

**Proposal Concerning S.301's E911 Outage Reporting Rule Provisions**  
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**Proposal:**

Amend section 4 of the House passed version of S.301 to require the E911 Board to amend its proposed rule to incorporate the FCC's NORS reporting threshold until July 1, 2021. At that time the reporting threshold would revert to the threshold currently being proposed by the E911 Board.

**Proposed Language:**

The rule shall initially incorporate the threshold criteria established under 47 C.F.R. Part 4, § 4.9(e) as it pertains to outage reporting requirements applicable to wireless service providers. Notwithstanding the foregoing effective July 1, 2021, the rule shall require wireless service providers to report any known wireless service outages that last more than 30 minutes, and limits or prevents subscribers from completing calls to, or communicating with, 911.

**Rationale:**

The California Governor's Office of Emergency Services (CA OES) is moving forward with a proposed rule concerning the reporting of outages in that state by telecom providers. CA OES recently solicited another round of comments on its proposal and is currently considering those comments. However, CA OES is under a statutory deadline to have their rule in place by July 1, 2020 and because its rulemaking process has been hindered by the COVID emergency in order to meet the statutory deadline it is adopting, as an emergency rule, its current proposal. Depending on CA OES's reactions to the comments it has received the follow on permanent rule that is adopted may differ from the emergency rule.

Temporarily using the FCC's NORS reporting threshold in VT until July 1, 2021 will provide an opportunity to review what California adopts and determine whether it is suitable in Vermont. It may be that it is, and if that is the case then AT&T and the other wireless providers would only be subject to two different reporting thresholds, the FCC's and CA/VT's, as opposed to three different ones, FCC, CA and VT, that would result from the House's version of S.301.

In order to make sure the issue of the appropriate reporting threshold is reviewed during the 2021 legislative session the report called for in section 4 of the Senate passed version of the bill, which the House took out, should be reinstated.

## Background information:

- Link to CA OES webpage concerning its outage reporting rulemaking:

<https://www.caloes.ca.gov/cal-oes-divisions/public-safety-communications/ca-9-1-1-emergency-communications-branch/outage-reporting>

- California Emergency Rule's reporting threshold for wireless providers (subject to change):

"[A]n outage that lasts at least 30 minutes and affects at least 50 percent of a carrier's coverage area in a single ZIP Code."

- VT E911 Board's proposed reporting threshold for wireless providers:

All Commercial Mobile Radio Service (CMRS) [Originating Carriers] providing voice service in the State of Vermont shall report any known *wireless service outages and/or outages meeting the definition of section 3.3.1 "Originating Carrier Outage"* that lasts more than 30 minutes, and limits or prevents subscribers from completing calls to, or communicating with, 911.

*Originating Carrier Outage:* Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the OC's subscribers in a served geographic area within Vermont, such as a town or community, from being able to complete a call to, or communicate with, 911. An outage includes, but is not limited to, a failure or degradation in the performance of an OC's network or lack of function of subscribers' backup-power equipment during a power outage.

*Wireless Service Outage:* Any known loss of wireless service, also known as cellular service, in a normally served geographic area within Vermont, such as a town or community, which prevents the subscriber from being able to complete a call to, or communicate with, 911.