

Senate Finance Testimony Notes

Barbara Neal, Executive Director, Vermont Enhanced 911 Board

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Meeting the Requirements of Section 25, Act 79 (2019)

- The Board understands that Section 25 was added to Act 79 as one mechanism to address concerns raised by citizens in several southern Vermont towns about the inability of their non line-powered telephone service to reach 911 during extended power outages.
- Section 25 requires the 911 Board to develop an outage reporting protocol for certain telephone service providers and for electric companies so that the 911 Board can assess 911 service availability during such outages.

As we developed the language for the rule, we looked first to existing outage reporting requirements for various telephone service providers in Vermont:

- Board Rule: The Board currently requires by rule (Technical and Operational Standards, 1995), that all regulated telephone service providers in Vermont report to the Board and the 911 system provider any outage that impacts 25 or more of their subscribers within two hours of the outage.
 - This rule applies to the traditional wireline telephone service providers in Vermont and *has been in place for over 20 years*.
 - It is important to note that some providers of non-line powered telephone service in Vermont also provide this information to the 911 Board and the 911 system provider on a voluntary basis.
 - The information received in these reports is used by the Board to notify our Public Safety Answering Points of the outages for situational awareness purposes.
- There is no Vermont specific rule related to outage reporting for wireless providers or for providers of VoIP service (that is, non line powered telephone service). Those carriers are however required by the FCC to report certain outages to the FCC, and in some cases, to the 911 Authority in the state.
 - Note that the regulated wireline carriers are also subject to the same FCC reporting requirements.
- The national carriers of both wireless and fixed non-line powered telephone service have advocated here today, and throughout our rulemaking process, for the Board to use the FCC -established thresholds to meet the requirements of Act 79.
- The Board's response to that position has been that we do not believe those thresholds meet our understanding of the legislative intent of Act 79.

Here's why:

- In simplest terms, these carriers are required to report to the FCC any outage that impacts 900,000 user minutes.
 - 900,000 user minutes means:
 - 900K subscribers out of service for 1 minute

- 300K subscribers out of service for 3 minutes
- 100K subscribers out of service for 9 minutes
- To get this down to “Vermont” numbers, you may want to consider
 - 30,000 subscribers for 30 minutes
 - 10,000 subscribers for 90 minutes
 - 1000 subscribers out for 900 minutes or 15 hours.
 - 25 users for 36,000 minutes or 600 hours or 25 days.
- Accepting the FCC threshold means we would not know about an outage in a town about the size of Shrewsbury for nearly 30 hours, possibly longer, depending on the number of subscribers impacted
- As for cell towers, the FCC has a calculation to determine the number of users per cell tower for each carrier. This number varies by carrier, but we’ll use 1000* as an example.
 - In Vermont, that means a single tower would need to be down for 15 hours before it met the FCC threshold.
 - It is not unreasonable to accept that there are many towns or portions of towns in Vermont that are served by just one tower....

Another Word:

- If we accept that the FCC thresholds are appropriate in Vermont, we should also eliminate the requirement that the wireline companies continue to report at such a granular level.
 - It is not equitable – in my opinion – to have one type of carrier report in such detail, while others are not required to, especially since those wireline carriers account for less than 20% of the state’s 911 call volume. As an example,
 - Since 2012, the Board has received over 240 outage reports from the wireline companies (using the 25 subscriber threshold).
 - Of those, 146 had sufficient information to determine “user minutes” involved.
 - Applying the FCC thresholds would mean only **four** of those events would have been reportable to the 911 Board.
- The thresholds defined in the Board’s propose rule are meant to allow for data collection that will allow us to compare “apples to apples” ... or at least something close to that, among all types of carriers.

Finally: the Board feels it has met the requirements of Section 25 of Act 79 in our final proposed rule, and that the protocols established meet your expectations and intent.

The information obtained from the telephone service providers and the electric power companies will allow the 911 Board to make the required assessment of the impact of these outages on the ability of Vermonters to reach 911.

Thank you.

**1000 users per cell tower is a reasonable figure to use based on multiple conversations with national wireless carriers. The actual number used is considered proprietary information and is not available.*