

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 This policy is intended to ensure that the grant funding administered by the VCBB provides Vermonters with access to broadband services which deliver an open and high-quality Internet.²
2. **Consumer Protection Standards Policy:**
 - a. The VCBB hereby incorporates the consumer protection standards adopted by the General Assembly in response to the Federal Communications Commission’s (“FCC”) repeal of the federal net neutrality rules. These standards apply to grantees, whether or not the grantee is an Internet service provider (“ISPs”) or is contracting with an ISP.
 - b. Grantees are prohibited 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.
 - (E) Engaging in deceptive or misleading marketing practices that misrepresent the treatment of Internet traffic or content to its customers.³
 - c. Grantees must ensure that consumers are provided with accurate information concerning the “network management practices, performance and commercial terms” of the provided broadband services so that consumers can make informed choices with respect to the use of the services.⁴
 - d. Grantees must obtain a certificate of net neutrality from the Secretary of Administration and provide a copy of such certificate to the VCBB.⁵

¹ 30 V.S.A. §8086(b)(3).

² 3 V.S.A. §348, Legislative Findings (1), (10).

³ See 3 V.S.A. §348 (b)(1) (A-E).

⁴ 3 V.S.A. §348 (b)(2).

⁵ 3 V.S.A. §348 (a).

- e. Grantees must document their process for ensuring that the broadband services financed under the grant agreement will insure the following indices of reliable, high-quality, affordable fixed broadband:
- i. Reliable service at the specified download and upload speeds, including Ookla or other similar speed testing to ensure service at the advertised speeds;
 - ii. Open access to a free Internet where all lawful content, application or service is available at the same level to all consumers;
 - iii. Meet appropriate customer protection practices for essential broadband services, including with respect to outage response, call taking, bill questions, consumer protections, response to customer inquiries, and other indicia of consumer protection. *See, e.g., Consumer Bill of Rights and Consumer Protection Standards established in Vermont Public Service Board Order in Docket No. 5903, Investigation into Service Quality Standards, Privacy Protections and other Consumer Safeguards for Retail Telecommunications Service, dated July 2, 1999; and*
 - iv. Timely upgrades to network infrastructure and/or technology.