

To: Charles Larkin and Stephen Whitaker  
From: Dusty Johnson, Vice President of Consulting  
Date: March 24, 2015

**Re: Engineering Assessment of Ten-Year Plan**

Vantage Point Solutions has been honored to work with you to identify opportunities for improving Vermont's telecommunications infrastructure. You have asked VPS to conduct a thorough engineering assessment of the ten-year plan released in 2014 and to provide a detailed overview of what a more comprehensive ten-year plan would look like and what its compilation would cost.

Unfortunately, VPS cannot not perform these assignments with the information available to the general public. Act 190 of 2014 gave the Department of Public Service the responsibility and the authority to collect a great deal of information on telecommunications infrastructure across Vermont:

*Deployment. The Director may request voluntary disclosure of information regarding deployment of broadband, telecommunications facilities, or advanced metering infrastructure that is not publicly funded. Such information may include data identifying projected coverage areas, projected average speed of service, service type, and the anticipated date of completion in addition to identifying the location and routes of proposed cables, wires, and telecommunications facilities.<sup>1</sup>*

Unfortunately, Act 190 also allowed the Director of the Division of Connectivity to "enter into a nondisclosure agreement with respect to any voluntary disclosures under this subsection and the information disclosed pursuant thereto shall remain confidential." The director did enter into nondisclosure agreements, and so that information is protected from public review.

A different part of state law, 30 VSA §202d, provides authority for the Department of Public Service to "require the submission of data" by telecommunications companies for the purposes of developing the state telecommunications plan. That information is not subject to the same confidentiality provisions as information voluntarily submitted under 3 VSA §2225. VPS has been informed by Mr. Whitaker, however, that the Department did not avail itself of this authority. As a result, this information is not available for public dissemination, either.

Vantage Point Solutions is in the business of building broadband networks across the country. We have designed more than 8,000 miles of fiber in each of the last six or seven years. We understand there is important network information that should be subject to confidential

<sup>1</sup> Codified as 3 VSA §2225.

treatment. Far more information is being kept from public view than necessary, however. As VPS noted in its January review of the state's ten-year telecommunications plan:

*There is certainly some network and facility information that should remain confidential. But, Vermont is a state that has long prided itself on its open and transparent approach to governance and that approach has worked well for basic exchange telecommunications services. Too many current statutes and practices limit access to some information that could benefit citizens and carriers.*

*The 2014 Telecommunications Plan highlights the value of open and accessible broadband information in several locations, noting "Broadband information on a census block basis was made publicly available on [broadbandvt.org](http://broadbandvt.org), the state's Internet access specific website." The plan identifies that citizen access to information can improve state government's work when it acknowledges "Through crowdsourcing, the state was able to verify coverage data and map areas where coverage is still needed."<sup>2</sup> Crowdsourcing works, and could work to an even greater degree in Vermont with greater access to broadband information. A joint committee should evaluate current statutes to see where additional transparency is in the public interest.<sup>3</sup>*

Without access to the information held by the telecommunications providers and the Department of Public Service, Vantage Point Solutions cannot perform the analysis you have requested. To attempt to do so would be, I am sorry to say, wasting your money.

I believe that citizens can play an important role in building Vermont's broadband future. Without access to some detailed infrastructure information, however, the citizens cannot fully participate in the discussion. That requires the legislature to play an even more active role in overseeing and holding accountable the Department of Public Service and the region's telecommunications providers.

If at some point you are able to secure access to more detailed network and infrastructure information, please let Vantage Point Solutions know.

<sup>2</sup> 2014 Telecommunications Plan, page 35.

<sup>3</sup> Review of Vermont's Telecommunications Landscape, page 34.