



Via Email

October 16, 2020

Barbara Neal
Executive Director
Vermont E-911 Board
100 State Street
Montpelier, VT 05620-6501

Re: Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

Dear Barbara,

By this letter, Comcast and Charter respectfully provide brief comments on the Vermont Enhanced 911 Board's ("E-911 Board") Proposed Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies.¹

Comcast and Charter generally support the Proposed Rule which has evolved significantly since the E-911 Board first circulated the initial "stakeholder" draft for comment in August 2019. Comcast and Charter have actively participated in the development of the Proposed Rule and appreciate the E-911 Board's willingness to consider their comments and the Board's responsiveness to Originating Carrier concerns about the original "stakeholder" draft and the recognition that having a patchwork of reporting requirements across the country would be administratively burdensome and not in the public interest.²

As expressed by CTIA and by Comcast and Charter during the public hearing on October 9, 2020, and in prior comments to the E-911 Board, the entirety of Originating Carrier initial outage and restoration reports to the E-911 Board should be presumptively confidential.³ Comcast and Charter also reiterate their support for the addition of a "reverse FOIA" provision to the Proposed Rule that would require the E-911 Board to provide notice to an Originating Carrier prior to public

¹ The E-911 Board approved the Proposed Rule on July 30, 2020, and the Interagency Committee on Administrative Rules accepted the Proposed Rule without additional recommendations on August 10, 2020.

² See Comcast and Charter's joint letters dated July 17, 2020 and July 27, 2020 commenting on the E-911 Board's revisions to the draft rule following Governor Scott's signing of S. 301 on July 1, 2020. Section 4 of S. 301 amended §25 of 2019 Acts and Resolves No. 79. Importantly, S.301 removed the words in §25 that included "lack of function of a telecommunications subscriber's backup-power equipment" from the definition of an outage.

³ E.g., Charter Comments to the E-911 Board, January 17, 2020; Comcast comments to the Legislative Committee on Administrative Rules dated February 18, 2020.

release of an outage report. CTIA's proposal during the October 9th public hearing for the E-911 Board to revisit the rule after one year and consider how the rule is functioning based on actual experience and whether it needs to be modified has merit and should be adopted.

Comcast and Charter also recommend one minor change regarding reported outage information. Specifically, for consistency the first sentences of §§4.3.1 and 4.4.2 should add the phrase "to the extent known" before "the following information". This will align those sections with §§4.3.2, 4.3.3, 4.4.3, and 4.4.4.⁴ Correspondingly, the phrase "to the extent known" can be removed from the third bullets in §§4.3.1 and 4.4.2.⁵

Again, Comcast and Charter appreciate the E-911 Board's responsiveness and efforts in drafting the Proposed Rule. Please feel free to contact us with any questions.

Respectfully submitted,

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⁴ Sections 4.3.3 and 4.4.4 properly exempt call back numbers of subscribers who could not reach 911 during outages from public disclosure. Sections 4.3.1 and 4.4.2 contain the proper presumption that the contact names for originating carriers are non-public.

⁵ As noted in their comments of July 27, 2020, Comcast and Charter feel the required reporting of information within both one and two hours of discovery is duplicative and burdensome but will not oppose both requirements.