

VERMONT ACCESS NETWORK

27 April 2021

MEMO TO: Senator Ann Cummings and Members of the Senate Finance Committee

FROM: Lauren-Glenn Davitian, Executive Director, CCTV Center for Media & Democracy, davitian@cctv.org

RE: Comments on [H. 360](#)

H. 360 is meant to update the administration of federal broadband dollars and solve the problem of connectivity for thousands of Vermont customers that remain unserved by incumbent service providers.

As a member of Vermont Access Network (VAN) and long time observer of Vermont telecommunications policy, please accept the following recommendations for improving H.360.

1. **Open Access Requirements** - It is appropriate for the Legislature to establish open access requirements for fiber that is built/ or activated by CUDs and existing providers, especially those projects that receive public money.¹ All fiber built in the public rights of way should set aside capacity for competitors to lease and for public benefit at no or low cost. This makes monopolies

¹ Open Access Broadband Defined - https://en.wikipedia.org/wiki/Broadband_open_access

harder to achieve and adds more customers to the network.²

2. Given that the CUD's are creatures of state government and receive technical assistance (Section 8085(9-10)) as well as state and federal dollars to complete their work, **it is appropriate for the CUDs to share information collected in the course of their work.** Of particular interest to VAN, given the recommendations of the PEG Study, is **pole-related data** which is necessary for the calculation of right of way fees that may be considered by the Legislature, for public benefits, at a future date. The CUDs should be required to share any data acquired and not be able to retain it as proprietary information.
3. While not explicitly referred to in H.360, it is important to share our concern that **legislative decisions regulated to pole attachment fees should not be confined by H. 360 to cover the actual cost of attaching to the poles,** nor preclude consideration of future right-of-way fees generated for the purpose of public benefits.
4. **The work of the Vermont Broadband Authority is to comply with and report on actions taken in light of the Vermont Ten Year Telecommunications Plan,** when it is passed and/or updated. These duties are not specifically referred to in the bill,

² Act 79, the Ten Year Telecommunications Plan as enacted:

<https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT079/ACT079%20As%20Enacted.pdf> : (6) An assessment of opportunities for shared infrastructure, open access, and neutral host wireless facilities that is sufficiently specific to guide the Public Utility Commission, the Department, State and local governments, and telecommunications service companies in the deployment of new technology.

and the relationship between this new body's work and the Ten Year Plan needs to be spelled out in both Section 8085: General Powers and Section 8089: Annual Report.

5. **Members of the Vermont Community Broadband Authority should be selected** specifically for their knowledge of telecommunications and related issues. This could be made more explicit in Section 8083 (c).

6. **It is not clear why an additional body, the "Telecommunications Connectivity Advisory Board" described in Section 202f is necessary,** given the establishment of the Vermont Community Broadband Authority. The responsibilities spelled out in 202f (f) are to: inform planning, advise on internet speeds, administer connectivity fund and meeting with the DPS to review the state Telecom Plan compliance and other matters. These responsibilities appear to be consistent with the work of the Vermont Broadband Authority.

In an effort to spread responsibility around, a Connectivity Advisory Board appears to be redundant. Why is it a creature of the Department of Public Service, doing what the Broadband Authority is doing?

Thank you for your consideration. I can be reached at davitian@cctv.org or 802.777.7542