

**STATE OF VERMONT
ENHANCED 911 BOARD**

General Meeting #1

17 January 2023

6 Baldwin Street, 3rd Floor, Room 315, Montpelier, VT
and
Microsoft Teams

10:00 AM – Call to Order

Chair Marcoux brought the meeting to order. The following were in attendance:

Board Members Present

Sheriff Roger Marcoux, Chair
Chief Steven Locke, Vice-Chair
Captain Lance Burnham
Jerome Pettinga
Angela Eastman (arrived after roll call)
Brian Keefe
Kelly Kennedy

Staff Members Present

Barbara Neal, Executive Director
Soni Johnson, Board Clerk

Others Present

Stephen Whitaker

Approval of Minutes

- General Meeting #4 – 11/1/22
Motion: Brian Keefe made a motion to accept the minutes as written; 2nd by Jerome Pettinga. There was no discussion and the motion passed unanimously by voice vote.

Executive Director's Report

- PSAP Staffing and Related Topics
 - Executive Director Neal & Captain Burnham provided an update on PSAP staffing issues and primary catchment area call answering stats for DPS PSAPs.
 - Executive Director Neal also spoke to Hartford PSAP's request to increase the dedicated call-taking reimbursement rate and Shelburne PSAP's request for a third position (it would enable them to participate in the dedicated call-taking initiative).

Board Discussion

- Dedicated call-taker rate could be changed to department costs plus a % instead of a set hourly rate.
- Yearly PSAP reimbursement rate needs review. An increase would require more funding.
- Shelburne PSAP's request will be put on hold for now.
- Budget/Funding Updates
 - FY24 budget request is pending with the Administration.
 - Executive Director Neal has submitted proposed changes to the structure of the VUSF (changing the hierarchy of funds distribution, eliminating the set aside for broadband). Proposal is under review at the Governor's Office.
- Outage Notification Rule Updates
 - Executive Director Neal provided an overview of proposed changes to the outage notification rule. The draft language has been attached to these minutes.
- CARE Status
 - Total of 535 registrants in the database (23 are self-enrolled since 2019).
 - Had three requests for data during the 2022 Christmas storm.
 - Outreach is needed to make the public and emergency service providers aware of the CARE program.

Public Comment

- Stephen Whitaker commented on:
 - Was Board consulted or engaged on the proposed executive order to remodel the board?
 - He had suggested that a special meeting be held to discuss the proposed order.
 - State has had no emergency communications governance other than the Board (that governance is insufficient).
 - The lack of emergency communications resiliency and redundancy is an ongoing issue.
 - Bill will be introduced to create an Emergency Calling Executive Board.

New Business – none

Next Meeting Date & Adjournment

- The next quarterly board meeting will take place on 4/17/23.
- *Motion: There being no further business, made a motion to adjourn; 2nd by Jerome Pettinga. There was no discussion and the motion passed unanimously by voice vote. The meeting adjourned at 10:57 AM.*

Respectfully submitted:

Soni Johnson
Soni Johnson, Board Clerk

1/31/23
Date

Vermont Enhanced 911 Board
Rule Governing Outage Reporting Requirements
for
Originating Carriers and Electric Power Companies

1.0 Authority

This rule is adopted pursuant to Vt. Act 125 (2020) and 30 V.S.A. § 7053.

2.0 Purpose

The purpose of this rule is to establish protocols for the Enhanced 911 Board (the Board) to obtain information about or be apprised of, in a timely manner, system outages applicable to wireless service providers, to providers of facilities-based, fixed voice service that is not line-powered, and to electric companies for the purpose of enabling the Board to assess 911 service availability during such outages. This rule also updates and incorporates existing protocols for the Board to obtain information about or be apprised of, in a timely manner, system outages applicable to facilities-based, fixed voice service that is line-powered.

3.0 Definitions

3.1 —Commercial Mobile Radio Service (CMRS): A Federal Communications Commission (FCC) designation for any carrier or licensee whose wireless network is connected to the public switched telephone network.

3.2 Electric Power Company: A company that provides distribution of electricity to residential and/or business customers.

3.3 Incumbent Local Exchange Carrier (ILEC): A class of carriers as defined in 47 U.S.C. § 251(h) which includes, but is not limited to, Rural Local Exchange Carriers (RLECs).

3.4 —Originating Carrier (OC): Also known as originating service provider, an entity that provides voice services to a subscriber. An OC includes ILECs operating in Vermont.

3.5 Outages

3.5.1 Originating Carrier Outage (OCO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the OC's subscribers from being able to complete a call to, or communicate with, 911, or prevents subscribers from receiving emergency notifications. An OCO includes any loss of 911 calling capacity caused by such an OC's network failure.

3.5.2 —Wireless Service Outage (WSO): Any known degradation or loss of network elements, systems, services and/or transport facilities that prevent the subscribers of a wireless service, also known as cellular service, from

Vermont Enhanced 911 Board

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

being able to complete a call to, or communicate with, 911, or prevents subscribers from receiving emergency notifications. A WSO includes any loss of 911 calling capacity caused by such a wireless service network failure.

3.5.3 Electric Power Outage: Any known failure, failures, or circumstances that prevent the electric power company from distributing electricity to residential and/or business customers.

3.6 -System Provider: An entity that provides the systems and support necessary to enable 911 calling for one or more Public Safety Answering Points (PSAPs) in a specific geographic area.

3.7 Voice Service: A service that provides voice transmission services. These services are provided over a network that transmits any combination of voice, video and/or data between users. Voice service is provided by an OC that could be a facilities-based fixed voice service that is line powered, a facilities-based fixed voice service that is not line powered, or a Commercial Mobile Radio Service provider.

3.8 ZIP code: The five-digit postal code established by the United States Postal Service. For purposes of this rule, a ZIP code associated only with (A) a Post Office box, or (B) a single physical address, shall be deemed part of the nearest ZIP code not meeting the descriptions of (A) or (B) of this definition for determining thresholds and reporting purposes.

4.0 Notification Requirements for Originating Carriers

4.1 An ILEC providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known OCO lasting at least 30 minutes that limits or prevents 25 or more subscribers in a served geographic area within Vermont, such as a town or community, from completing calls to, or communicating with, 911.

4.2 All other facilities-based fixed voice service OC's providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known OCO that lasts at least 30 minutes and limits or prevents (A) 100 or more subscribers in a single ZIP code or (B) at least 50% of subscribers in a ZIP code with fewer than 100 subscribers, from completing calls to, or communicating with, 911.

4.3 OC's shall make an initial notification as required under subsections 4.1 or 4.2 within one hour of discovery of the OCO; a second notification will be provided when there is additional information or updates to the initial report or at the request of the Board within two hours of discovery, and shall provide additional updates as they become available, or at the request of the Board.

Commented [NB1]: This language will remove the requirement for OC's to submit an update report within two hours of the initial report. The updates seldom contain any information critical to emergency responders and are simply not necessary. If the Board requires an update in a particular instance, we can make that request.

Vermont Enhanced 911 Board

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

4.3.1 The initial OCO notification shall include, to the extent that it is known, the following information:

- OC name
- Affected geographic area identified by ZIP code, town, county, or community name
- Brief description of the limitation of 911 calling capability
- Contact Name (presumed non-public)
- Contact Phone (presumed non-public)
- 24/7 contact if different from above contact (presumed non-public)

4.3.2 The second OCO notification shall further include, to the extent that it is known, the following information:

- Affected ZIP code and associated readily identifiable descriptive term that would enable validation of the ZIP code, such as the name of a town, county, community name, or similar term
- Approximate subscriber physical locations – including town or community name
- Approximate number of affected subscribers
- Date and time outage began
- Estimated date and time for restoration of service
- General cause (for example – fiber cut, equipment failure, or similar general description)
- Description of the limitation of 911 calling capability: (for example - subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911).

4.3.3 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage and shall include, to the extent it is known, the following information:

- Actual restoration time
- The call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available. (exempt from public disclosure)
- Any other information requested in the initial and second notifications that was previously unavailable or unverified such as general cause, or number of affected subscribers.

4.4 All Commercial Mobile Radio Service (CMRS) OC's providing voice service in the State of Vermont shall report to the 911 system provider and the Board any known WSO that lasts at least 30 minutes and limits or prevents the OC's subscribers in at least 50% of the OC's coverage area within a single ZIP code from completing calls to, or communicating with, 911.

Vermont Enhanced 911 Board

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

4.4.1 ~~CMRS providers shall make an initial notification as required under subsection 4.4 within one hour of discovery of the WSO; a second notification will be provided when there is additional information or updates to the initial report or at the request of the Board. within two hours of discovery, and shall provide additional updates as they become available, or at the request of the Board.~~

Commented [NB2]: See previous comment

4.4.2 The initial WSO notification shall include, to the extent that it is known, the following information:

- CMRS provider name
- Affected geographic area identified by ZIP code, town, county, or community name
- Brief description of the limitation of 911 calling capability
- Contact Name (presumed non-public)
- Contact Phone (presumed non-public)
- 24/7 contact if different from above contact (presumed non-public)

4.4.3 The second WSO notification shall further include, to the extent that it is known, the following information:

- Affected ZIP code and associated readily identifiable descriptive term that would enable validation of the ZIP code, such as the name of a town, county, community name, or similar term
- Approximate subscriber physical locations – including town or community name
- Approximate number of affected subscribers
- Date and time outage began
- Estimated date and time for restoration of service
- General cause (for example – fiber cut, equipment failure, or similar general description)
- Description of the limitation of 911 calling capability: (for example - subscribers are receiving dial-tone and can make calls to other local subscribers but cannot complete calls to 911).

4.4.4 A restoration of service report shall be provided to the 911 system provider and the Board within two hours of resolution of the outage and shall include, to the extent it is known, the following information:

- Actual restoration time
- The call back number(s) of any subscribers that attempted to reach 911, but were unable to do so, due to the outage, if available. (exempt from public disclosure)
- Any other information requested in the initial and second notification that was previously unavailable or unverified such as general cause, or number of affected subscribers.
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Vermont Enhanced 911 Board
Rule Governing Outage Reporting Requirements
for
Originating Carriers and Electric Power Companies

4.5 The Board may request additional details about the cause of an OCO or WSO and any mitigating steps taken to prevent future outages of a similar nature. All OCs shall work cooperatively with the Board to provide the level of detail needed to assist the Board in its assessment of an OCO or WSO and its impact on access to 911 for the affected subscribers.

5.0 Notification Requirements for Electric Power Companies

5.1 Electric power companies shall provide a detailed monthly report on all outages affecting 25 or more customers and lasting 8 or more hours to the Board by the 15th of each month.

5.1.1 Quarterly reporting may be allowed if, in the judgment of the Board, that frequency will allow for sufficient and timely information gathering.

5.2 The monthly reports will be provided in CSV, XML, Excel, or other importable dataset accepted by the Board, and will include, at a minimum:

- Date and time of outage
- Date/time of restoration of service
- Approximate number of affected customers
- Location of outage and approximate subscriber physical locations including identification of street or section of road, if available, and town or community name.
- Cause of the outage

6.0 Report Format

6.1 All reports required by this rule will be submitted in a format approved by the Board. Format changes will be communicated to the OCs and electric power companies and posted to the Board's website.

6.07.0 Confidentiality

6.17.1 Information submitted as required by subsections 4.3.1, 4.3.2, 4.3.3, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 is presumed to be public information unless otherwise noted in each section.

6.1.17.1.1 Submitters of information required by subsections 4.3.1, 4.3.2, 4.3.3, 4.4.1, 4.4.2, 4.4.3 and 4.4.4 will be notified of all public records requests for the information.

Commented [NB3]: This will allow us to move to an automated process for distribution of outage reports to stakeholders and for managing the data with fewer errors.

Vermont Enhanced 911 Board
Rule Governing Outage Reporting Requirements
for
Originating Carriers and Electric Power Companies

~~6.27.2~~ Submitters of information that may be required by Section 4.5 will be notified of all public records requests for the information and provided an opportunity to mark information they believe to be exempt from public disclosure under Vermont Public Records Law.

~~6.2.17.2.1~~ When requesting that material be considered exempt from disclosure, the submitter shall identify the specific information they request not be disclosed and provide an explanation of why the subsection of 1 V.S.A. §§315-320 upon which they rely applies. Such requests may be considered but are not binding on the Board in responding to public requests.

7.0 **Effective Date**

7.1 Mandatory outage reporting will begin as soon as originating carriers and electric power companies are technically capable of providing the information but no later than six months after adoption of the final rule.

8.0 **Enforcement**

8.1 Pursuant to 30 V.S.A. § 7061(a), the Enhanced 911 Board may file a civil action for injunctive relief in Washington County Superior Court to enforce this rule, and recover its costs and reasonable attorneys' fees in the event that the Board prevails in the action.

Commented [NB4]: Update numbering when complete.