

Vermont Community Broadband Board
Accountability Policy
Consumer Protection Standards

1. Purpose: Pursuant to Act 71, the Board is mandated to prioritize grant proposals that “provide broadband service that complies with the consumer protection and net neutrality standards established in 3 V.S.A. § 348.”¹ The Board is also mandated to support policies that ensure that grant funds are used to deliver reliable, high-quality broadband consistent with Vermont law. The VCBB hereby establishes minimum consumer protection and quality assurance policies for all Grantees.

2. Consumer Protection Standards Policy:

- (a) The VCBB hereby incorporates the net neutrality and consumer protection standards adopted by the General Assembly in response to the Federal Communications Commission’s (“FCC”) repeal of the federal net neutrality rule (“Consumer Protection Standards” or “Standards”).² These Standards apply to all Grantees.³
- (b) All grantees must provide written summaries demonstrating how the grantee and any implementing partners with which the grantee may contract will comply with the Standards in 3 V.S.A. §348, incorporated herein, as it may be amended, and described below, which prohibit Grantees from engaging in any of the following practices in Vermont:
 - (A) “Blocking lawful content, applications, services, or nonharmful devices, subject to reasonable network management.
 - (B) Impairing or degrading lawful Internet traffic on the basis of Internet content, application, or service or the use of a nonharmful device, subject to reasonable network management.
 - (C) Engaging in paid prioritization unless” waived pursuant to 3 V.S.A. §348 (c)
 - (D) “Unreasonably interfering with or unreasonably disadvantaging either a customer’s ability to select, access, and use broadband Internet access service or lawful Internet content, applications, services, or devices of the customer’s choice or an edge provider’s ability to make lawful content, applications, services, or devices available to a customer. Reasonable network management shall not be considered a violation of this prohibition.

¹ 30 V.S.A. § 8086(b)(3),

² 3 V.S.A. § 348.

³ Compliance with these standards is currently required in both the Grant Application and Attachment A of the Construction Grant Agreement (requiring speeds of at least 100/100 Mbps complying with the Standards for a period of at least five (5) years from the date of award. Additionally, the following documents incorporate additional consumer protection standards in the existing Grant Agreements of SoVT, Lamoille FiberNet, CVFiber and ECFiber: Schedule C, Schedule D, Schedule D and Open Internet Transparency Policy, respectively.

(E) Engaging in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content to its customers.”

(F) Grantees must ensure that consumers are provided with accurate information concerning the “network management practices, performance and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.”⁴

(c) Grantees may obtain or require their contracted ISPs to obtain a certificate of net neutrality from the Secretary of Administration and provide a copy of such certificate to the VCBB. Alternatively, in the absence of certification by the Secretary of Administration, Grantees shall submit a Proposed Certification that documents that the ISP manages its network in compliance with the Standards to the VCBB. The approval of the Proposed Certification will require Board approval.

(d) **Quality Assurance Plan.** This policy further requires grantees develop a plan that describes how the Grantee will provide universal access to reliable, high-quality, affordable, and fixed broadband. More specifically each Grantee must identify in its grant application, grant agreement or grant amendment, how it and any implementing partners it may contract with will follow best practices in internet service and report on how the implementing partner will:

- Assure and measure network reliability;
- Assure and measure high quality customer service;
- Provide consumer complaint procedures;
- Assure customers are getting what they are paying for;
- Assure the network is maintained to general industry standards to meet customer demands for speed and reliability over time;
- Perform, carry out, and measure speed testing.
- Meet standard customer service requirements and related best practices including outage response, call taking, bill questions, consumer protections, response to customer inquiries, etc.
- Address consumer complaints through industry-standard procedures.

3. Reporting. Grant agreements may require annual reporting of Grantee performance under its Quality Assurance Plan with respect to network reliability and service quality. VCBB may consolidate performance reports in its annual report to the legislature.

4. Limitations. This policy applies only to the extent the grant contract lacks written terms addressing failure to comply with grant conditions. This policy will be subordinate to all attachments incorporating conditions by reference.

⁴ 3 V.S.A. §348(b) (1) (A-E) and (b)(2).

