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January 29, 2019

**To: The Senate Finance Committee**  
**Testimony pertaining to the Final Draft of the 2018 Telecommunication Plan**

I am writing to share some concerns I have both with the Public Service Department and the Enhanced 9-1-1 Board, as well as our telecommunication system, including reporting, oversight, and inability to make emergency calls at times. I have been in contact with employees in both departments over the last four weeks while seeking information in regards to my community's inability to make 9-1-1 calls during long power outages. I attended our Selectboard meeting on January 2, 2019 to ask our Board to comment on the community's behalf relative to the Final Draft of the 2018 Telecommunication Plan. At this meeting I offered to contact the PSD to see if they were planning on changing the January 15<sup>th</sup> deadline, in light of the fact that the Montpelier hearing scheduled for December 19<sup>th</sup> had been cancelled and not yet rescheduled. We were hoping for a change of deadline to enable the Selectboard time to draft and approve of the letter at the following meeting on Jan. 16<sup>th</sup>, one day past the original end of the comment period.

Over the next week I left messages twice on James Porter voicemail asking him to return my call, and inquiring about the deadline. I also asked the person who answered the phone for a written transcript of the Brattleboro hearing as the recording was garbled after the first 10 minutes to the point of being unintelligible. I learned a transcript was not available, and was directed to Brattleboro Public Access TV if I wanted to listen to the hearing, they have since posted it on the PSD website, I didn't complain but made a mental note that this was inappropriate. As the days passed without any response from James, and feeling a need to respond to my Selectboard, I resorted to calling the Secretary of State's Office. I inquired as to the legality of a public hearing being cancelled and not rescheduled and whether it would trigger a change of comment deadline. Their office had no answer and directed me to the Attorney General's Office, who also had no answer for me, but did return my call promptly. At this point days had gone by since my first call to James Porter, who seemed, given his title of Public Advocacy Director, to really be the one I needed to talk with; at this point in time he has never returned either call.

I finally resorted to calling Clay Purvis and was surprised to receive a call back from him within a few minutes. I couldn't help but think that with the title of Telecommunications and Connectivity Division Director that talking to me didn't

seem like the best use of his time. Clay told me that the PSD had set the date “somewhat arbitrarily” and that it was possible to change the date. He also stated they would take into consideration letters received after the deadline while working on revisions of the Plan. I was surprised to have Clay ask if I would like to propose a deadline. I said that for Shrewsbury’s purpose January 31<sup>st</sup> would suffice, but expressed concern for others who were perhaps expecting to attend the last hearing which had yet to be rescheduled. I don’t recall any specific response to that particular concern, but he went on to suggest February 1<sup>st</sup> as a new deadline given it was a Friday, saying he’d make sure the date was changed on the PSD website. I expressed my concerns about 9-1-1 call capabilities during lengthy power outages with fiber-optic cable, and was told he felt it was more of an electric utility issue. I mentioned my disappointment that that this issue wasn’t addressed in the Plan, and he responded that he thought it was; yet after looking said they must have edited that part out and that I was correct in thinking it needed to be covered in the Plan.

Over the next week while looking for who we should copy the town comment letter to, I discovered that we have an E-9-1-1 Board in Vermont. While searching their website I learned that telecommunication companies are expected to report outages when there’s an inability for customers to make a 9-1-1 call. Curious, I emailed Board Director, Barbara Neal, to ask if I could request reports of system outages for Shrewsbury. She responded yes, so I filed a formal request via email for dates that I knew would encompass a heavy windstorm in May and our fall snowstorm. Later that same day I received the following reply from Soni Johnson;

*We have received your request for public records dated 11 January 2019 for system outage reports that the Board has received from both Consolidated Communications & V-Tel for the Town of Shrewsbury for the period May 1 – December 31, 2018.*

*I hereby certify we have no records responsive to your request.*

Shocked at the response, knowing that this was inaccurate information, I immediately called to ask how this could be. Much to my surprise Soni explained the reason there were no reports even though much of Shrewsbury had 3 days without E 9-1-1 calling capability in late November. Vtel was off the hook

I knew that an area of our town had been without phone or internet service mid-day on January 1<sup>st</sup> -- so very recently -- and yet a power outage was not the cause. On that day I had called multiple homes wondering how widespread the outage was after trying to check on a friend’s wellbeing and having heard the recording I had come to recognize as a result of batteries dying during out lengthy outage in November. My friend had been taken by

ambulance the night before for a suspected heart attack, later being transferred to Burlington. Yes, we had called 9-1-1. I promptly sent the following request of information.

***Hi Soni, Thank you for getting back to me, and for your patience explaining how this system works. Could you please ask your IT person to check the records for Vtel for 1/1/19 for me? Much appreciated. Martha Sirjane.***

Three days later I received this response.

***Dear Ms. Sirjane: We have received your request for public records dated 15 January 2019 for system outage reports that the Board has received from both Consolidated Communications & VTel for the Town of Shrewsbury for January 1, 2019.***

***I hereby certify we have no records responsive to your request.***

***Sincerely,  
Soni Johnson, Public Records Officer.***

I received that the above email Friday afternoon, and promptly emailed back asking whether there was a filing period by which Vtel needed to report, or a minimum number of households before reporting becomes necessary, again realizing that this report was inaccurate. I waited a full week before calling back, at which point I spoke with Soni again, she remembered my email and who I was but didn't yet have any answers to my question.

But by this time I had found the following on the E 9-1-1 website, so I asked if this was still current information, she said she wasn't certain but would look into it.

***[Copied from E-911 Board website "Telecommunications Outage Notification Policy"]***

***<https://e911.vermont.gov/telecommunications>***

**Date: November 30, 2016**

**From: Barb Neal, Enhanced 9-1-1 Executive Director**

**To: All telecommunication companies operating in Vermont**

**Subject: Revised policy on notification of outages affecting access to 9-1-1**

**Note: This document restates the policy as originally implemented on November 8, 2007.**

**The only change is to update the reporting email address.**

***Followed by further down in the document:***

**Regulated Telecommunications Companies shall report any network failures to the system provider and Board within two hours of each occurrence or sooner.**

It apparent to me that reporting by our phone companies is not taking place and I am curious as to the consequences of reporting failure. Is there a policy for non-compliance on the part of the telephone companies? It's obvious that policy revisions are way overdue if we are really serious about fully understanding Vermont's 9-1-1 calling capabilities and having the needed information to make sure our communities are as resilient as possible when faced with the outages, both power and telecom, which are unnecessarily entwined in my opinion. For the E 9-1-1 Board to have the sole change to their notification policy in nine years be to the email address should be an embarrassment to those who oversee this division. Our telecom system is vastly different now from what it was when this policy was written in 2007. **New provisions for reporting all 9-1-1 calling outages needs to be set in place,** despite the wording of *any network failures* in the present 9-1-1 policy, reporting is not happening and there appears to be little oversight or community advocacy in this area by, either the Board or the Public Service Department.

Thank you for your time and consideration of my concerns.

Respectfully,  
Martha A. Sirjane