



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

Anthony Z. Roisman, Chairman
Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701

September 29, 2019

Chairman Roisman,

This letter is regarding a regulatory case opened in September 2018 18-3231-PET, a Petition of the Vermont Department of Public Service for an Investigation into the service quality provided by Telephone Operating Company of Vermont, Inc., d/b/a Consolidated Communications, Inc. This letter will be submitted as my second public comment in that case.

You will recall the emphasis in my last public comment was that all Vermonters need to be able to call for help and that last year, Consolidated's executive leadership had provided an alarmingly cavalier response to my concern that some rural Vermonters in their service territory were not reliably able to call for help¹.

Since the PUC has opened this case, the Vermont Legislature and Scott Administration have worked to pass legislation empowering municipalities to take control of their telecommunications future through the planning and public financing of fiber networks, Act 79. We took testimony from Consolidated on that bill and listened closely to testimony from both the DPS and from Consolidated about an innovative municipal scale project they are undertaking in New Hampshire. The public financing envisioned in Act 79 does not exclude Consolidated and could even present an opportunity for a public private partnership to convert their existing copper network to fiber. This transition will take years, and in order to maintain public safety, the legacy copper networks must be properly maintained during that transition for customers without cable or wireless signal.

My ongoing concern is that these copper networks might effectively be abandoned before they can be replaced as the FCC continues to pursue court rulings allowing them to repeal their 2015 order. The FCC is attempting to repeal the requirement of incumbent phone companies to provide timely notice to anyone potentially impacted by a decision to retire existing copper lines in order to avoid interruption of vital services, the requirement to offer a "functionally equivalent" service before shutting off legacy phone service and the creation of a new complaint process for situations where phone companies simply

¹ Lawmaker shocked by telecoms CEO suggesting constituent should move February 19, 2019

abandon their legacy phone networks, cutting off rural Vermonters and Americans from even basic phone service².

The repealing of the 2015 order is purported to be needed to speed up the transition to next generation communications. Removing regulations is a tool to assist market driven economies in solving a problem by encouraging competition which in turn encourages options in service quality and cost for consumers. It is quite difficult to imagine a way in which deregulation is going to speed up the transition to next generation communications in the parts of Vermont with a failed market and no competition. My towns of Readsboro or Whitingham or Wardsboro for instance.

Coming back to the service quality proceeding in front of the Commission, I have elected to submit this second comment for two reasons:

1. While the reports to me from my constituents have diminished significantly from a year ago, I have recently had two outages reported to me by constituents – the first (a family in Whitingham with two young children running a trade business from their home) was told it would be 72 hours, I was told it would be 72 hours, after the Department of Public Service became involved it was fixed in 48 hours. The second (also a family in Whitingham) wrote to tell me they had a very pleasant experience with their Consolidated repair person and wanted to report it to me. I asked how long the line had been out – SIX DAYS! I asked this constituent to let the Department know – telling them how dangerous this could have been for an elderly shut in who needed help on day 2 (or 3 or 4 or 5). I find these types of ongoing outages, in my district, during a service quality investigation to be a disregard for serving the public good, and likely indicative of inadequate service personnel.
2. During a recent discussion with Jeff Austin from Consolidated, we spoke about a couple of towns which the company is responding to queries from regarding possible partnership via Act 79. Welcome news to me. But Jeff also cautioned “just don’t overbuild us” which is consistent with what the national cable lobbyists asserted this winter. Jeff further speculated that in parts of Vermont where new CUDs were planning to build in cabled areas, he wouldn’t be surprised to see the cable company go to court to try and stop it.

Here’s where we are in rural Vermont:

1. FCC and national telecommunications providers fighting to keep communications infrastructure from being regulated as critical infrastructure by:
 - a. Preventing state regulation of wired and wireless internet and cable
 - b. Ensuring regulation of internet through competition
 - c. De-regulate copper networks to speed up transition to wired and wireless internet and cable networks – including in areas where there is no competition
2. Thriving competition between telecommunications providers in densely populated areas of Vermont.
3. Telecommunications providers ***seeking to be regulated by a competitive market*** repeatedly telling lawmakers ***not to overbuild them*** and suggesting lawsuits will happen if our underbuilt communities build.

² Public Knowledge Urges Ninth U.S. Circuit Court of Appeals to Overturn FCC’s Move to Widen Digital Divide August 26, 2019

4. Consolidated demonstrating insufficient action regarding ongoing, non-weather event, extended rural repair times.

Mr. Roisman, I suspect this investigation is coming to a decision point. I believe this is a pivotal moment in ensuring rural Vermont's reliable access to public safety in the next upcoming years.

Considering the FCC and Consolidated's actions, Vermont must take steps to ensure reliable, rapid and efficient access for all Vermonters to public safety, local and long-distance telephone service.

Simply fining Consolidated will not ensure that reliable access, nor will it speed up deployment of reliable replacement networks.

Fining may incentivize the continued slow pace of publicly subsidized insufficient upgrades with diminishing quality and repairs. And possibly adding court challenges for communities that seek to alter that status quo.

Telecommunications providers simply cannot be allowed to provide no or poor service in rural Vermont AND ALSO AT THE SAME TIME try to prevent rural Vermont communities from ensuring reliable service.

Sincerely,

REPRESENTATIVE LAURA H. SIBILIA

(802) 384-0233

PO BOX 2052

WEST DOVER, VT 05356

Dover, Readsboro, Searsburg, Somerset

Stamford, Wardsboro & Whitingham