

STATE OF VERMONT
ENHANCED 9-1-1 BOARD
Special Meeting #1
9 March 2020
Capitol Plaza Hotel
100 State St, Montpelier, VT
Room #338

9:04 AM – Call to Order

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

Board Members Present

Sheriff Roger Marcoux, Chair
Dale Porter
Brian Keefe (via conference bridge, arrived after roll call)
Chief Rick Garey
Jerome Pettinga
Kelly Kennedy (via conference bridge)
Chief Steven Locke (via conference bridge)

Staff Members Present

Barbara Neal, Executive Director
Soni Johnson, Board Clerk

Others Present

Roger Nishi, Waitsfield/Champlain Valley Telecom
Jonathan Wolff, Primmer Piper Eggleston & Cramer
Zach Tomanelli, VPIRG
Jonathan Gibson, Member of the Public (via conference bridge)
Stephen Whitaker, Member of the Public

Status of Proposed Rule 19P081 – Rule Governing Outage Reporting Requirements for Originating Carriers and Electric Power Companies

– Executive Director Neal provided an overview/summary of why/how this rule was developed and its current status as it progresses through the rulemaking process. She also detailed what the current notification requirements are and changes that the rule would make to those requirements. A copy of the proposed rule was provided to Board members and others present; a copy of this document can be found on the E911 Board website or is available from the E911 Board office on request. Executive Director Neal detailed public comments received as part of the rulemaking process, and Board staff response to those comments. The public comments (and Board response) are available on the E911 Board website or are available from the Board office by request.

The rule is on the agenda at the next LCAR meeting (scheduled for 3/19). Executive Director Neal detailed possible options for Board action:

1. The Board could withdraw the proposed rule (then reopen it, revise it and resubmit it).
2. The Board could let the proposed rule continue through the process, considering modifications to the language if LCAR raises any concerns/objections.

Stephen Whitaker Comments

- The Board didn't have enough input in creation of the rule.
- If rule is unapproved by LCAR, but still goes into effect, the Board opens itself up to liability.
- The rule needs to determine who owns battery back-up equipment purchased by customers.
- Rule should determine responsibility for carriers to monitor status of battery back-up systems.
- Report filing time requirements in the rule are too lax.
- Board should not allow carriers to redact particular information from outage notification reports.
- Outage reports aren't provided in a consistent format and the information provided in those reports differs by carrier.
- The proposed outage notification rule should be withdrawn, rewritten, and resubmitted.

Jonathan Gibson Comments

Mr. Gibson provided details of the 2018 power outage which caused Shrewsbury residents to lose phone service for two days. He also spoke of the written comments he sent to the board prior to the meeting. A copy of those comments is available from the E911 Board office on request.

Zach Tomanelli Comments

VPIRG is supportive of the proposed rule; though Mr. Whitaker & Mr. Gibson brought up valid concerns/points in their comments.

Roger Nishi Comments

Mr. Nishi spoke of the current requirements for telephone companies (they must let customers know of their options for battery back-up). Battery back-up monitoring should not be included in the proposed rule.

Board Discussion

- What is the Board's obligation concerning the rule timeline – can the rule be withdrawn? Legal counsel should be asked – the Board needs to make sure that it meets the legal requirements set forth in Act 79.
- Whatever action LCAR takes, the Board should meet again and vote whether or not to adopt the rule, taking into consideration any comments/objections submitted by LCAR.
- Can a rule be amended after it is adopted? If the proposed rule is adopted, amendments could be made based on the information gathered from the new notification requirements.
- Perhaps the Board should create a subcommittee to further define the issues and possible solutions concerning battery back-up.
- Are telephone companies able to mandate that customers purchase battery back-ups?
- Do telephone companies have the capability of monitoring battery back-up systems purchased and installed by customers?
- Should telephone companies be required to monitor equipment that is outside their operational control?
- If battery back-ups are not required by law, can the Board dictate that monitoring of those systems be required.
- PUC workshop last year did determine that carriers were meeting the FCC requirements concerning battery back-up options.
- What are other states doing concerning this issue? Executive Director Neal should contact states similar to VT in population/geography for information.

Stephen Whitaker Comments

- PUC workshop on battery back-up was limited in scope to non-line powered residential customers only.
- Board should withdraw the rule and ask the legislature to amend Act 79.

Executive Director Neal Recommendation

Executive Director Neal recommended to the Board that they allow the proposed rule to continue through the rule-making process. The Board will have the opportunity to address any comments or concerns raised by LCAR.

Jonathan Gibson Comments

- If LCAR has concerns/objections and wants the Board to address them, does it “stop the clock” on the rulemaking timeline? Can extensions be requested to the deadlines built into the rulemaking process?
- Customers should not be required to purchase battery back-up systems.
- The Board should require companies to report, and have the capacity to report, whether the people they serve are able to make 911 calls.

Motion

Jerome Pettinga moved that the Board should allow the rule to continue through the rulemaking process, as it was submitted, and wait for LCAR to submit any questions/concerns; 2nd by Dale Porter.

Discussion: Board members discussed having a sub-committee look into issues raised in public comment, asking for an extension from LCAR to further consider changes to the proposed rule, continuing to work with the legislature on clarifying their intent in requiring this rule, PUC workshops/investigations and their possible impact on the rule.

There being no further discussion the motion was put to a vote.

Vote: The motion (as originally stated) passed unanimously by voice vote (votes by Board members attending the meeting by phone were taken by roll call, with Chief Locke abstaining).

Discussion Related to S.124 and the Board’s Potential Role in Regional Dispatch Planning – Executive Director Neal provided an overview of part of S.124; section 17 includes a requirement that the Department of Public Safety be prohibited from taking 911 calls. It is likely that this section will be amended to remove that requirement. Legislative committee discussion has also suggested possible E911 Board oversight of grant administration concerning regional dispatch planning & giving the E911 Board rulemaking authority about regional dispatch requirements.

Board Discussion

- The USF is not set up for grant/dispatch funding.
- Resources would need to be allocated to increase E911 Board staffing.
- Call-taking and dispatching are separate functions and are paid for in different ways.
- If the legislature continues with the plan to attach E911 to DPS, then DPS should be included in any plans for the Board to oversee regional dispatch planning.
- What authority would the Board have to tell municipalities how to arrange/run their dispatch centers?
- More information is needed to determine legislative intent.

Next steps: Executive Director Neal will follow-up with the committee for more specific details concerning E911 oversight of regional dispatch planning; what is their intent and how would it be funded. The Board will review the information provided before making any recommendations.

Public Comment

- Stephen Whitaker offered comments concerning:
 - Regional dispatch planning has been “haphazard” and there is a need for rulemaking authority.
 - USF might be able to be expanded to include charging providers of broadband services.
 - Meeting held with the Governor and staff (they discussed the 10-year telecommunications plan, and Mr. Whitaker’s recommendation that the E911 Board not be dissolved and administrative functions attached to the Department of Public Safety).
 - The E911 Board should look into merging with other technical oversight/governance boards.

New Business

Coronavirus

- Executive Director Neal has been asked to participate in the Governor’s task force on COVID-19.
- E911 Board staff are working with the VT Dept. of Health to make sure that the EMD call-taking protocols are updated as the situation evolves.
- E911 Board staff are performing a daily QA/QC of 911 EMD calls.
- Executive Director Neal will be meeting with PSAP Administrators and support staff to discuss their COOP plans and what they might need from the Board.
- E911 Board staff are fine-tuning the board’s COOP plan to more adequately address issues relating to COVID-19.

IVV RFP Update

- No responses to the IVV RFP were submitted by the 3/2/20 deadline.
- Executive Director and E911 Board staff are working with legal counsel and BGS Purchasing & Contracting to determine next steps/options.

Next Meeting Date & Adjournment

A special meeting was scheduled for Friday, 3/20/20 @ 10 AM.

Motion: There being no further business, Chief Garey 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 11:04 AM.

Respectfully submitted:

Soni Johnson

Soni Johnson, Board Clerk

3/18/20

Date