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From: Jonathan Gibson <jgibson@vermontel.net>
Sent: Friday, May 15, 2020 2:29 PM
To: Ann Cummings <ACUMMING@leg.state.vt.us>
Cc: Faith Brown <FBrown@leg.state.vt.us>
Subject: [External] S.301 amendment

[External]

Senator Cummings and Finance Committee members:

I will not "attend" the live stream of session today on S.301, but I again would like to register a brief comment. I just want to express my support Sen. Hooker's effort to incorporate her proposed revision into the Committee's amendment in a way that combines her language with the wording proposed by Sen. Brock and the Committee such that only equipment "owned and controlled solely" by the provider is covered. It is very important that the "equipment on subscriber's premises which provides network connectivity" (network interface devices, optical network terminals, etc.) be explicitly covered by the statute and rulemaking.

Act 79 calls for the Board to adopt a rule to learn of system outages "in a timely manner." Two questions the Committee may wish to consider:

The Legislature can of course establish deadlines for a rule to be in place or for compliance with a rule to take effect, but doesn't the existing statute give the Board discretion to specify when reporting requirements for various categories of carriers and types of reports go into effect?

If the Finance Committee amendment, as finally enacted by Senate and then House, revises Sec. 25, does this mean the Board starts all over with the lengthy APA rulemaking process, or does it simply give the Board additional clarification and guidance as the Board continues with its existing rulemaking process that will lead to adoption in August of the rule already approved by LCAR pending revision of two provisions?

Best wishes as you consider your discussion on this topic and your other very important work.

Jonathan Gibson
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