



STATE OF VERMONT
HOUSE OF REPRESENTATIVES

Anthony Z. Roisman, Chairman
Public Utility Commission
112 State Street, 4th Floor
Montpelier, VT 05620-2701
February 9, 2019

Chairman Roisman,

This letter concerns a regulatory case opened in September 2018 [18-3231-PET](#), a Petition of the Vermont Department of Public Service for an Investigation into the service quality provided by Telephone Operating Company of Vermont, Inc., d/b/a Consolidated Communications, Inc.

Specifically, I want to bring the following to your attention:

1. My constituents in rural Southern Vermont who are customers of Consolidated Communications are facing chronic landline phone reliability problems.
2. Employees of Consolidated have told my constituents that retirees positions are not being filled, and I have been told by Consolidated employees that up to half of the staff they used to work with are gone.
3. Rural Vermonters with reliability complaints may also not have cellular coverage or an alternative telecommunications provider to choose from in order to ensure there is a means of calling for help in the case of an accident, medical emergency or crime.
4. Bob Udell, the CEO of Consolidated has questioned me as to why a rural Vermonter with reliability complaints doesn't move.
5. Given Mr. Udell's question, Consolidated's short and medium-term plans regarding maintaining plain old telephone service networks must be considered.
6. There is a national trend regarding landline phone service that cannot be ignored and must be considered by the PUC in 18-3231

Consider the following:

1. Remove the service quality requirements for Consolidated plain old telephone service in competitive market areas where there are alternative telecommunications providers.
2. Significantly increase fines and penalties for failure to restore phone and internet service within 24 hours where there is no alternative telecommunications provider - unless a disaster declaration has been made.
3. Establish a substantial annual per address fee from Consolidated for every address they serve with plain old telephone service in those areas where there is no alternative telecommunications provider.
4. Allow those funds to be accessed by Consolidated or others to replace plain old telephone service with fiber to the premise.

BOB UDELL, CEO Consolidated Communications

I testified at one of the public hearings on [18-3231-PET](#) in Readsboro, Vermont on Tuesday, December 4th 2018. My testimony centered on the challenges being faced by my constituents in 6 rural towns in Southern Vermont due to unreliable landline service in areas where there are few, if any, other options for cellular phone service or Voice Over Internet Protocols phone service accessible from internet providers. Last Winter/Spring regular reports of chronic poor sound quality were overwhelmingly replaced by calls from constituents telling me they were told it would be months to get new residential phone and/or internet service and repair times were regularly being quoted in the 5-10 day range. Poor phone service quality when it rains has also been a regular complaint from my constituents in Readsboro and Wardsboro – two non-contiguous rural towns in my district which have extremely limited or no cell service.

The Chair will likely recall that we had a major snow storm on December 4th and DPS, PUC and Consolidated parties attending the hearing had to drive south over Route 9 (which closed multiple times that evening) from Brattleboro or from Bennington, over steep winding Route 100 from Wilmington (population 1800) through Whitingham (population 1300), past the regional high school, to Readsboro (population 720) which is typically a [twelve mile](#), sparsely populated 20 minute drive without cell service - on days it isn't snowing. Thank you for not cancelling the hearing on that evening and for allowing state officials and employees and Consolidated administrative and legal staff to experience the growing vulnerability rural Vermonters are being regularly exposed to.

At the hearing in Readsboro, my testimony referenced an incident experienced by one of my constituents who lives in that town but was unable to attend the hearing, Helen. She is currently the Chair of the town selectboard. As you hopefully know, VTel's federally taxpayer funded wireless network has never been, and is still not, available in Readsboro. The only cell service in her town, CoverageCo limited 2G, is now non-operational and has been for some time. In the summer of 2018 Helen had serious surgery. Helen is also handicapped and has limited use of her hands. It takes over 30 minutes to get the State Police to Readsboro, at least 30 minutes for an ambulance assuming a volunteer and driver can respond immediately, and the hospitals are 30 minutes away (when the roads are open and not closed - as Route 9 was intermittently closed during the December 4th snow storm - with snow accidents or washed out roads). She called me early one morning because her landline phone line was not working and the repair date she was given – more than a week – had her worried for her safety.

When I contacted Consolidated to get her help – they apologized and explained that her call had not been identified as a medical issue and should have been escalated for repair. I believe she had service back the next day – but I question this medical prioritization system. The company claims to escalate known health emergencies – this policy makes sense to me in the event of natural disasters or unusual events. However, unanticipated accidents, criminal violence, unanticipated health emergencies happen every day to Vermonters everywhere – **all Vermonters need to be able to call for help.**

The day after the December 6th hearing I had previously agreed to meet with two members of Consolidated's government affairs team. Unexpectedly, the CEO of the company, Bob Udell, also joined that meeting.

I took the opportunity to explain my concern about the condition of rural Vermont's landline phone system, and to also reassure Mr. Udell that I understood many unregulated entities were competing with Consolidated in the more densely populated areas, leaving the expensive rural areas to the carrier of last resort. My main discussion point was that my people were in danger because of the condition of the lines and the repair and installation

service times – and that it would be my singular focus in the coming legislative session to look for partners who could create long term solutions to ensure rural Vermont could call for help.

In an appeal for help and also to help Mr. Udell understand the nature of the problem I am compelled to solve for my constituents – I shared Helen’s story. At the conclusion of the story, and much to my shock, Mr. Udell asked me “Why doesn’t she move?”

That unacceptable response, the day after a public hearing about the company’s service quality, significantly elevated my existing concerns for my constituents and their ability to call for help.

In addition to Mr. Udell’s alarming response, several of my constituents regularly flagged Consolidated employees down last year and were told that there had been a significant decline in the number of employees and retirees’ positions were not being refilled. I have had employees recently tell me that they are working with half the staff they once had in their departments.

I am concerned that Consolidated’s aging copper infrastructure is becoming more expensive to maintain, repair and replace every day. This is happening at the same time competition with Consolidated escalates in areas with higher density population and means. I am worried that when the CEO of the company asks why rural customers experiencing bad service don’t move that we are seeing a new reality emerging for rural Vermonters who rely on landline telephone service.

I am worried that in January, four months after the current investigation was opened, legislative staff from the NEK and statehouse lobbyists who live rurally were coming to me with stories of ongoing Consolidated service quality.

Instead of reaching out to you in December, I doubled down and focused on efforts with my legislative colleagues and members of the administration and other Vermont entities to help accelerate tools for municipalities to craft a “plan b” for their unserved addresses. We are making progress, but solutions are realistically 2-3 years out - in optimal scenarios. There may also be a potential public risk associated with calling Consolidated’s bluff as evidenced by the articles I have linked below describing what is happening across the United States with landline phone service. I am worried about what Mr. Udell’s cavalier remark means for the immediate and future reliability of Consolidated’s copper landline system. And now I fear I have not adequately conveyed to regulators the sense of danger I have for rural Vermonters who rely on Consolidated to call the police, or rescue. And that is why I am sharing this story with you today.

NATIONAL TRENDS IN THE NEWS

MN [Minnesota AG's report reveals big telcos are literally letting their infrastructure rot](#) More than a decade of foot-dragging on fiber rollout has left millions of Americans dependent on taxpayer-funded copper-line infrastructure for landlines and DSL **January 9, 2019**

MN [Frontier letting its phone network fall apart, state investigation finds](#) Frontier Communications has failed to properly maintain its telecom network in Minnesota, leading to "frequent and lengthy" phone and Internet outages **January 7, 2019**

VA [INVESTIGATION: Phone company accused of neglecting rural customers](#) regulatory changes in Virginia are leaving the most vulnerable customers--those farthest from emergency services--at risk. **November 1, 2018**

NH, PA [Landline Phone Service, Which Still Exists, Goes Down Across the U.S.](#) (emergency responders tell citizens to call from cell phones) **June 6, 2018**

NY [Verizon Will Fix Broadband Networks, Landlines to Resolve Investigation](#) As in Pennsylvania, Verizon has been neglecting its fixed wired infrastructure in its bid to first sabotage copper service, then force customers to adopt alternative solutions. **March 14, 2018**

[Rural Call Completion: Problems with Long Distance or Wireless Calling to Rural Areas](#) FCC guidance in **2018**

CA & NV [Mayors slam AT&T for slow Internet, long phone outages](#) Not only is AT&T failing to provide access to 21st-century high-speed connections to many communities, but it is also not maintaining the copper lines that are vital to landline phone access, 911 and emergency services and basic Internet service **March 15, 2017**

TX [Will Rural Texas Ever Get Its Phone Service Back After Harvey?](#) Deregulation combined with upgrading to internet based platform makes phone service return questionable **September 1, 2017**

[FCC Sets the Ground Rules for Shutting Down the Phone System, Sets the Stage for Universal Broadband](#) **July 14, 2016**

ME [Maine moves toward making telephone landlines extinct](#) gives the state's largest telephone company, FairPoint Communications, a "level playing field" in the most competitive areas of the state and maintains consumer protection in areas where choices are fewer **April 19, 2016**

I urge you to act with a sense of urgency regarding the increasing risk opening up in rural Vermont for those who rely on landline phone service and to act in a way that acknowledges that the changing telecommunications markets are no longer just accelerating regional economic inequality but are compromising the safety of our citizens.

Sincerely,

REPRESENTATIVE LAURA H. SIBILIA

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