STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

IN RE: THE 2014 VERMONT
TELECOMMUNICATIONS PLAN

PUBLIC HEARING

held before the Vermont Department of Public Service at Hampton Inn, 1378 Putney Rd., Brattleboro, Vermont.

Lisa Hindes-Moody, Court Reporter

PRESENT:

Vermont Department of Public Service:

James Porter, Esq., Director of Telecom
Clay Purvis

O'BRIEN REPORTING SERVICES, INC.
223 KILLINGTON AVENUE
RUTLAND, VERMONT 05701
TEL: (802) 747-0199
MR. PURVIS: All right. I think we'll get started. Hello, welcome and thank you for coming tonight. This is the second hearing put on by the Department of Public Service in regard to our public comments draft of our Telecom Plan. Tonight we'll just have you come and speak. Anyone who wants to speak, just come up to the front here in this chair and sit down.

We won't be giving a presentation per se today, but we welcome your comments, and if you'd like to say something, please let us know.

Charlie, would you like to start?

MR. LARKIN: May as well.

MR. PURVIS: All right. Thank you, Charlie. I should also introduce ourselves. My name is Clay Purvis. This is Jim Porter. We both work for the Department of Public Service in the Telecom Division.

MS. PETERS: What's your name again?

MR. PURVIS: It's Clay Purvis, P-U-R-V-I-S.

MR. LARKIN: Ready?
MR. PURVIS: We are ready.

MR. LARKIN: My name is Charles Larkin. I'm a former Department of Public Service Telecom Engineer, 30-plus years, and my theme is public efficacy role of the department as stressed in the 10-year plan.

There's a pole attachments complaint resolution and rule making of 2011 --

MR. PURVIS: Charlie, let me interrupt. I apologize. Steve, why don't you turn off the air for me.

MR. WICKER: All right.

MR. PURVIS: All right. Thank you.

MR. LARKIN: Okay.

Mr. PURVIS: Sorry, continue.

MR. LARKIN: No, it's a good reason to stop. There was a 2011 statute requiring the Department of Public Service Board to do some pole attachments complaint resolution and rule making. They never did it. The question would arise in my mind, a public advocate would say, there are problems with -- compared to some potential comparatives getting on incumbent networks,
and they're havinggrave difficulties. They've even stated in some of their reports to their grantees/grantors, whoever gives them the money, that they were having trouble getting their services up and running because of delays.

I just wonder: One, why the DPS doesn't request a rule-making case be instituted over their Public Service Board on this issue of what happened to the complaint resolution rule making. The subject of these complaints and potential action by the department to help resolve them, other than talking about their good offers; their good works, their good efforts, just means that the subject is really not in the plan.

The fiber construction, well, I have some pictures, that I don't know what we're going to do, but the idea is to show you that at the bottom of poles fiber is being taken off of the pole open to the world, going into the ground open to the world.

I remember back in the -- my days at the department we requested this kind of work be corrected, because we feared just some angry
consumer who didn't like that particular
cOMPany, or any company not knowing who this
was, or some real saboteur with a pair of
clips that would go down there and there goes
some service. If it's only to one customer,
that's some service that was part of the open
SONET ring, well, at least they got the
protection of the reverse direction from the
ring. But this is North Burlington on Shore
Road just recently, get a better idea of how
it is broken with -- apparently, looks like it
is a high-voltage line in there. This is the
same place, three different views of it.

(IIndicating on photo.)

I would suggest that these are not really
in compliance with the National Electric
Safety Code. I think the Board has a ruling
on that issue for construction by companies,
and I would think that you could do something
about that in two ways as a public advocate:
You could on some kind of form or forms ask
the public to inform you by picture or E-mail
location of such types of construction.
Though that sounds pretty silly, what's the
public know? There are always a few people in
the public who know a lot and who would
delight in telling you what they know.

So, you could find these areas, check them
out yourself, or you could have a very
infrequent, very random inspection of certain
areas finding such construction improprieties,
take photographs; locate them; send a letter
to the offending company requesting compliance
with the code; give them a timeline; if they
don't do it, tell them what you're going to do
which would probably be requesting a hearing
with the board, I imagine.

Those would be two ways in which you could
have a better public efficacy role. Again,
this is an area that is not really mentioned
in the plan. I thank you for your time.

Oh, I'm sorry, this particular
construction, it makes me wonder is -- two
large old railroad ties, whatever they are --
part of the code for construction. I kind of
doubt it. And is having either four or five
separate fibers on the same two poles with the
company not being -- you don't see it here but
they have several cases where they have two
poles side by side and part of the multiple
fibers are on one pole and part are on the
others, if that's part of the code, and if it
is, that's wonderful, but I don't think it is.
And I would recommend that be part of what you
would try to determine by way of random
inspections and requesting help from the
knowledgeable public. (Indicating on photo.)

MR. PORTER: Do you have the
address for the first pictures that you
showed?

MR. PURVIS: Yeah, these aren't
labeled.

MR. LARKIN: These were up on
the --

MR. PORTER: No, I'm sorry. I
mean those. (Indicating.)

MR. LARKIN: Yeah, those were up
on Pearl Street if I remember correctly.

MR. WICKER: No, Shore Road on
that one.

MR. LARKIN: That one is Shore
Road, the one that -- the first one. Turn it
over.

MR. PURVIS: This one?

MR. WICKER: There is a pole
number on one of them.

MR. LARKIN: There is a pole number on the one I'm thinking of.

MR. WICKER: There we go.

MR. PURVIS: Yep, this one right here. All right.

MR. LARKIN: Yeah, pole number 20 for Verizon and 03213, I assume that's the power company, and CPHASE, I don't know what that is, probably one of them fiber companies.

MR. PORTER: Did you get the street?

MR. PURVIS: You said Shore Road?

MR. LARKIN: Yes. All right.

MR. PURVIS: Thank you.

MR. PORTER: Thank you.

MR. LARKIN: Thank you for your time.

MR. PURVIS: Are you giving us those or are you keeping those?

MR. WICKER: You can give them away.

MR. PURVIS: Thank you. We would like to hear from anyone else.

MS. KENNEY: My name is Beverly
Kenny, and I am owner of the Brattleboro North KOA Campground, 123 U.S. Route 5 in East Dummerston. And my concern is for the tourism industry in Vermont which is a very healthy part of our annual budget, I'm sure. Specifically, cell phone coverage for people who visit the state.

It's very frustrating for people to come, say, to my campground and they have good Verizon, AT&T plans and they cannot get any coverage at my campground. And it is a shame because I'm three miles from the Brattleboro border along the U.S. route, and they can't pick up coverage.

So, I think for that reason in particular, you know, we need better coverage across the state. U.S. Cellular works well, that's what I have as a cell phone service, but nothing else really, really suffices, and it is very frustrating for people who travel whether they be full time RVers or just a family on vacation. They need to stay in contact with their family, and sometimes they can't do that. So, thank you.

MR. PURVIS: Thank you very much.
Ma'am, would you like to speak?

MS. BECKER: My name is Gretchen Becker. I live in Halifax, and it is one of the towns that is in red on your list, and I think somebody in the article I read said that you are planning on doing this, but I wanted to reiterate that it is important. In my town a lot of the people still have dial-up and that's the only option they have. And I'd like you to put your efforts toward getting everybody with basic internet service before you get Burlington this 100 megabits per second, you know, because it is very frustrating when we hear people with these fabulous things and most of our citizens have dial-up. Okay. That's all.

MR. PORTER: I wanted to tell you both afterwards, we are happy to answer any questions you may have, tell you a little bit about Cellular. Actually, if you can give us your address, we can tell you -- or we can't. We have someone that works with us who can tell you what solution is in place for your address that might be coming.

MS. BECKER: Actually, I
personally have DSL, but I'm on the Broadband Committee for my town, and I think it's important to get everybody else up to speed.

MR. PORTER: Oh, no, absolutely, absolutely, but I'd happily talk to you about some of the projects that they -- may be coming down.

MS. BECKER: Okay. Okay.

MR. PURVIS: Thank you. And would you like to speak?

MS. PETERS: I'm a member of the press but thank you.

MR. PURVIS: Okay.

MR. LARKIN: You can still speak.

MR. PURVIS: Anyone else?

MR. PORTER: You can still speak.

You can say --

MS. PETERS: Actually, I can make -- I will come to think of it.

MR. WICKER: The press needs broadband.

MS. PETERS: Yes. Hi, my name is Olga Peters. I'm a reporter for The Commons. We're a weekly newspaper serving Windham County. And just to kind of let you know what
the status of broadband and cell service means for us now is, we still have a print edition of the paper because so many of our readers can't get good enough service to download or read newspapers on-line. So, that's one thing we have done.

For cell service there's a number of breaking news that we'd like to cover, but because I can't call stories back to the office, that will delay things going on the meager website we do have.

So, that's just some of the ways that we're being impacted now if that helps.

MR. PORTER: And I'd be happy to talk to actually both of you, you seem to have the same issue, afterwards.

MR. PURVIS: Would anyone else like to speak?

MR. WICKER: Well, I will take a minute if we are going to conclude in 20 minutes. I got a couple more pictures for you. I'll be right there.

MR. PURVIS: Take your time.

MR. WICKER: I'm Stephen Wicker, for the record, from Montpelier. I would like
to elaborate further on the issue of the
infrastructure inventory descriptions; maps,
etcetera, in that I've made prior testimony
about the need for the public or any
businessperson or residence in need of
services: Voice; data; broadband, whatever,
to know what's available nearby from which
venders.

The 202, the planning authority, I realize
the language, the proprietary language that's
in the modifications to 2222 for the action
plan -- the action plan for broadband needs to
be part of your ten-year telecommunications
plan. If they -- I don't think you're going
to finish your telecom plan by December. It
gives Kiersten time to put her plan together
but in effect, it creates ambiguity, confusion
and finger pointing of who's supposed to do
what, but whatever would be in an action plan
for broadband is what, in my opinion, needs to
be in the Department of Public Service 10-year
telecommunications plan.

Secondly, the proprietary cover for
voluntarily submitted information on where
your fiber is; where your DSLAMs are,
etcetera, under 2222 does not apply under 202(d). 202(d) specifically says that the department may require information to be submitted under the supervision of the Public Service Board. That is clean, it's elegant, it is authoritative, and it is appropriate venue. The Public Service Board is well equipped to untangle what needs to be protected under proprietary cover for trade secrets and what does not.

So you have the authority and the obligation to do a complete inventory of where the fiber is and where the equipment is. You don't need to rely on -- and you are not bound by the more restrictive optional submission by vendors under the modifications to 2222, 3 V.S.A. 2222. So, I thought I would call that realization. May be a little late, but I'm not the only one.

Here's a -- I would like to submit this photo of -- when the argument is made that we can't -- it's difficult to afford to built out to the rural areas of Vermont, it should be a little obvious why that becomes difficult because --
MR. PURVIS: Stephen, why don't you label your photographs before you give them to us.

MR. WICKER: Label them for what?

MR. LARKIN: Where they are.

MR. PURVIS: Just where they are.

MR. WICKER: I can tell you where they are. It will be in the transcript.

MR. PURVIS: Okay.

MR. WICKER: The first photograph submitted by this -- I'm not prepared with circles and arrows and a paragraph on the back of each one tonight to quote Arlo Guthrie.

Secondly --

MR. LARKIN: You didn't tell where it was, Steve.

MR. WICKER: This is the road between Burlington and Winooski.

MR. PURVIS: The road between Burlington and Winooski.

MR. WICKER: Yeah. The name of the road escapes me, but it runs right between the UVM campus and the old Trinity College campus.

MR. LARKIN: Is that Pearl?
MR. WICKER: I don't know the name of it. The main road from downtown Burlington to Winooski, and this is right where the state health lab is. And if you look, you can see four or five distinct strands of telecommunications carriers there. And if you go and count them up close, which you can do with zooming tools on these photos, there is about five different strands of fiber, five sheaths of fibers on Comcast's or on the Coaxial carriers, the television franchise carrier's strand, and then there's probably a Level 3 ring; there is probably a SoverNet ring; there is a FairPoint ring. I mean, you've got maybe a dozen different fiber sheaths on that same route and each of those fibers probably -- each of those sheaths probably has 72 or more fibers in it.

So, this is why -- this is the waste and overbuild which is directly connected to whether open access needs to be required and whether we need to push for reducing the overbuilds or eliminating the overbuilds and get the fiber out to the rural areas if you are going to meet the 2020 for goal of
symmetric 100-megabit plus.

FirstLight, I believe subject to check, that it is the new version of what Telejet was, and Telejet, I believe, provides their services over the prior hyperion ring which became part of Level 3's network, but they're offering 100-gigabit connectivity fiber with colocation and redundant, diverse-routed internet connections up to 10 gigabit.

This is in Vermont. This is in Burlington. This is the infrastructure that we have available. Now, this, I want back but you can find it.

MR. PURVIS: Okay.

MR. WICKER: My point is, this is what needs to be in the plan, exploration of these services and these vendors and whatever geographic reach is. Of course all of them will say, we don't want to tell you where our geographic reach is, because if you point us to a customer, we'll build to them, okay?

And one of the most difficult challenges of what Charlie likes to call ONA-2 which will be not unbundling FairPoint, Verizon's network but unbundling the rest of it for open access
will be, how do you -- if, say, a competitive local exchange carrier says they want to -- some fiber from FairPoint or Comcast from this location to that location. The location identifies the customer. How do you prevent the incumbent from then taking that information and going and offering them a sweeter deal?

Leave that to the board, but my point is, that's one of the downsides to competitors identifying where their next customers are. That's sufficient for tonight. I just prepared on one topic, a very narrow one.

MR. PURVIS: All right. Thank you very much, Steve. Would anyone else like to speak again?

(No response.)

MR. PURVIS: I think it's safe to say we can conclude our hearing for tonight. Thank you very much for coming out. We're going to take your comments under consideration when we develop the final plan.

We'll be having three more hearings, two this week: Tomorrow is Barre at Alumni Hall; Thursday is at the Hampton Inn in Rutland and
then the following Thursday, I believe,
September 4th, is at the Catamount Arts Center
in St. Johnsbury. This Thursday during the
day there is also a hearing at the
legislature. Do you know what room that is
in?

    MR. PORTER: 11.

    MR. PURVIS: Room 11 in
Montpelier. All right. Thank you.

(HEARING WAS CONCLUDED AT 7:24
P.M.)
CERTIFICATE

I, Lisa M. Hindes-Moody, Court Reporter and Notary Public, do hereby certify that the foregoing pages, numbered 1 through 20, inclusive, are a true and accurate transcription of my stenographic notes of the Hearing taken before me on August 26, 2014.

Commission Expires: 2/10/15
STATE OF VERMONT
DEPARTMENT OF PUBLIC SERVICE

IN RE: THE 2014 VERMONT TELECOMMUNICATIONS PLAN

August 25, 2014
7 p.m.
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1068 Williston Road
Burlington, Vermont

Public Hearing held before the Vermont Department of Public Service, at the Holiday Inn, Oak Room, 1068 Williston Road, Burlington, Vermont, on August 25, 2014, beginning at 7 p.m.

PRESENT

Vt. Department of Public Service:

James Porter, Esq., Director of Telecom
Clay Purvis
Kiersten Bourgeois

CAPITOL COURT REPORTERS, INC.
P.O. BOX 329
BURLINGTON, VERMONT 05402-0329
(802) 863-6067
(802) 879-4736 (Fax)
EMAIL: info@capitolcourtreporters.com
SPEAKERS

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MR. PORTER: Why don't we go ahead and get started. First off, thank you all for coming tonight. My name is Jim Porter. I'm with the Department of Public Service. With me is Clay Purvis, who is also with the Department; and Kiersten Bourgeois who is with Connect Vermont and ACCD.

This is our first public hearing, the 2014 public comments draft of the Telecommunications Plan. We have three more hearings this week. One in, let's see, Rutland, one in Brattleboro, and one in Barre. And then we have one in St. Johnsbury next week, and then we have a legislative hearing on Thursday morning.

And I think most of you know there is a draft published on our Web site. We have also got hard copies here if anybody would like one. And we are just here to listen to your comments about the draft plan.

We have got a court reporter with us tonight. And so we will have a transcript of everything that you say. And typically we would do a sign-up list, but based on the crowd, I would just say come on up when and
if you're ready to say something.

MS. NULTY: Just I wanted to clarify the process. On the web site -- my name is Leslie Nulty, N-U-L-T-Y. I'm here in a personal capacity, but I worked for six years as the project coordinator for EC Fiber in Windsor and Orange counties. I graduated from there in January.

On your Web site it says that comments should be sent via E-mail. I brought copies here. I don't know what you would prefer.

MR. PURVIS: We will take comments in any way you would like to give them.

MR. PORTER: Right.

MS. NULTY: Okay. Well I'll give you a couple of -- so I have some detailed comments --

MR. PURVIS: Thank you.

MS. NULTY: -- which I hope you will be able to look at. I didn't want to take a lot of time. I didn't know how many people would be here. So I thought I would just go through some of the highlights, and then go to my conclusion which has some alternative suggestions.
I found -- I think you've probably already heard, because I've seen it in the press, that the hundred megabits symmetrical vision is something everybody thinks is great, but it's not much more than a wish at the moment. That's how it appears. But when we look at the nearer-term proposals and standards and fundamentals in this plan, there is a lot within it that I found to be extremely disturbing from a public policy perspective and from the assessment of Vermont's current needs, let alone its future needs.

With that introduction, I would like to hit on just a couple of selected highlights which do not in any way fully represent my full comments. I did also want to add that another very disturbing thing about this draft is many, many statements of so-called fact that are in fact completely false and erroneous. And I really feel that that needs to be cleaned up before any final version is issued.

So to my specific observations. I would have hoped that the plan would have
reiterated and strengthened Vermont's previous and current telecom policies. These include support and advocacy for open access telecom networks, for net neutrality, for public access cable channels, and municipal or other grassroots enterprises to fill the gaps left by the private for-profit sector. These have all been embodied in various pieces of legislation, in drafts of grant RFPs and so on. But instead this plan questions and undermines these bedrock policies, and it raises vague and non-defined concerns.

And I offer by way of summary just one example. There are more in my detailed comments. The document alleges that open access is not adequately defined. I'll give you a page reference, yet open access is a condition adhered to under multi-million dollar grant awards made to Vermont companies by the federal government and by the VTA. FairPoint and Sovernet today operate open access telecom transport networks. So there is nothing mysterious about the notion of open access.
In my judgment the plan could have provided a specific road map to meeting Vermont's telecom needs by using already authorized bond authority to create a bond funded revolving loan fund to help finance telecom development in less well-served high cost areas. But rather this plan is completely silent as to how to meet the financing challenge, except for in my judgment, ill-advised advocacy of continued grant funding.

The plan could have recognized the pressing need for robust bandwidth and reliability as identified in the 2012 survey. Such capacity is needed today by Vermont's rural health care system, by small schools seeking access to greater educational resources, by Vermont's creative economy and burgeoning telecom sectors.

Instead this plan sets standards for the definition of quote, broadband, that are so low as to be dysfunctional today for any serious business, educational or other economic development applications vital to the health of Vermont's economy.
I would be happy to give you some personal examples, just happened today as someone who is living with poor DSL that cannot be improved, and in Chittenden County, not in a remote area.

This plan could have supported increased competition in Vermont's telecom sector by advocating retracting current anti-competitive legislation and regulation and by encouraging diversity in telecom enterprise structures. Instead, this plan is silent on the need for legislative reforms and highly selective in its choice of regulatory reform options.

Again, one example. There is no mention of the difficulties the Department itself has had in enforcing current pole attachment regulations, which delay deployment by and increase the cost of infrastructure for new competitors seeking to enter the market.

These are just a few of many detailed concerns that I have in my full comments. And I would be happy to explore some of those with you given that we have a rather small crowd tonight. I offer some
alternative ways of looking to the future. Let's think about what technologies are really needed to reach 100 megabits per second symmetrical service by 2024 as you state in your vision. And if I may say parenthetically, there is a lot of emphasis in this paper about speed. For modern telecom, speed is not a sufficient criteria. You also have to look at jitter, latency and reliability. And when you look at all of these including the speed, there is only one technological solution that addresses all those needs, and that is fiber to the user.

The state needs to make a commitment to fiber to the user rather than relying on technologies that cannot deliver the connectivity that this plan says it wants to achieve. The fact of the matter is, neither 4G LTE, nor DSL nor even cable modem today can deliver one hundred megabits symmetrical. And it's the upload band width and latency and jitter that are what the Vermont economy needs. That's what a vibrant health care -- rural health care system needs. That's what an educational
system, rural educational system needs.

That's what members of the creative economy who need to reach a wider market, that's what they need. And the other technologies cannot deliver that.

So what's the cost of deploying fiber to the user in Vermont's rural areas?

Incumbent for-profit dividend-paying companies have publicly stated in testimony to the legislature that it costs 65 thousand dollars per mile and up. EC Fiber has actually deployed fiber to the user at $30,000 per mile, including customer connections for an average of six customers per mile. EC Fiber has deployed in one of the most rural, sparsely-populated areas of Vermont at $30,000 a mile successfully. In those areas where EC Fiber was able to use the VTA-built Orange County fiber connector the cost was reduced by about 25 percent to around 23,000 a mile.

Those savings could have been even greater actually if the VTA had chosen a more optimal route. But in the event it was still a boon to EC Fiber's goals.
The Vermont Telecom Authority's
deployment of the Orange County fiber
connector which made available fiberoptic
capacity owned by the state but leased to
others for connection to final customers is
a proven model of a public-private
partnership that can be replicated in other
areas. A credible telecom plan should
examine this model and the opportunities for
using it to achieve the fiber deployment
anticipated in your vision.

Very little mention is made of this as a
potential model. It's hidden from view.
Other than the LCFC all the State of
Vermont's financial supports to telecom
deployment has been in the form of grants
which you advocate in this draft. This --
by putting all your eggs in the grant basket
you forego the potential leverage to be
gained from a revolving loan fund that could
finance a great deal more infrastructure
than grants alone. To our mind that's a
poor use of scarce public money. We would
recommend that the Vermont connectivity fund
be structured as a revolving loan fund
rather than as a pool for grants as you've recommended.

Those are my summary comments. More detail within.

MR. PORTER: Thank you.

MR. PURVIS: Is that all you want to say or do you want to --

MS. NULTY: Well I can go through the whole thing if you really want to hear it all.

MR. PURVIS: It's up to you.

MS. NULTY: If you give me permission, I'll be happy to talk about that.

MR. PURVIS: Absolutely. Go ahead.

MS. NULTY: Thank you. I'm most grateful. The first thing that I looked at in -- the first thing I wanted to say is that Vermont is the most rural state in the U.S. as measured by the proportion of population that lives outside of metro areas. That's something that's not going to change. That is just a fact of life. And it is a fact of life that all forms of telecom deployment are costly to deploy in low-density areas. And Vermont has the
fewest high-density areas of any state in New England or the U.S. as a whole. That's a fact of life that's not going to change. So when incumbent companies come in and complain about the high cost of doing business in Vermont, you have to recognize that there is not a lot you can do about that. And that they have a certain pool of capital, these multi-state enterprises, and there's been we should say different behavior between Vermont-based companies and those that are multi-state companies. Multi-state company has a pool of capital that it can deploy anywhere in the U.S. And it's -- in going through its priority list Vermont is going to rank relatively low.

In my judgment, if we spend our time trying to bribe or subsidize those kinds of companies we will simply be chasing our tail. We should be looking to homegrown solutions. And that's just going to be a fact of life.

The next thing that I address is the specifics of getting an accurate picture of the status quo. This draft plan advocates a
standard for the division of connectivity as four megabits down, one megabit up now, and 10 down, one up in 2017.

As I said earlier, it's the upload band width that is critical for Vermont's economic development for it to become anything other than a complete backwater. And to the extent that a plan hangs its hat on this kind of standard, Vermont in my judgment, is simply going to fall further and further behind our near neighbors, the rest of the country, and the world. And in fact, if you look at the results of your 2012 survey, because I didn't have the 2014 available to me at the time, the same percentage of respondents that replied that upload -- that download was most important to them, comparable percentage of respondents said that upload was most important. You must pay attention to this. And you must pay attention to the other characteristics of connectivity: latency and jitter and reliability.

The plan also proceeds from the notion that from a consumer's point of view the
Vermont telecom market is competitive. That is not the case. Outside town centers most Vermonters have access only to poor quality and expensive satellite service, and perhaps one other provider. The state has put a lot of reliance on the success of VTel's WOW deployment, wireless open world. Unfortunately that technology, 4G LTE, is being rejected across the country as inadequate to today's broadband needs. You yourself cited the experience in Long Island after Hurricane Sandy when Verizon tried to worm out; Verizon's landline -- existing landline network was destroyed. It wanted to bring in 4G LTE. Everybody rose up screaming, and they had to back down and deploy fiber, because consumers know that that is the solution. That's the solution for today, not for 10 years from now.

And you know, there is going to come a point when if the state persists in relying on what consumers know is an inadequate infrastructure, they will make their voices heard. And I would think that would be something that the administration would
really want to avoid. You proceed -- the plan proceeds from a statement that 20 megabits broadband service is quote, available at most locations in 2013, that that goal was achieved. I don't know what your factual basis is for that. I can tell you from my own experience in Chittenden County that is absolutely not so, let alone the rest of the state.

The plan states that Burlington Telecom is the only municipal telecom provider in the state. That is not true. EC Fiber is a municipal entity. And because of a different governance structure it's avoided a lot of the problems that we know have plagued BT. The fact of the matter is there are hundreds of successful municipal fiber-to-the-user deployments all over the United States. And those cities and towns where they are being deployed are booming as a result. And yet this plan shies away from that as a possible model.

The plan states that DSL is quote, the best available broadband option in rural areas of Vermont. V-Tel has fiber in a
rural area. Waitsfield-Champlain Telecom has fiber in rural areas. EC Fiber has fiber in rural areas. Low density, high megabit per second, low latency, low jitter, state-of-the-art networks, and they are ignored by this document.

One significant item that I would like to draw your attention to has to do with the pole attachment issue. EC Fiber has brought to the Department's attention problems with enforcement of pole attachment rules. The fact that utility pole owners do not complete make-ready according to the requirements of the rule. They delay. Sometimes they take the money and don't even do the work. And the Department is not enforcing this rule. And that is a huge barrier to competition and effective deployment of fiber in this state. It's not even mentioned in this document.

So the plan also goes on in discussing cable modem service to state that coax cable facilities provide the fastest broadband Internet in the state. Quote unquote. Also erroneous. The fastest broadband in the
state is provided by those who are using fiber to the user. Those are the critical areas that I identified.

My earlier testimony tried to point you into what I believe will be more productive, fruitful and successful options for the future of telecom in Vermont. But as it stands right now, I don't think -- this plan not only will it not fulfill the promise that you hold out, I feel it will actually create significant barriers to fulfilling that promise.

That's it.

MR. PORTER: Thank you.

MS. NULTY: Sorry.

MR. PORTER: We are glad to have your opinion.

MS. NULTY: Thank you.

MR. PORTER: Anybody else?

MR. LARKIN: My name is Charles Larkin. I represent myself. I'm a former Telecom Engineer for the Department of Public Service. And I almost wonder why we don't just close up all the hearings and go home after Ms. Nulty's testimony. I think she
covered the waterfront.

But in regard to the quality of service, you know 30 V.S.A. 202(C) parens B, little B, parens 4, shall provide for high quality, reliable telecommunications services for Vermont businesses and residences. Looking at quality of service I saw a news article that said when Sharon went out for five days or more, it was five days before the Department even knew about it. That would be a lack of some kind of reporting system on the part of the company.

E-911 failure. The report in the paper was that was some kind of systems failure, by the systems -- E-911 system manager up in Colorado. And thus makes me -- leads me to believe that these two issues, these two incidents, demonstrate the lack of anything in the plan that talks about specific reliabilities. Do you have a plan for reporting of all outages? Do you have a plan that tells, thus the E-911 that we now have, with an out-of-state manager is somehow involved, is that truly reliable? More reliable than a Vermont system?
Vermont-based system with a Vermont-based manager and server. And have you some kind of report where you've evaluated these alternatives to E-911 service? Do you have some kind of plan to get some kind of SONET self-healing rings around the state? Backbone either by one company, by VTA, expanding off of its arm's work, by some kind of a joining together of different pieces of equipment by different vendors, FairPoint or Comcast, any of them can get together perhaps and help create such a series of rings which would give -- particularly if they are redundant, not just within the same fiber or redundant different fibers, different routes. You don't want to have it on the same pole lines even. Never mind the same fiber, the same pole lines, even the same street. You want to have it on different routes. You need all these things.

There is an issue of confidentiality. You are required to do survey -- I'm sorry -- assessments of current state infrastructure information, assessments of
the state's current telecom systems, and
evaluations of alternatives upgraded to the
best possible level, assessments of our own
system as compared to other states. How are
you going to do all that unless you get all
of the information you would need on the
existing fiber by all of the owners of this
fiber? Starting from BT up, VTrans,
anybody, state fiber, private fiber. Until
you know that, you won't be able to do your
surveys, your assessments. And if you don't
know that, the public won't know that. And
if they don't know that, how can a potential
competitor who would like to use existing
plant make a plan if they don't have any
idea how much fiber is out there, by way of
pairs, what pairs are lit, what pairs are
dark, what pairs are being held for a
reasonable need of the owner, if you don't
know that.

And somebody like the Board is not
setting rates, then these potential users
cannot even begin to figure how to get on.
They might figure out some small segment,
but not the whole system. So I believe that
I've said enough. I -- as I say, I feel embarrassed for the riches that Ms. Nulty gave us of points. I hope that you would give them serious consideration and modify your draft. Thank you.

    Thank you. I assume no questions.

MR. PORTER: Anybody else?

MS. SIRVIS: You looked at me, so I feel like I have to come.

MR. PORTER: You don't have to.

MS. SIRVIS: I'm Barbara Sirvis, S-I-R-V-I-S. I'm here on my own. I just have a couple of comments. I apologize for the fact that I have not read it, but I had to go to California for a funeral over the weekend and that had to take precedence over being prepared for tonight.

    I'm a little -- no, I'm a lot concerned by what I've heard so far. But rather than addressing the substance, I have a couple of things that I would hope to see, and I came tonight to listen because I thought there might be some sort of overview of what's in there. As a consumer, and that's really my role, I'm not a geek so to speak. I am a
retired college president and dealt with
issues around technology access for students
at a small, poor college. So -- and I also
spend the winters now that I'm retired in
the California desert where I have access to
fiber. And I have seen the difference, and
I live with it every winter, and I get very
excited about it.

So this is being recorded; isn't it? I
would simply say that I am less than charmed
with the current provider of service in this
state. They have been difficult to work
with. They have messed up my bills for
years. And the quality of the Internet
access that I get is not terrific. But it's
basically -- even though I live in South
Burlington, there are not a lot of options
in terms of looking at something other than
the two service providers that seem to be
available to me and that will allow me to
leave for the winter and not charge me a
hundred dollars a month to keep my service.
So there are some things around my situation
that may be different than they are for
others, and I want to acknowledge that.
But I certainly think that we -- you, it's not we, I would love to help, but I can't. It's out of my purview.

The comments about fiber are critical. For my money, one of the most important things that we need to do first is to make sure that we have cell service everywhere. It is simply not safe. And I've driven up and down this state for the 16, 17 years I've lived here, and I worry about that.

And I worry about young people who are out only doing, you know, gathering socially, but who are driving cars at a young age, and they need to know that they can call for help if the car breaks down, because they probably don't know how to fix it any better than I do. But I have great concern about that. This is a pretty safe state that we live in, but even so, if you're in those rural areas and there is not even a farmhouse for five or 10 miles, that's pretty scary at 10:00 at night in January.

So my priorities are fiber, as much as we can pull, and also to make sure that there is cell service, if not for anything
other than the E-911 function, but hopefully for everybody to have that. The reality is that people far younger than I am don't even own a landline, and they are not going to. And so we need to make that opportunity available to them.

I'm afraid we don't, at least right here, have the providers that would be the best to be able to do that. But there may be some way that you can incentivise somebody else other than the one that's received an incentive and encourage them, could you ask Verizon to come back? That I'm not sure what the answer is. And I would yield to my colleagues in terms of their expertise. But simply add my voice to the plea for E-911 service and cell service and fiber as much as you can pull.

MR. PORTER: Can I ask you a question?

MS. SIRVIS: Sure.

MR. PORTER: You were talking earlier about your -- you have a seasonal rate, I'm guessing, with one company.

MS. SIRVIS: Yes.

MR. PORTER: The other company doesn't
.offer that.

MS. SIRVIS: Right.

MR. PORTER: If they did, would that tip the -- would that be the deciding factor? Because I presume they offer a better speed to you.

MS. SIRVIS: Well what I'm sort of debating right now, I mean Vermont is home. This is where I vote. This is where I pay taxes. This is whatever. But I have another option for the winter now that I'm retired. And for mental health I need to do that.

The seasonal option I really have considered simply getting rid of my landline because it is so difficult. I went 36 months with the bill being wrong every month, the first time that I went to seasonal. They finally got it right this year. I have been retired for seven years.

And with the other provider in terms of seasonal, I've talked to them about that even in terms of my cable service. They want astronomical amounts of money, and what they have taught me is that the last thing I
do on about December 12 is take out all of
my cable equipment, and I drop it off, and I
discontinue my cable service. And when I
come back, as long as you discontinue for
120 days, you become a new customer. And so
I start again with the --

MR. PORTER: The whole process.

MS. SIRVIS: $79.99 whatever it is for
the world package. That offer goes for six
months, and I only end up having three
months worth of full bills. So --

MS. NULTY: Good for you.

MS. SIRVIS: Well interestingly enough
they taught me that.

MR. PORTER: Yeah.

MS. SIRVIS: One of their staff said
here's the best thing for you to do. If
they had a package -- I mean I currently pay
the bad provider I think about $20 a month
when I'm gone for the winter just to keep my
phone number, because I don't want to notify
everybody that it changes. I just want to
come back.

MR. PORTER: Right.

MS. SIRVIS: That's what I would have to
do with the other provider. If the other provider offered me -- let me tell you what happened in California.

My mom has a condo there which I now live in it for the winter. And I have service files with all of those things. I leave the equipment in my house. I shut off the Internet, I shut off the cable, I shut off the phone, but the equipment stays.

MR. PORTER: Can I ask who your provider is out there?

MS. SIRVIS: Verizon. They charge me 14 dollars a month. I'm happy to pay that 14 dollars a month because I call them up the day before I'm going to get there and say; I'll be there tomorrow, can you turn it on? And I walk in the door and everything is turned on. So it makes very good sense.

And if the other provider -- we can call it Comcast by name because I'm not saying anything bad about them. If they provided an option like that, I would pay 14 dollars a month and just leave the equipment in my house. And I would probably switch my Internet and my landline. The only reason I
keep it with the other provider is cost. It is cheaper to have -- I don't really use my landline except for 800 or incoming calls. So I've got whatever the basic service is. And when I leave for the winter, they charge me five dollars a month to leave the Internet there. So it goes from 50 some dollars a month to 25. If I got rid of my landline and moved my Internet service to Comcast, the cost of Internet would be higher than it is if I keep it with the other provider. Did that make sense?

MR. PORTER: Yes.

MS. SIRVIS: Okay.

MR. PORTER: We understand it. I'm not sure it makes sense.

MS. SIRVIS: Did I explain it so that --

MR. PORTER: Yeah. We're familiar with it, yeah.

MS. SIRVIS: It's really -- it is how can I maximize the use of my dollars and do that wisely. I'm not crazy about the service that I get. But it's way too expensive for me to leave cable unattended for four or five months than it is the other
way.

So if they came up with a more creative approach to seasonal, I would probably switch everything to them.

MR. PORTER: Okay.

MS. SIRVIS: So like I said, I have not the technological expertise, but I can tell you what it's like for a consumer. And I live in Chittenden County. I lived in Bennington County for nine years before I retired here. And cell service was an interesting adventure. And I didn't have the multiple choices that I have here, in terms of landline and cell and all the rest of it. And it may be better now. But I'm not terribly optimistic. I still go down there, and there are big blocks where I have no cell service.

So hopefully that gives you the perspective of the consumer.

MR. PORTER: Thank you. That's a good perspective. I hope you get a copy --

MS. SIRVIS: I have one. Thank you.

Thanks.

MR. PORTER: Okay.
MS. NULTY: My husband asked me to share with you a little consumer story from today which dovetails with some of my other comments. One of the things I talked about was the importance of upload, quality band width, particularly from Vermont's creative economy, the designers, physicians, artists who have to reach out to a wider market than is available in Vermont.

My husband's been trying to learn the accordion. He had a couple of local teachers. They all left town. He found an accordion teacher in Austin, Texas who provides accordion lessons over the Internet. We live in Jericho. We have bad DSL. We can't get anything better than 768 upload. My husband's been trying to do his accordion lessons via Skype with his teacher in Texas. It absolutely doesn't work.

Fortunately our son lives in Burlington, has Burlington Telecom. He will make an arrangement to come to my son's house when he has to do the accordion lesson. There are a lot of musicians in Vermont who could make good money if they had sufficient
connectivity to offer lessons or to audition for gigs over the Internet. Except for these few places where there is fiberoptic service, they can't do it. That's part of Vermont's future.

And I don't see -- I would like to see a telecom plan that includes those people and their needs. That's what Vermont's talking about when it's talking about its future economic development. We are talking about software developers. We are talking about designers. We are talking about award-winning -- international, award-winning architect firms. These firms need robust connectivity, not the kind of standards that the draft plan is advocating. We need to be more ambitious. Thank you.

MR. PORTER: Thanks.

MR. WHITAKER: I get -- I'll throw a few words in there since there is time available. For the record I'm Steven Whitaker from Montpelier.

On the process issue again, I feel like I'm -- I might be repeating some of what I told you in your March hearing. That to a
degree the Department is responsible for the lack of attendance here and not doing the plan for 10 years, missing three full iterations, and letting the public engagement of the whole Telecommunications Planning process atrophy.

Now I've made a very specific proposal to your Commissioner of how to use the access media organizations and a series of roving workshops to educate the public, let the AMOs market the event, bring people together, videotape it, to use an outdated term, videotape, and educate the public on what the infrastructure in their area can do and cannot do, and what the options are.

I notice the survey that was delivered today is a survey of residences. The surveys of business --

MR. PURVIS: It's also business.

MR. WHITTKAKER: There's another one?

Okay. I'll take a look. Thanks.

With regard to this draft, not so much the process, I think I've belabored that point. The assessment of the current state telecommunications infrastructure would
really need to describe exactly where, what services are available. Not in general, broad franchise areas, but we need to know where our fiber is. We need to know where our coax is. We need to know where the fiber is 20 years old. I mean where the copper, FairPoint, and where it's been replaced.

Assessment of the state systems. Now that's totally missing. There is a whole bunch of things that are totally missing, if you have a technical read of the statute. You must be aware of that. No? The state recently built an ethernet ring around, I believe, Burlington, Rutland, Montpelier at least, 10 gigabit per second. That's got to be riding on fiber. It's hopefully protected, redundant ring architecture.

The question is, who else is it riding on? Is it riding on Level 3, is it riding on Burlington Telecom? Is it -- how reliable is it? What could have been done to make it more reliable? I mean are we now putting the entire state government operations in one basket of one potential
failed equipment?

I mean these are the questions that need to be explored in your assessment of the state's telecom infrastructure. The microwave network is totally missing from the draft, the state colleges' network. There is a whole bunch of pieces that were done in earlier drafts and were presented that -- my point is, that in order to reengage the public and educate the public on how to participate in this process and give you meaningful feedback, you really need to do the homework meticulously of what's laid out in the statute.

Even to the point of these hearings. Hearings are to be held on the final draft. You've only issued the public comment draft. So are we going to have a whole another set of hearings and court reporter costs? Good for you. When you finally get a final draft? And how are you going to get it adopted by September one?

There is no way to not be critical of what's happened here. I'll have more to say on specifics, you know, in subsequent
hearings, specific areas of it. But I
thought it important to put on the record
that the process, and as long as you want --
the Department puts forth the poker face and
doesn't acknowledge its failure, it doesn't
-- it lacks the credibility to reengage with
the public. I mean that's a fundamental
rule of public relations. And I feel like
the Department's advocacy role has really
been damaged over the last decade or so.

That's all I have for tonight.

MR. PORTER: Thank you. Anyone else?
(No response.)

MR. PORTER: Well thank you all very
much. Some really, really good comments and
some good stuff to think about tonight.

MS. NULTY: Thanks for the opportunity.

MR. PORTER: We appreciate your coming.
(Whereupon, the proceeding was
adjourned at 7:46 p.m.)
CERTIFICATE

I, Kim U. Sears, do hereby certify that I recorded by stenographic means the public hearing re: 2014 Vermont Telecommunications Plan, at the Holiday Inn, Oak Room, 1068 Williston Road, Burlington, Vermont, on August 25, 2014, beginning at 7 p.m.

I further certify that the foregoing testimony was taken by me stenographically and thereafter reduced to typewriting and the foregoing 36 pages are a transcript of the stenograph notes taken by me of the evidence and the proceedings to the best of my ability.

I further certify that I am not related to any of the parties thereto or their counsel, and I am in no way interested in the outcome of said cause.

Dated at Williston, Vermont, this 27th day of August, 2014.

Kim U. Sears, RPR