

**STATE OF VERMONT
PUBLIC UTILITY COMMISSION**

Case No. 22-3673-PET

Petition of Vermont Telephone Company, Inc., for renewal of a certificate of public good, pursuant to 30 V.S.A. §§ 503 and 504, to own and operate a cable television system within the municipalities of Andover, Athens, Bridgewater, Chester, Clarendon, Danby, Dorset, Grafton, Hartland, Ira, Killington, Middletown Springs, Mount Holly, Mount Tabor, Pawlet, Plymouth, Reading, Rockingham, Rupert, Shrewsbury, Springfield, Tinmouth, Wallingford, Weathersfield, Wells, West Windsor, Westminster, Windham, and Woodstock, Vermont

**DIRECT PREFILED TESTIMONY
OF AARON BRASSARD ON BEHALF OF
THE VERMONT DEPARTMENT OF PUBLIC SERVICE**

March 8, 2023

Summary: Mr. Brassard's testimony presents the Vermont Department of Public Service's ("Department") recommendation that Vermont Telephone Company, Inc. d/b/a VTel ("VTel") satisfies applicable criteria pursuant to 30 V.S.A. § 504 and Vermont Public Utility Commission ("Commission") Rules 8.214 and 8.230 for renewal of its Certificate of Public Good ("CPG") to operate a cable television system in Vermont. Mr. Brassard describes VTel's facilities' technical and commercial soundness, VTel's capacity, and VTel's various service offerings.

Mr. Brassard sponsors the following Exhibits:

Exhibit DPS-AB-1 VTel Discovery Response Q.PSD.VTEL.1-40

Exhibit DPS-AB-2 VTel Discovery Response Q.PSD.VTEL.1-44

Exhibit DPS-AB-3 VTel Discovery Response Q.PSD.VTEL.1-41

Q1. Please state your full name and occupation.

A1. My name is Aaron Brassard. I am a Telecommunications (Fiber Optic) Project Manager for the Department.

Q2. Please describe your educational background and experience.

A2. I earned an Associate's degree in Business Technology and Management from Vermont Technical College in 1994. I joined the Department in September 2019. In my current position, I manage the Department's telecommunications ("telecom") assets and review telecom, cable, and cellular CPG applications for technical and compliance issues. I also manage the State Telecommunications Relay Service ("VTRS"). Prior to joining the Department, I held various telecom industry positions for 22 years, the duties for which included leading a technical team, designing communications networks and installation, maintenance, troubleshooting, and repair of different carrier-grade telecom equipment. I have focused on various network technologies throughout my career, including TDM, CWDM, DWDM, 10g/40g/100g Ethernet, and Wave transport. I am well versed in both electrical and optical network testing and have knowledge of telecom DC Power systems. I am familiar with and worked with many of Vermont's major telecom providers including Comcast, Consolidated Communications, Charter, FirstLight, Lumen, AT&T, Verizon Wireless, Sprint/T-Mobile, Franklin Telephone, and Champlain Valley Telecom.

Q3. Have you previously testified before the Commission?

A3. Yes, I have provided testimony on behalf of the Department for Case No. 19-4845-PET, a joint petition for the cable system acquisition of Sothern Vermont Cable by Comcast, and 20-2092-PET, a cable CPG renewal by Waitsfield Cable for Bolton, Vermont.

Q4. What is the purpose of your testimony?

A4. My testimony provides the Department's analysis of VTel of Springfield, Vermont's technical and commercial soundness as it relates to the standards under which a cable CPG petition should be reviewed. I discuss certain applicable criteria such as facilities and equipment, capacity, and service offerings. Finally, I make recommendations pertaining to the renewal of VTel's Cable CPG.

Q5. Please describe whether VTel's system designates adequate channel capacity and appropriate facilities for public, educational, or governmental ("PEG") use consistent with 30 V.S.A. § 504(b)(1).

A5. VTel's system has adequate channel capacity for PEG use and currently broadcasts PEG content on 12 channels in HD and SD. VTel's PEG channel availability exceeds offerings by other CATV operators in Vermont. The PEG channel lineup includes Springfield Area Public Access Television, Community Access Television ("CATV"), Falls Area Community Television, Rutland Regional Community Television ("PEG TV"), Woodstock Community Television, and Okemo Valley TV.

Q6. Please describe whether VTel's system provides adequate and technically sound facilities and equipment, and signal quality consistent with 30 V.S.A § 504(b)(2).

A6. VTel uses quality materials and electronics with technically sound facilities and provides adequate signal quality on a 100% fiber optic active ethernet distribution network. VTel uses quality electronics by Arris, encoders by Elemental, Calix, and IP video distribution by Mediaroom.

Q7. Please describe whether the VTel system provides basic service in a competitive market consistent with 30 V.S.A. § 504(b)(5).

A7. VTel's CATV service has some overlap with other providers in its service territory, giving consumers in those areas a choice in cable programming. VTel also participates in the larger market for video services. The video market includes other multichannel video programming distributors such as satellite television, as well as Internet-based over-the-top ("OTT") video providers. It is worth noting, VTel has a competitive advantage over OTT video providers because it is the largest internet provider in its cable territory, and provides its cable service, along with OTT on its network.

Q8. Please describe whether VTel's system provides or utilizes a reasonable quality of service for basic service and other packages consistent with 30 V.S.A. 504(c)(1).

A8. VTel is a regional, rural company that utilizes an active ethernet fiber network to distribute television programming. Unlike a traditional shared hybrid fiber/coax system or Gigabyte Passive Optical Networks Fiber to The Home networks, each customer has a dedicated 1g to 10g fiber optic connection between the customer premise and VTel network equipment. This provides adequate bandwidth to deliver excellent quality for basic and other packages. VTel does not utilize a Network Operations Center for system monitoring. Instead, it relies on system self-diagnostic notifications or customer complaints. The VTel headend technician has stated that generally, he is notified of system errors/malfunctions/equipment failures by the device itself. This notification usually precedes consumer calls reporting programming outages. VTel has technicians available 24 hours a day, and VTel stores equipment spares on-site in its headend facility,

reducing downtime due to encoder or other equipment failures.

Q9. Please describe whether VTel's system provides or utilizes construction, including installation, that conforms to all applicable state and federal laws and regulations and the National Electric Safety Code consistent with 30 V.S.A. § 504(c)(2).

A9. VTel asserts that it complies with all applicable state and federal regulations, including the National Electric Safety Code.

Q10. Are VTel's rules and policies reasonable for line extensions, disconnections, customer deposits, and billing practices pursuant to 30 V.S.A. § 504(c)(5)?

A10. VTel asserts that its policies are consistent with applicable rules, laws, and tariffs, and this will continue under a renewed CPG. VTel also asserts that it has few complaints regarding disconnections or billing issues and will continue to adhere to consumer protection standards under a renewed CPG. With respect to line extensions, VTel claims it received no requests for line extensions in the last three years, nor did it expand cable-only service in the last three years. VTel asserts it will abide by Commission Rule 8.313 policy on the expansion of service but notes in cases where telephone and cable will be purchased together, VTel will apply whichever policy is less expensive for the consumer.

Q11. Do you foresee any issues with VTel's present and proposed service offerings to customers as it relates to Commission Rule 8.214(B)(2)?

A11. No. VTel provides services in line with other Vermont cable providers. VTel currently offers 35+ channels for its most basic package, which includes both HD and SD programming. VTel makes available 12 public access channels. VTel's active fiber delivery system provides enough bandwidth for its current content delivery system, and

consumers can be upgraded to 10g to support future offerings.

Q12. What is the Department's position regarding VTel's commitment to construction and in-service schedule as it relates to Commission Rule 8.214(B)(3)?

A12. VTel asserts that it has completed the construction of fiber facilities for all customers in its service area. Thus, the Department has no issues in this regard.

Q13. Does the VTel system make service available to a maximum number of residences consistent with Commission Rule 8.214(B)(7)?

A13. Yes. VTel asserts that it has completed the construction of fiber facilities for all customers in its service area, and those customers can purchase CATV service from VTel.

Q14. Please describe the quality of engineering and materials used in VTel's CATV System as related to Commission Rule 8.214(B)(8).

A14. In February of 2023, the Department conducted a site visit to VTel's headend located in North Springfield. The headend location was well maintained and organized. The fiber distribution panels are in enclosed cabinets. Optical jumpers are run in appropriate raceways. Other cables are organized and managed appropriately. VTel uses quality system components, encoders, and network equipment from Arris, Juniper networks, Cisco, Elemental, Calix, and IP video processing and distribution by Mediaroom. When faced with adversity, such as the 2019 Mt. Mansfield television tower fire, VTel was able to adapt by arranging for a direct fiber connection to WCAX to continue broadcasting. VTel maintains a DC battery system that can provide 24 hours of continuous runtime backed up by a 60kw generator for extended power outages. The VTel headend is

protected by a FM200 fire suppression system, and the HVAC system uses multiple split systems to protect against single unit failure. VTel identified some network single points of failure, including fiber between White River Junction and North Springfield, and has a plan to mitigate the failure if it occurs. VTel has on-site equipment sparing at the headend location. In the event of an encoder or router failure, a repair can be completed quickly to resume transmission of the affected channel(s).

Q15. Is the VTel system a logical fit with neighboring systems consistent with Commission Rule 8.214(B)(9)?

A15. Yes. VTel offers comparable programing options to other cable operators in Vermont. In areas where neighboring CATV systems overlap with VTel's network, a consumer has a choice in CATV programing.

Q16. Does the Department make any recommendations regarding the issuance of a new CPG to VTel?

It is my opinion that VTel offers technically sound facilities and provides varied programing with a wide range of options for PEG TV viewing. Thus, the Department supports the renewal of VTel's Cable Operator CPG.

Q17. Does this conclude your testimony?

A17. Yes.