

1 H.513

2 Senator Brock moves to amend the bill as follows:

3 First: In Sec. 11, subsection (a), by striking out the second sentence in its  
4 entirety and by inserting in lieu thereof a new second sentence to read as  
5 follows:

6 Among other things, a feasibility determination shall address potential  
7 advantages of serving utilities' internal data needs and expanding fiber for  
8 providing broadband service; the compatibility of broadband service with  
9 existing electric service; the financial investment necessary to undertake the  
10 provision of broadband service; identification of the unserved and underserved  
11 areas of the State where the provision of broadband service by an electric  
12 company appears feasible; the impact on electric rates; ~~and~~ the financial risk to  
13 electric companies; and a plan to maintain access to E-911 service in any  
14 proposed expansion of non-line-powered voice service.

15 Second: In Sec. 11, subsection (b), after the first sentence, by adding a new  
16 sentence to read as follows:

17 In addition, the Commissioner, in consultation with the Public Utility  
18 Commission, shall define a best practices approach for providing  
19 consumer information and conducting community outreach and for  
20 providing technical and financial assistance to consumers and  
21 communities so as to reduce the risk of loss of voice and E-911 service

1 **during an electric power outage due to the dependency of broadband**  
2 **technologies on the availability of electric power and shall propose the**  
3 **most cost-effective and technologically efficient ways in which broadband**  
4 **providers or alternative entities can provide such information and**  
5 **assistance.**

6 Third: In Sec. 15, 10 V.S.A. § 280ee, subdivision (c)(3), by striking out  
7 subdivisions (A)–(C) in their entirety and inserting in lieu thereof subdivisions  
8 (A)–(D) to read as follows:

9 (A) Ensure that the provider offers service at speeds of at least 25  
10 Mbps download and 3 Mbps upload to all customers.

11 (B) Certify that at least 33 percent of the provider’s potential  
12 customers have access to broadband at speeds that are less than 10 Mbps  
13 download and 1 Mbps upload. **and**

14 (C) Certify that at least 10 percent of the potential customers of a  
15 provider have access to broadband at speeds that are less than 4 Mbps  
16 download and 1 Mbps upload.

17 **(D) Ensure that the provider has a specific plan to minimize**  
18 **interruptions to access to E-911 service for customers of any broadband**  
19 **expansion of fixed, non-line-powered voice service. The plan shall**  
20 **address:**

21 **(i) technology and equipment;**

- 1                    **(ii) design and engineering;**  
2                    **(iii) financing, installation, and operation;**  
3                    **(iv) monitoring and supervision of performance; and**  
4                    **(v) any other parameters that the Authority, in consultation**  
5 **with the Department of Public Service, shall require to minimize**  
6 **interruptions to access to E-911 service.**

7            Fourth: By adding **Secs. 22–25** and accompanying reader assistance  
8 headings to read as follows:

9                                    \* \* \* State Telecommunications Plan \* \* \*

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

11            § 202d. TELECOMMUNICATIONS PLAN

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

19            (b) The Department shall prepare the Telecommunications Plan for the  
20 State. The ~~Department of Innovation and Information~~ Agency of Digital  
21 Services, the Agency of Commerce and Community Development, and the

1 Agency of Transportation shall assist the Department in preparing the Plan.

2 The Plan shall be for a 10-year period and shall serve as a basis for State  
3 telecommunications policy. Prior to preparing the Plan, the Department shall  
4 prepare:

5 (1) An overview, looking 10 years ahead, of ~~future requirements for~~  
6 ~~telecommunications services, considering services needed for economic~~  
7 ~~development, technological advances, and other trends and factors which, as~~  
8 ~~determined by the Department of Public Service, will significantly affect State~~  
9 ~~telecommunications policy and programs~~ statewide growth and development  
10 as they relate to future requirements for telecommunications services,  
11 including patterns of urban expansion, statewide and service area economic  
12 growth, shifts in transportation modes, economic development, technological  
13 advances, and other trends and factors that will significantly affect State  
14 telecommunications policy and programs. The overview shall include an  
15 economic and demographic forecast sufficient to determine infrastructure  
16 investment goals and objectives.

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

1 (A) the educational sector, with input from the Secretary of  
2 Education;

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

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

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

9 (3) An assessment of the current state of telecommunications  
10 infrastructure.

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

1           (5) ~~An~~ A geographically specific assessment of the state status,  
2           coverage, and capacity of telecommunications networks and services ~~is~~  
3           available throughout Vermont, a comparison of available services relative to  
4           other states, including price and broadband speed comparisons for key services  
5           and comparisons of the ~~state~~ status of technology deployment.

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

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

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

20          (9) An analysis of alternative strategies to leverage the State's  
21          ownership and management of the public rights-of-way to create opportunities

1 for accelerating the buildout of fiber-optic broadband and for increasing  
2 network resiliency capacity.

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

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

1 that will produce better service or reduce costs. To this end, the Department  
2 may require the submission of data by each company subject to supervision by  
3 the Public Utility Commission.

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

20 (f) The Department, ~~from time to time, but in no event less than every three~~  
21 ~~years, shall institute proceedings to review the Plan and make revisions, where~~



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

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

15 Sec. 23. TELECOMMUNICATIONS PLAN ADOPTION SCHEDULE;

16 RESOURCES

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



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 and by renumbering the remaining sections to be numerically correct.

DRAFT