

Testimony of Kimberly Gates, Franklin Telephone Co., Inc. DR 26-0726 January 28, 2026

House Committee on Energy and Digital Infrastructure

Thank you for the opportunity to comment on Draft 26-0726 on January 28, 2026.

The Telephone Association of Vermont is comprised of the following eight (8) rural telephone companies:

- Franklin Telephone Company, Inc.
- Ludlow Telephone Company d/b/a TDS Telecom
- Northfield Telephone Company d/b/a TDS Telecom
- Perkinsville Telephone Company, Inc. d/b/a TDS Telecom
- Shoreham Telephone LLC d/b/a GoNetspeed
- Topsham Telephone Company, Inc.
- Vermont Telephone Company, Inc. d/b/a VTel
- Waitsfield-Fayston Telephone Co., Inc. d/b/a Waitsfield Telecom d/b/a Champlain Valley Telecom

These companies are all Eligible Telecommunications Carriers (ETC) under federal law and provide voice grade access to the public switched network. We are all converting our networks to fiber for a more reliable and robust network that benefits our customers. Franklin Telephone is nearly 90% fiber at this point while TDS Telecom is over 70% and aiming to be closer to 100% over the next few years. Each company is converting their copper customers to fiber at different paces, while maintaining their copper plant and providing an equivalent service.

We do have concerns with the proposed draft legislation. The TAV companies are providing a stand-alone voice product over fiber that is equivalent to copper service. We are notifying customers of the transition and offering options for back-up power. This legislation contradicts the FCC's recent sunset of battery back-up requirements. There are new reporting requirements that we feel are unnecessary.

We would like to follow up on a couple of items from last week.

1. We all have a **stand-alone voice product** on fiber for those customers we convert from copper.

We do not require the purchase of a broadband product to keep voice service. Standalone voice is a service we are required to offer as a condition of being an ETC.

Fiber conversion does not require FCC approval in that there is no change to the service provided. We are providing a functionally equivalent voice service. Without getting too far into the weeds (more below) – the main difference is we are providing a functionally equivalent voice service and we are not removing our copper facilities while customers continue to use it. By contrast, Fidium/CCI needs to provide notice to the FCC because they provide unbundled network elements to competitive providers and a transition to fiber changes the functionality of the UNE service.

Since Franklin and others are providing a functionally equivalent service, no notice to the FCC is required. Another way to explain it is that Franklin's fiber-optic lines are overlashed on their copper lines, and so the copper lines are not being removed and will remain in place for the foreseeable future. Franklin also has also not indicated that they are disabling the copper lines.

In more technical terms:

“Copper Retirement” is subject to FCC rules, specifically 47 C.F.R. § 51.325-51.335. These rules apply only to incumbent LECs (ILECs) such as CCI/Fidium and the TAV member companies.

We are not “retiring” the copper plant. For FCC purposes, “copper retirement” means the removal, disabling, or replacement of copper lines. *See* 47 C.F.R. § 51.325(a)(3).

“Removal” means *physical* removal of the copper lines. “Disabling” means “rendering the copper facilities inoperable ... [for long term or permanent periods of time.]”

“Replacement” means either removing or disabling the copper plant for the purpose of installing fiber-to-the-home loops.

By contrast, when CCI filed its “copper retirement” notice with the FCC in 2018, CCI expressly stated as follows: “After the planned network changes are implemented, there will be no copper (metallic) loop facilities between Consolidated Central Office and the remote terminal in the affected area.” *See Wireline Competition Bureau Copper Retirement Network Change Notification Filed by Telephone Company of Vermont LLC d/b/a Consolidated Communications*, WC Docket No. 18-391, Report Nos. NCD-2866 & NCD-2882 (Dec. 28, 2018) (emphasis added). Given that fact, CCI was required to provide public notice of the copper retirement under the FCC rules.

But it’s important to note that “public notice” in cases of copper retirement does not require filing the notice with the FCC. Instead, the rules allow a carrier to choose to file its notice with the FCC. *See* 47 C.F.R. § 51.329(a)(1).

This is what most carriers do when they plan to retire their copper plant. But a carrier may also choose a different notice method, such as by posting the notice on the carrier’s website, publishing the notice in a trade or industry journal, or publicizing the notice “through industry fora.” *See* 47 C.F.R. § 51.329(a)(2).

However, if the carrier chooses not to file the notice with the FCC, the carrier must thereafter certify to the FCC that its public notice satisfied the FCC’s rules. 47 C.F.R. § 51.329(a)(2)(i)-(iii).

The FCC’s rules do not require the carrier to give actual notice to its retail customers about the copper retirement. The FCC eliminated this requirement in 2017 and explained its reasoning as follows:

45. *Eliminating notice to retail customers.* Today we revise the copper retirement rules to eliminate the requirement of direct notice to retail customers adopted in 2015. Based on the record, we conclude that the potential benefits of direct notice of copper retirements touted in the *2015 Technology Transitions Order*¹⁵⁹ have not come to pass. Instead, there is evidence that notice of planned copper retirements, pursuant to section 51.332, has caused confusion and delay.¹⁶⁰ Moreover, incumbent LECs have strong incentives to work closely with their retail customers in order to retain their business given the competition they face from competitive LECs, cable providers, and wireless providers.¹⁶¹ They do not require mandatory and prescriptive Commission-ordered notice to educate and inform their customers of network transitions from copper to fiber. Rather, these communications must necessarily occur for the incumbent LEC to continue providing the services to which its customers subscribe.

See In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket no. 17-84, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking (FCC 17-154), 32 FCC Rcd. 11128 (Nov. 29, 2017) (the “Order”), at ¶ 45.

Under the FCC rules, a carrier can elect to use a “streamlined” notice procedure (called “short term notice” in the FCC’s rules) for its copper retirement, but if it does so, the carrier is then required to give notice to “each

telephone exchange service provider [i.e. CLEC] that directly interconnects with the incumbent LEC's network ..." See 47 C.F.R. § 51.333(a)(1).

It should be noted that the FCC (under its new Chairman Brendan Carr) has made clear its impatience and frustration with the pace of transitioning ILEC networks away from copper and toward 100% fiber lines. The FCC is in the process now of both reducing the number of regulatory requirements involved in that transition and increasing the number of waivers given to ILECs who find the requirements burdensome.

Attached is Chairman Carr's press release from last year explaining these actions.

2. Even though **battery** rules have sunsetted at the federal level, we all inform our fiber customers of the need for battery back up to keep voice service active during a power outage. This is a practice we will all continue.
3. Definition of "VoIP service" in the draft bill is incorrect. Our service is not considered a VoIP service. It may contain IP components but it is still considered a regulated service. Since it is on fiber, it does need a back-up power to work in the event of an outage.

The key difference is the network path: **standard VoIP** (like your home Wi-Fi/broadband) uses the public network, making it flexible but potentially prone to congestion; while a provider's "**Voice over Fiber**" (**Private Fiber Voice**) runs on a dedicated, carrier-grade fiber network, bypassing the public network for greater reliability, security, and consistent quality (QoS), ideal for businesses needing guaranteed uptime, even though both use IP technology for voice.

4. Notice of network transition – this really only occurs for the last 2 or 3 customers who have ignored all of our communications on moving their current service to Fiber. Everyone else is generally happy to be converted and to have access to much higher broadband speeds. In our opinion, 90, 60 and 30 day notices are not required.

Thank you. Respectfully, Kimberly Gates

For over a century, Vermont's community-based broadband providers have been at the heart of connecting rural Vermont. Our robust fiber-optic networks deliver essential telephone and broadband services, ensuring that even the most remote communities stay connected.

We are here to support your efforts in building a stronger, more connected Vermont. Please don't hesitate to reach out if we can assist your communities:



•**EXPERTISE:** Over 100 years of telecommunications experience and more than 25 years of broadband innovation.

•**BUILDING BROADBAND NOW:** Actively deploying fiber-optic networks to meet today's connectivity demands.

•**SERVING RURAL, HIGH-COST AREAS:** Dedicated to bringing reliable broadband to some of the most challenging and rural communities in Vermont.

•**CARRIERS OF LAST RESORT:** Ensuring connectivity where others won't.

•**BEST POSITIONED TO BUILD THE LAST MILE:** Trusted local providers with the technical expertise and a proven track record of completing complex network builds.

•**ESTABLISHED, TAXABLE BUSINESSES:** Contributing to Vermont's economy through local jobs and tax revenues.

•**AFFORDABLE BROADBAND SERVICE:** Committed to delivering cost-effective solutions that keep Vermonters connected.

Together, we can build a future where every rural community has access to the high-quality broadband they need to thrive.

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