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February 25, 2019

Mr. Bert Potter, Chair
Shrewsbury Selectboard
9823 Cold River Road
Shrewsbury, VT 05738

Re: Telephone Service Resilience in Shrewsbury

Dear Mr. Potter:

Thank you for your letter of January 16, 2019, commenting on the recent final draft Telecommunications Plan prepared by the Department of Public Service. Your comments highlighted the serious issue of how new fiber-optic technology can be disruptive to the settled expectations and habits of consumers regarding the availability of their copper landline service during power outages, as well as the need for consumers to take new steps in adapting to the new fiber-optic service, particularly during extended power outages.

As the January 16th letter correctly notes, facilities-based, fixed-residential voice services such as VoIP or fiber-optic cable – which are not line-powered – require a backup power source for the telephone to work during power outages. This is a marked difference between fiber or VoIP-provisioned phone service and traditional landline service, where for decades consumers generally could expect several hours of continuing telephone service even when the power went out. It is certainly understandable that some consumers would prefer to have kept the copper-line service that Vermont Telephone Company, Inc. decided to replace in Shrewsbury with fiber-optic plant in 2015. However, VTel made a lawful business decision to modernize its plant in this manner.

To be sure, public health and safety concerns underscore the need for some reliable telecommunications service during power outages, at a minimum for a reasonable period of time. That is why the Federal Communications Commission put in place clear rules in 2015 that

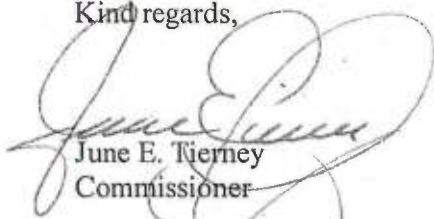


The circumstances described in the January 16th letter prompted the Department to contact Green Mountain Power and to preliminarily reviewed the company's outage data for the town of Shrewsbury. GMP reports that the Shrewsbury area performs adequately on a day-to-day basis, and that tree trimming was conducted in 2016 and 2017. The company's data further shows that there were two storms causing power outages in 2017 that lasted more than ten hours and one storm in 2018 causing power outages that lasted more than ten hours. Other outages during those years were of three to four-hour duration.

Significantly, GMP also informed the Department that both Shrewsbury and Mt. Holly are in the company's plans for storm-hardening investment, but that the company was recently denied a permit to rebuild a section of line in Shrewsbury for such storm-hardening purposes. If the Shrewsbury Selectboard thinks it would be helpful, the Department would be glad to facilitate a dialogue between Shrewsbury and GMP to see if a resolution could be reached to allow the company to proceed with storm-hardening construction in this area.

In closing, I again thank you for your comments about how to strengthen and improve Vermont's Ten-Year Telecommunications Plan. Please know the Department welcomes any additional comments you may have regarding the plan or further work needed to improve grid reliability in the Shrewsbury area.

Kind regards,



June E. Tierney
Commissioner

Cc: Sen. Ann Cummings, Chair, Vermont Senate Finance Committee
Rep. Tim Briglin, Chair, House Energy & Technology Committee
Mr. Gordon Matthews, Legal & Regulatory Affairs, VTel
Ms. Kristin Carlson, Strategic & Regulatory Affairs, Green Mountain Power

require carriers such as VTel to make available to consumers information and batteries that provide at least 8 hours of backup power. And significantly, earlier this month the FCC's rule requirement increased to 24 hours of backup power.

Following receipt of the January 16th letter, which strongly suggested that VTel's battery backup compliance may be lacking, the Department contacted the company about this matter. The Department also inspected VTel's website and requested copies of notices sent to customers to determine whether appropriate steps are being taken to educate consumers about the power backup measures they need to take now that their voice service is provisioned by a fiber-optic cable system. At this time, there is no apparent indication that VTel is failing to follow the FCC's battery backup rules.

The January 16th letter further explained that the backup batteries VTel installed during the 2015 changeover are failing to perform to the 8-hour power standard. As a preliminary matter, it is important to keep in mind that backup batteries do fail over time and must be replaced regularly in order to work as designed during a power outage. That said, to the extent that there are backup batteries deployed in Shrewsbury that are of a recent manufacturing date and are failing to perform as warranted, this could be indicative of a consumer protection issue that may need to be referred to the Attorney General's Office, where the legal jurisdiction exists to prosecute such claims when they are well-founded. More information about this process is available by calling 1-800-649-2424 or by going online at <https://ago.vermont.gov/cap/consumer-complaint/>.

Fiber-to-the-premises and cable modem services are bringing higher quality broadband and voice services to more Vermonters. The Department has and will continue to find ways to increase the availability and reliability of these services. Nonetheless, the Department remains mindful that as consumers increasingly transition to using newer technologies --- such as cellular, cable modem and fiber-to-the-premises services --- that require a steady source of electricity, the need for backup power at the customer's premises presents new challenges for public safety and security, including the need for additional consumer education to encourage appropriate preparedness in advance of power outages. Your comments and concerns have certainly served to affirm the Department in its commitment to bringing sustained attention and focus on how best to maintain telecommunications service during extended power outages.

To this end, the Department intends to petition the Public Utility Commission to exercise such jurisdiction as it has to open an inquiry into what the industry as a whole is doing to ensure that consumers have safe and reliable telephone service during power outages and to identify ways that the industry may improve voice reliability during storm-related power outages. Furthermore, the Department's Consumer Affairs and Public Information Division will develop a communications outreach plan to raise consumer awareness about the need to take steps to ensure they have battery backups and are otherwise prepared for emergencies and power outages of longer duration.

Still, with all of the foregoing said, the Department is concerned that the root of the telephone reliability issues the Shrewsbury area is experiencing may actually lie in the resilience of the electric power lines by which it is served. As you know best, the area is susceptible to severe weather events due to its elevation and geography.