

From: Jonathan Gibson <jgibson@vermontel.net>
Sent: Tuesday, March 31, 2020 8:13 AM
To: Ann Cummings <ACUMMING@leg.state.vt.us>
Cc: Randy Brock <RBrock@leg.state.vt.us>; Cheryl Hooker <CHooker@leg.state.vt.us>; Faith Brown <FBrown@leg.state.vt.us>
Subject: [External] S.301 amendments

[External]

Good morning Sen. Cummings,

Sen. Cheryl Hooker suggested I supply you with a copy of VTel's agreement for installation of equipment to provide fiber optic telephone service. I will send a scanned copy of the two-page agreement, signed by me on June 4, 2015 in a few minutes. The relevant section reads as follows:

9. EQUIPMENT AND WIRING

- a. You are responsible for preventing the loss of or damage to VTel's equipment within your home. You will be directly responsible for repair, replacement, and other costs, damages, fees, and charges if you do not return VTel's equipment to us in an undamaged condition.
- b. Except for the inside wiring, which VTel considers your property regardless of who installed it, the equipment installed by VTEL or provided to you by VTEL, belongs to VTEL.
- c. If you cease to be a VTEL customer, you are responsible for returning VTel's equipment to VTel or its designee. If you move, do not leave VTel's equipment in your vacant home or with anyone else. Vtel's equipment must be returned to VTel or one of its representative in working order, normal wear and tear accepted. IF YOU FAIL TO RETURN EQUIPMENT IN A MANNER AS STATED ABOVE, YOU WILL BE CHARGED FOR THE COST OF REPLACING THE EQUIPMENT INVOLVED.

VTel's installed equipment consists of a Network Interface Device (NID), also referred to as an Optical Network Terminal (ONT), on the exterior of the house and a lead acid B.B. Battery BP 7.2-12 VLRA rechargeable battery installed in a CyberShot housing inside the house. I will send you a photo of the NID following this e-mail.

The function of the NID is to convert the signal carried by the non-line powered fiber optic cable to a signal usable by a customer's telephone. The NID requires electric power to function. In the absence of power from the grid or backup power equipment, the NID cannot function such that a subscriber can make or receive E-911 calls. VTel says this equipment belongs to VTel. VTel can and does monitor the status of the NID and can tell if it is functioning. Other companies may do the same.

So regarding the proposed amendment, greetings also to you Sen. Brock; yes, the reference in H.513 (Act 79) to "backup power equipment" would benefit from clarification, but the wording of the proposed amendment needs to be modified and technically correct. I recommend the addition of wording such as the following to the current amendment:

For purposes of this section, a network failure includes the failure of backup power equipment that is owned and controlled solely by the telecommunications provider **or the**

failure to function of the network interface device or other technology on subscribers' premises that enables E-911 calling capacity.

The amendment should NOT relieve VTel or any other carrier of the obligation to report a telecommunication outage due to an electrical outage. Failure to function of the NID on subscriber's premises MUST be included in the category of loss of E911 service events that are reportable to the Enhanced 911 Board under the rule called for by Section 25 of Act 79.

I hope this is helpful. I'm happy to answer questions. Thank you for your work.

Jonathan Gibson

Shrewsbury, VT

802-492-3665

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