

# Memorandum

## Vermont Department of Public Service

**To:** Representative Kathleen James, Chair, House Committee on Energy and Digital Infrastructure

**From:** Hunter Thompson, Director for Telecommunications and Connectivity

**Subject:** H.11 and H.121 Testimony

**Date:** February 14'th, 2025

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This memo clarifies the testimony of Hunter Thompson, Director for Telecommunications and Connectivity regarding H.11 and H.121 on February 13'th 2025.

### H.11

With regards to the consumer protection portions of this bill, the department already receives these complaints, and our soft authority allows us to resolve a vast majority of these issues. The bill would codify some of the work we're already doing, and while we are not opposed to it, we do not feel it is necessary.

As I noted in my testimony today, the department has concerns and feels there could be potential issues with these two sections:

1. § 2490e. PROHIBITED PRACTICES (a) (1) failing to provide a consumer with broadband service that meets or exceeds the performance characteristics offered and sold to the consumer's service location; and
2. § 2490e. PROHIBITED PRACTICES 8 (b) A broadband provider shall not impose a data cap except when tailored for the purpose of reasonable network management, such as managing network congestion. For purposes of this section, "data cap" means a limit on the amount of bits or other units of information a broadband consumer may download or upload during a period of time specified by the provider before the consumer:

### H.121

The Department believes that while the overall intent and goals are respectable, we feel there are unintended consequences with this bill and policy. We feel the department laid out a plan to address affordability in the 10-year telecom plan and that plan addresses affordability issues for all Vermonters regardless of provider.

