

Theresa Utton-Jerman

Subject: The Buck is SUPPOSED to Stop Here when statutes are violated!

From: Stephen Whitaker <whitaker.stephen@gmail.com>

Sent: Monday, November 7, 2022 2:51 AM

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via email

November 7, 2022

FROM Stephen Whitaker

TO: Joint Fiscal Committee Members

RE: Public Funding of Failed Planning Fiascos - PSD & DPS

Committee members simply cannot honor their oath to uphold Vermont's laws and at the same time award funding to initiatives and failed plans that are in violation of those same laws.

In light of the 2020 **Ten Year Telecommunications Plan** (TYTP) having been, for the first time, put out for contract to a private firm, after the Department of Public Service finally admitting to its being incapable, the result being an award to Maryland based CTC Technology and Engineering with a Matte Dunne/RISI major subcontractor, the contract terms nor the statutory requirements found in 30 VSA 202d were blatantly not met. \$745K was defrauded from Vermonters between the **Emergency Broadband Action Plan** and the TYTP!

Worse, Senate Finance Committee and House Energy and Technology Committee then met jointly, as per statutory requirement, also inviting the members of the Joint Information Technology Oversight Committee to hear platitudes yet take no action to recommend the House and Senate reject the inadequate plan by Joint Resolution. The result being they allowed the inadequate plan to be adopted by the Department despite its severe deficiencies which were intentional.

That telecommunication plan was then this spring and summer used (abused) in a regulatory proceeding at the Public Utility Commission as a basis to be found "consistent with the Incentive Regulation Plan" for Consolidated Communications Corporation, (under 30 VSA 226b) thus forfeiting Vermont's only opportunity to require compliance with the statutory policy and goal of open access to CCI inter office fiber (\$52M paid for with public funds) to assure a more resilient and affordable broadband strategy be implemented as delegated to the Vermont Community Broadband Board. The PSD orchestrated this fraud as well.

Now we have the Department of Public Safety, a significant contributor to the Ten Year Telecommunications Plan, and the designated Department for compiling the **Statewide Communications Interoperability Plan**, proposing to spend millions of General Fund dollars on regional dispatching projects not at all planned to be compliant with either of the above referenced plans, nor the statutory requirement for independent expert reviews of information technology activities.

In the mad dash to spend broadband funding from the feds, the TYTP contracted authors, under strict scrutiny of PSD "Public Advocate" and perjurer Jim Porter, opted to craft a plan that recommended CUDs be allowed to pick and choose which statutory goals and policies they wish to deviate from in favor of accelerating poorly planned fiber builds. Cell service? Not my job!; Support Competitive Choice for Consumers? Not important! Open Access to Competitors? No thanks! Statewide engineered fiber design? Nope!

The Joint Information Technology Oversight Committee met just last week, Chaired this biennium by Randy Brock, yet refused to allow testimony on either the Vermont Community Broadband Board ignoring statutory policy and goals, or the Department of Public Safety Regional Dispatch Grants Program, and its conflicted mission and timeline with that of the Regional Dispatch Working Group created by last year's Appropriations Bill.

As to other oversight and planning bodies that are supposed to remain focused on these planning failures to alert the above named Committees of Jurisdiction? Telecommunications and Connectivity Advisory Board, created in statute 30 VSA 202f, has not met in nearly a year to advise the Commissioner of Public Service on the telecommunications plan; has not in its six or seven year existence, ever met jointly with the Commissioner in a duly warned public hearing to take testimony on the plan and process, despite this being an annual requirement of statute.

The Emergency Communications Advisory Council, created by Executive Order as successor to the Public Safety Broadband Network Commission. to advise and oversee cellular broadband only, **but not the resilience of backhaul supporting those services, or integrate Land Mobile Radio** (two-way licensed frequencies) which are the workhorse of local, regional and statewide public safety communications. That Council was created more than three and one half years ago yet still no members have been appointed!

The Enhanced 911 Board adamantly ignores the cellular dead zones which prevent emergency calls from ever reaching their system. Similarly, they pay no attention to whether the dispatching infrastructure or systems can assure a response after the call leaves the silo of the E911 system boundary. They are a dysfunctional bunch of bobble-heads approving a multi million dollar contract every three or four years, ignoring their statute that requires most of their rulemaking under the Administrative Procedures Act, while supposedly overseeing a million dollar a year (10-12 persons) staff operation and distributing yet another million a year among the Public Safety Answering Points (PSAPs).

The Buck Stops Here!

Stephen Whitaker