fiber-optic broadband and for increasing
20 network resiliency capacity.

1 (c) In developing the Plan, the Department shall ~~take into account~~ address
2 each of the State telecommunications policies and goals of section 202c of this
3 title, and shall ~~recommend~~ assess initiatives designed to advance and make
4 measurable progress with respect to each of those policies and goals. The
5 ~~recommendation~~ assessment shall include identification of the resources
6 required and potential sources of funding for Plan implementation.

7 (d) The Department shall establish a participatory planning process that
8 includes effective provisions for increased public participation. In establishing
9 plans, public hearings shall be held and the Department shall consult with
10 members of the public, representatives of telecommunications utilities with a
11 certificate of public good, other providers, including the Vermont Electric
12 Power Co., Inc. (VELCO) and communications union districts, and other
13 interested State agencies, particularly the Agency of Commerce and
14 Community Development, the Agency of Transportation, and the ~~Department~~
15 ~~of Innovation and Information~~ Agency of Digital Services, whose views shall
16 be considered in preparation of the Plan. To the extent necessary, the
17 Department shall include in the Plan surveys to determine existing, needed,
18 and desirable plant improvements and extensions, access and coordination
19 between telecommunications providers, methods of operations, and any change
20 that will produce better service or reduce costs. To this end, the Department

1 may require the submission of data by each company subject to supervision by
2 the Public Utility Commission.

3 (e) Before adopting the Plan, the Department shall first prepare and publish
4 a preliminary draft and solicit public comment. The Department's procedures
5 for soliciting public comment shall include a method for submitting comments
6 electronically. After review and consideration of the comments received, the
7 Department shall prepare a final draft. This final draft shall either incorporate
8 public comments received with respect to the preliminary draft or shall include
9 a detailed explanation as to why specific individual comments were not
10 incorporated. The Department shall conduct at least four public hearings
11 across the State on a the final draft and shall consider the testimony presented
12 at such hearings in when preparing the final Plan. The Department shall
13 coordinate with Vermont's access media organizations when planning the
14 public hearings required by this subsection. At least one public hearing shall
15 be held jointly with committees of the General Assembly designated by the
16 General Assembly for this purpose. The Plan shall be adopted by September 1,
17 2014, and then reviewed and updated as provided in subsection (f) of this
18 section.

19 (f) The Department, ~~from time to time, but in no event less than every three~~
20 ~~years, shall institute proceedings to review the Plan and make revisions, where~~
21 ~~necessary. The three year major review shall be made according to the~~

1 ~~procedures established in this section for initial adoption of the Plan shall~~
2 adopt a new Plan every three years pursuant to the procedures established in
3 subsection (e) of this section. The Plan shall outline significant deviations
4 from the prior Plan. For good cause or upon request by a joint resolution
5 passed by the General Assembly, an interim review and revision of any section
6 of the Plan may be made after conducting public hearings on the interim
7 revision. At least one hearing shall be held jointly with committees of the
8 General Assembly designated by the General Assembly for this purpose.

9 ~~(g) The Department shall review and update the minimum technical service~~
10 ~~characteristic objectives not less than every three years beginning in 2017. In~~
11 ~~the event such review is conducted separately from an update of the Plan, the~~
12 ~~Department shall issue revised minimum technical service characteristic~~
13 ~~objectives as an amendment to the Plan.~~

14 Sec. 23. TELECOMMUNICATIONS PLAN ADOPTION SCHEDULE;

15 RESOURCES

16 (a) It is the intent of the General Assembly that, regardless of when the
17 2017 Telecommunications Plan is adopted, a new Plan shall be adopted on or
18 before December 1, 2020 in accordance with the procedures established
19 in 30 V.S.A. § 202d(e). The next Plan after that shall be adopted on or before
20 December 1, 2023, and so on.

1 (b) If at any time it becomes apparent to the Commissioner of Public
2 Service that the Department lacks the time or the resources to comply with the
3 requirements of 30 V.S.A. § 202d or of this section, the Commissioner shall
4 submit a report to the General Assembly on what additional resources or time
5 are necessary. The report shall be submitted prior to the adoption date and
6 with sufficient time to allow for any needed legislative action prior to the
7 adoption date. The report may include a proposal for contracting with an
8 outside entity to prepare the Plan, or a portion thereof, and, if so, shall include
9 a suggested funding amount and source.

10 * * * Radio Frequency Emissions; Report * * *

11 Sec. 24. WIRELESS TECHNOLOGIES; PUBLIC HEALTH REPORT

12 (a) On or before January 1, 2020, the Commissioner of Health shall submit
13 to the Senate Committees on Health and Welfare and on Finance and the
14 House Committees on Health Care and on Energy and Technology a report on
15 the possible health consequences from exposure to the radio frequency fields
16 produced by wireless technologies, including cellular telephones and FCC-
17 regulated transmitters. The report shall include a summary of available
18 scientific data as well as a comparison of various emissions standards and
19 guidelines.

20 (b) The purpose of this report is to provide policymakers and the general
21 public information deemed significant by many Vermonters. It is not intended

1 that the information gathered in the report be used to form the basis of policies
2 that are inconsistent with federal law.

3 * * * E-911 Service; Power Outages; Reporting * * *

4 Sec. 25. POWER OUTAGES AFFECTING E-911 SERVICE; REPORTING;
5 RULE; E-911 BOARD

6 (a) The E-911 Board shall adopt a rule requiring every provider of
7 facilities-based, fixed voice service that is not line-powered to report to the E-
8 911 Board within 2 hours any outage in its system such that more than 10
9 subscribers lose the capacity to make an E-911 call. An outage for purposes of
10 this section is any loss of E-911 calling capacity, whether caused by lack of
11 function of the subscriber's backup power equipment, lack of function within
12 the provider's system, or by any other factor external to the provider's system,
13 including an outage in the electric power system. In addition, the rule shall
14 require every electric company to report to the E-911 Board any network wide
15 power outage affecting more than one service location within two hours of
16 notice of the outage or as soon as practicable. The E-911 Board shall file a
17 final proposed rule with the Secretary of State and with the Legislative
18 Committee on Administrative Rules pursuant to 3 V.S.A. § 841 on or before
19 February 1, 2020.

20 (b) On or before 30 days after the effective date of this section, the E-911
21 Board shall adopt temporary standards and procedures consistent with the

1 requirements in subsection (a) of this section that shall remain in effect until
2 the effective date of permanent rules adopted under subsection (a) of this
3 section.

4 * * * **Backup Power; E-911 Service; Report** * * *

5 **Sec. 26. E-911 SERVICE; BACKUP POWER REQUIREMENTS;**
6 **WORKSHOP; REPORT**

7 (a) Findings. As many telecommunications networks transition away
8 from copper-based, line-powered technology, many consumers remain
9 unaware that they must take action to ensure the availability of a dial tone
10 in the event of a commercial power outage. As a result, this transition has
11 the potential to create a widespread public safety issue if Vermonters are
12 unable to access E-911 services during a power outage. In recognition of
13 this issue, the FCC adopted rules placing backup-power obligations on
14 providers of “facilities-based fixed, residential voice services that are not
15 line-powered” (covered services). See *Ensuring Continuity of 911*
16 *Communications*, Report and Order, 30 FCC Rcd 8677 (2015), 47 C.F.R.
17 § 12.5. The FCC rules mandate performance requirements and disclosure
18 obligations on providers of covered services. After receiving concerns by
19 Vermonters regarding provider compliance with the FCC’s backup-
20 power obligations, the Department of Public Service filed a request with
21 the Public Utility Commission to initiate a workshop on the matter. The

1 **Commission authorized the workshop on March 21, 2019, Case No. 19-**
2 **0705-PET.**

3 **(b) Report. Given the critical public safety issues at stake, on or before**
4 **December 15, 2019, the Public Utility Commission shall report to the**
5 **General Assembly its findings regarding provider compliance with**
6 **backup-power obligations and shall recommend best practices for**
7 **minimizing disruptions to E-911 services during power outages through:**

8 **(1) consumer education and community outreach;**

9 **(2) technical and financial assistance to consumers and**
10 **communities;**

11 **(3) cost-effective and technologically efficient ways in which**
12 **providers or alternative entities can provide such information and**
13 **assistance; and**

14 **(4) ongoing monitoring of provider compliance with backup-power**
15 **obligations.**

16 and by renumbering the remaining sections to be numerically correct.