**Before the**

**Federal Communications Commission**

**Washington, D.C. 20554**

|  |  |  |
| --- | --- | --- |
| In the Matter of  Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment | **)**  **)**  **)**  **)**  **)** | WC Docket No. 17-84 |

**REPLY COMMENTS OF**

**THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) files these Reply Comments to the *Report and Order, Declaratory Ruling, and FNPRM*[[1]](#footnote-1) on further changes to the pole attachment rules, network change disclosure processes and Section 214(a) discontinuance processes. In the *FNPRM*, the Federal Communications Commission (Commission) seeks comment on additional reforms that it proposes will better enable providers to invest in next-generation networks. Comments were filed on January 17, 2018. Reply comments are due on February 16, 2018.

**Introduction**

The Pa. PUC supports the Commission’s efforts to ensure its rules allow carriers to invest in modern networks. While accelerating technology transitions and encouraging investment in next-generation networks is laudable, the Commission must do so in a manner that respects state law, where applicable, and continues to be mindful of the Commission’s need to balance its desire to minimize the burden of transitioning from legacy to next-generation technologies with the FCC’s and the states’ joint and several responsibility to protect consumers.

To be clear, the Pa. PUC does not support the maintenance of legacy networks in perpetuity when alternative and more advanced facilities and their ensuing services become available. However, in encouraging the deployment of advanced networks and services, the Commission should refrain from adopting any proposals that would undercut its role to ensure that: (1) consumers have adequate and reliable common carrier communications facilities and services during the deployment of next-generation networks; and (2) consumers are given the appropriate educational and outreach materials regarding the discontinuance of common carrier traditional networks and their related legacy retail services.

Carriers must obtain Commission and, where appropriate, state authorization before they are permitted to discontinue, reduce, or impair facilities or services provided over those facilities under state and federal law. The Commission also should reject all proposals to preempt independent state laws all in the name of promoting technology transitions.

The Pa. PUC appreciates the opportunity to file this reply comment. As an initial matter, the Pa. PUC’s reply comment should not be construed as binding on the Pa. PUC in any proceeding before the Pa. PUC. The proposals contained in this reply comment may change in response to subsequent events. This includes developments at the federal or state level, including the filing of ex parte pleadings.

**Executive Summary**

The Pa. PUC believes that calculation of the waiting period under Section 51.333(b) should trigger from the date of FCC notice not the date of filing by a carrier. The Pa. PUC also believes that the Section 51.325(a)(3) and 68.110(b) rules should be retained, particularly for consumers with disabilities or other technology-sensitive services such as medical alerts or home alarm services. The Pa. PUC further believes that carriers should have the obligation to notify consumers of changes that could impact customer premises equipment, except in those instances where a network change or service is deemed not significant.

Moreover, restoration of essential telecommunications service or networks following an emergency, and any accompanying waivers, is not the same as non-emergency reconstruction of networks or services. The Pa. PUC opposes any forbearance, and the Commission should not adopt additional streamlined procedures for the discontinuance of a common carrier network or service based solely on the self-certification by carriers that competitive alternatives exist. The Pa. PUC supports retention of the outreach and education requirements from the *2016 Technology Transitions Order*.[[2]](#footnote-2)

**Discussion**

1. **Calculation of Waiting Period Under Section 51.333(b)**

Section 51.333(b) of the Commission’s rules provides that an incumbent local exchange carrier’s (ILEC) network change referenced in a short-term notice “shall be deemed final on the tenth business day after the release of the Commission's public notice.” 47 C.F.R. § 51.333(b). In the *FNPRM*, the Commission sought comment on AT&T’s proposal that the Commission revise the rule governing short-term network change notices to calculate the effective date of such notices from the date the ILEC files its notice or certification of the change rather than from the date the Commission releases its public notice. According to AT&T, tying the effective date to the release of the Commission’s public notice is unnecessary because ILECs are required to provide direct notice to interconnecting carriers. Thus, the Commission sought comment on the benefits and burdens of revising the rule as AT&T suggests.

The Pa. PUC does not support AT&T’s proposal. The Pa. PUC believes that the Commission should continue to trigger the 10-day notice period from the date of publication by the FCC. The time gap between filing and the FCC’s formal publication of that notice, if adopted, will actually truncate the time period that carriers have to provide notice to prepare for the transition. This, in turn, could harm competition and consumers.

The Commission stated that commenters did not point to any specific instance in which a planned copper retirement had to be delayed due to the timing of the release of the relevant public notice. *FNRPM* at 28, para. 65. In their comments to the *FNPRM* advocating for this proposal, these parties again have failed to remedy this shortcoming. Moreover, as the Commission itself stated in the *FNRPM*, having the waiting period run from the date it releases a public notice of the filing affords Commission staff the necessary opportunity to review filings for mistakes and/or non-compliance with the rules. *Id.* This routine review allows Commission staff to clarify or correct information contained in filings or to add required information that is missing, which ensures the integrity of the filing process.

Retention of the publication notice for triggering the 10-day period gives the Commission time to review filings, as noted, but, equally important, gives carriers and their consumers the time they may need to prepare for the removal of those traditional networks and related legacy services. For these reasons, the Commission should reject this proposal.

1. **Public Notice of Network Changes Affecting Interoperability of Customer Premises Equipment**

Section 51.325(a)(3) of the Commission’s rules requires that ILECs provide notice pursuant to the Commission’s network change disclosure rules of any changes to their networks that “will affect the manner in which customer premises equipment is attached to the interstate network.” 47 C.F.R. § 51.325(a)(3). Section 68.110(b) of the Commission’s rules requires that all wireline telecommunications providers give customers written notice if “any customer’s terminal equipment” would be materially affected by a network change. 47 C.F.R. § 68.110(b).

In the *FNPRM*, the Commission sought comment on AT&T’s proposal to eliminate the requirement that wireline carriers provide public notice of network changes affecting the interoperability of customer premises equipment (CPE). *FNPRM* at 63-64, paras. 165-66. The Pa. PUC recommends that the Commission reject AT&T’s proposal to eliminate Sections 51.325(a)(3) and 68.110(b).

The Pa. PUC does not support AT&T’s proposal. A regulatory governmental notice default rule ensures a neutral and balanced means of informing consumers as opposed to sole and exclusive reliance on the anticipated actions of providers based on their business operations. While that may largely control in most instances, it is better to have a formal notice backstop which ensures that consumers will get notice even in those instances where it requires resources contrary to a provider’s interest. Sections 51.325(a)(3) and 68.110(b) of the Commission’s rules do that. They are important given these considerations and should not be eliminated. Notice to customers allows them to modify their equipment or purchase new equipment to ensure their ability to communicate remains uninterrupted. This is particularly true for consumers with disabilities or other services, such as medical alerts or home alarm systems. The notice period should be reasonable and reflect carrier exigencies as the current rule does.

Carriers should at least have the obligation to notify customers of changes that *could* have an impact on CPE. Hence, the Pa. PUC supports the compromise proposal of the Consumer Groups[[3]](#footnote-3) and RERC[[4]](#footnote-4) that the CPE notification rules be modified to clarify that carriers need only make a general determination as to whether their network changes are so significant that they could have an impact on the functionality of CPE. In those instances where a provider determines that a change is not significant, but that decision turns out to be faulty, carriers should remain subject to the Commission’s enforcement actions, that could include penalties based on a determination that each day of a violation constitutes a separate violation. Carriers must remain accountable for their decisions.

Furthermore, the Pa. PUC agrees with the Consumer Groups and RERC that advanced notice to manufacturers ensures that individuals with disabilities have options for functioning communications equipment after network changes are made, and it facilitates market competition, including the development of assistive technologies. Consumer Groups and RERC Comments at 6. The time period set for that advanced notice should reflect the time-lag that exists between the time that a network or service provider determines that a new market transition will occur, and the time needed by private unaffiliated equipment providers to develop the technological alternatives.

The Pa. PUC takes this position based on our experience with compatibility issues for assistive technology devices for persons with disabilities who transition to IP-configured wireline network access lines. The Pa. PUC has affirmatively moved to address this issue with the availability of IP-enabled wireline assistive CPE to eligible individuals through Pennsylvania’s telecommunications device distribution program (TDDP).[[5]](#footnote-5) The Pa. PUC also notes that the equivalent ability of persons with disabilities to communicate “by wire or radio” is subject not only to the federal Americans with Disabilities Act, but also to independent Pennsylvania statutory law. *See generally* 35 P.S. § 6701.2.

Accordingly, the Pa. PUC recommends that the Commission reject AT&T’s proposal to eliminate Sections 51.325(a)(3) and 68.110(b) of the Commission’s rules that require wireline carriers to provide public notice of network changes affecting the interoperability of CPE. Alternatively, the Pa. PUC supports the compromise proposal of the Consumer Groups and RERCs that the CPE notification rules be modified to clarify that carriers need only make a general determination as to whether their network changes are so significant that they could have an impact on the functionality of CPE.

1. **Applying Streamlined Notice Procedures for *Force Majeure* Events to All Network**

**Changes**

In the *FNPRM*, the Commission adopted streamlined copper retirement notice procedures for *force majeure* events to allow ILECs the needed flexibility to restore service as quickly as possible in the case of unforeseen events beyond their control. *FNRPM* at 31, paras. 73-74. The Commission sought comment on extending the streamlined notice procedures applicable to *force majeure* and other unforeseen events for copper retirements to all types of network changes. *FNPRM* at 64, para. 167.

The Pa. PUC agrees that the same benefits to be gained from the streamlined procedures adopted in the copper retirement context may similarly apply to other types of network changes. The waiver orders discussed above are general in nature. The Pa. PUC does not oppose providing all ILECs the same access to the relief afforded by these waiver orders in all emergency situations, not just when copper retirements are implicated.

However, the restoration of essential telecommunications networks and services following an emergency, and any accompanying waivers, is not the same thing as non-emergency reconstruction of networks and services. In the case of reconstruction following restoration, the Pa. PUC urges the FCC to continue the rules adopted for changes in network or service retirement.

1. **The Commission Opposes Forbearance and Should Not Adopt Additional Streamlined Procedures for the Discontinuance of Interstate Legacy Voice Services Based Solely on the Self-Certification by Carriers that Competitive Alternatives Exist.**

In the *FNPRM*, the Commission sought comment on what further steps it could take to streamline the Section 214(a) discontinuance process for legacy voice services. *FNPRM* at 65, para. 171. Importantly, however, the FNPRM does not address the retirement of legacy voice networks. Consequently, these reply comments reflect the Pa. PUC’s views on the retirement of legacy voice services or networks, or both, as appropriate.

The Commission sought comment on Verizon’s proposal that it streamline processing of Section 214(a) discontinuance applications for legacy interstate voice services[[6]](#footnote-6) where a carrier certifies: (1) that it provides interconnected Voice over Internet Protocol (VoIP) service throughout the affected service area; and (2) that at least one other alternative voice service (i.e., interconnected VoIP or wireless voice) is available in the affected service area. *Id*. Verizon suggests that a provider seeking to discontinue legacy interstate voice services should only be required to notify its customers and file a Section 214(a) application with a self-certification that mobile or fixed voice service, including interconnected VoIP service, is available to the same community from the applicant or some alternative source. Verizon Comments at 10-11.

Also, in the *FNPRM*, Verizon offered an alternative request that the Commission forbear from applying the discontinuance requirements of Section 214(a) to carriers seeking to transition from legacy voice services to next-generation replacement services. *FNPRM* at 66, para. 174. CenturyLink and WTA similarly requested the Commission eliminate the requirement to file a Section 214(a) application for any discontinuance that is part of a network upgrade. The Commission sought comment on these proposals and whether it should, on its own motion, grant forbearance when carriers upgrade their networks and simultaneously transition the services provided over those networks to next-generation technology, e.g., TDM to IP. Specifically, the Commission sought comment on forbearing from both the discontinuance requirements of Section 214(a) and the Commission’s Part 63 implementing rules.

The Pa. PUC supports policies and rules that properly allow carriers to invest in modern networks. That encouragement and support, however, must be balanced against market realities and the impact in the states. This must be considered in any final FCC rules.

The Pa. PUC’s own prior decision under state law[[7]](#footnote-7) concerning the delivery of intrastate legacy voice service in competitively classified wire centers reflected a granular, record-based determination that wireless and cable voice services were sufficiently competitive alternatives to intrastate legacy voice services in those competitively classified wire centers wire centers such that price regulation of those services was no longer necessary. [[8]](#footnote-8) The determination and the limited waiver of some express provisions in rules concerning the delivery of intrastate legacy intrastate voice services classified as competitive did not obviate Verizon’s or any other carrier’s ongoing obligation to provide reasonable facilities and services used to provide intrastate legacy voice services under Section 1501 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1501. The Pa. PUC acknowledges the carriers’ interests in streamlining the Section 214(a) process. The Pa. PUC believes that the final Commission rules in this proceeding should not obviate or undermine the prior Pa. PUC decision.

The Pa. PUC does not support forbearance from applying the discontinuance requirements of Section 214(a), including for carriers seeking to transition from legacy common carrier interstate voice services or facilities retirement to next-generation replacement services or the facilities used to provide legacy voice or other services. The Pa. PUC also does not support streamlining the Section 214(a) application process for legacy common carrier interstate voice services or other services or facilities used to provide legacy voice or other services based solely on the self-certification of an applicant-carrier. The Pa. PUC’s reclassification decision rested on more evidence than a mere self-certification. The Commission should require as much.

Also, before taking such action, the Commission should resolve the classification of VoIP as a common carrier telecommunications services under federal law and determine whether wireless service is a substitute for land line telephone service common under Section 332(c)(3)(A) of federal law, 47 U.S.C. § 332(c)(3)(A).[[9]](#footnote-9) Otherwise, there may be no apparent legal authority for altering notices and rules governing the retirement of interstate common carrier legacy voice services or the facilities used to provide common carrier legacy voice services or other services.

Accordingly, the Commission should reject Verizon’s streamlined proposal, its forbearance request and AT&T’s modified streamlined proposal and maintain the requirement that a Section 214(a) application for discontinuance must undergo a full statutory review. Given the scope and impact of such a determination at the federal law for interstate common carrier legacy voice services and the facilities used to provide common carrier legacy voice services and other services, the proponents must demonstrate to the FCC and the states’ satisfaction that alternative common carrier fixed or mobile voice service are an *adequate, comparable and reliable* replacement for *all* affected customers, not just the mere fact that alternative voice service options are available. The adoption of alternative services such as facilities-based or over-the-top interconnected VoIP, circuit-switched or IP-based cable TV network voice, 3G, 4G, or 5G wireless, or TDM voice service, in and of itself, is not a quantifiable indicator

The Pa. PUC also believes that a carrier should do more than self-certify. In the Pa. PUC’s view, the use of self-certification does not go far enough to ensure that affected customers can receive a reasonable substitute service.

A carrier seeking to discontinue legacy intrastate voice services or the facilities used to provide legacy voice service or other services must remain obligated to comply with applicable state law, a point Verizon acknowledged in its comments and which the Pa. PUC emphasizes in discussing our own decision under state law to reclassify certain of Verizon’s wire centers as competitive when it comes to the price for basic local service without abandoning the underlying obligation to provide that service or the facilities and services subject to Section 1501.

Consequently, planned discontinuance of common carrier legacy voice services or the facilities used to provide that, or other services also must be consistent with the carrier of last resort obligations under independent state law and federal law. They must also be consistent with the related obligations to continue providing adequate, reliable and safe services, including voice access to 911/E911 emergency call capabilities. *See generally* Section 1501 of the Pennsylvania Public Utility Code, 66 Pa. C.S. § 1501. In addition, any planned discontinuance of voice services or the facilities used to provide that service or other services also must comply with applicable state law requirements regarding abandonment of service. *See generally* 66 Pa. C.S. §§ 1101 *et seq.*, and the Pa. PUC’s regulations at 52 Pa. Code §§ 63.301 *et seq.* and 52 Pa. Code §§ 64.1.

Finally, the potential retirement of network facilities associated with the discontinuance of legacy interstate voice services should not and cannot infringe on the deployment and continuous availability of ILEC broadband access services that are mandated under independent Pennsylvania statutory law and relevant standards. *See generally* 66 Pa. C.S. §§ 3011 *et seq*.

1. **Eliminating Outreach Requirements Adopted in the *2016 Technology Transitions Order.***

In the *FNPRM*, the Commission sought comment on the proposal of ITTA, entitled “The Voice of America’s Broadband Providers,” to eliminate the outreach requirements adopted in the *2016 Technology Transitions Order*. The Pa. PUC recommends that the Commission reject this proposal.

The outreach requirements mandate that carriers offer an adequate outreach plan when discontinuing legacy retail services. *See 2016 Technology Transitions Order*, 31 FCC Rcd at 8348, para. 179. These requirements apply to transitioning wireline TDM-based voice service to a voice service using a different technology such as Internet Protocol (IP) or wireless. The requirements further specify that an adequate outreach plan must, at a minimum, involve the following:

(i) the development and dissemination of educational materials provided to all customers affected containing specific information pertinent to the transition, as specified in detail below; (ii) the creation of a telephone hotline and the option to create an additional interactive and accessible service to answer questions regarding the transition; and (iii) appropriate training of staff to field and answer consumer questions about the transition.

*Id*. at 8350, para. 181.

In the *FNPRM*, the Commission sought comment on eliminating outreach requirements based upon ITTA’s assertions that these requirements are “unduly burdensome and prescriptive,” in addition to being unnecessary, because the Commission’s preexisting discontinuance notice process already provides “affected customers and other stakeholders with adequate information of what is to occur and what steps they may need to take.” *FNPRM* at 67, para. 177.

The Pa. PUC does not support eliminating the outreach requirements adopted in the *2016 Technology Transitions Order*. Overall, the copper-to-fiber transition in Pennsylvania has been relatively smooth and seamless for consumers and, by all accounts, is going well in the Commonwealth. The Pa. PUC wants it to stay that way and sees no reason to depart from rules like the outreach requirements that are helping achieve this desired result.

The Pa. PUC also agrees with the assessment in the joint comments of Public Knowledge and Center for Rural Strategies that additional protections for vulnerable consumers make these rules important and necessary. Public Knowledge and Center for Rural Strategies Comments at 7. The Pa. PUC notes that, in their comments, the ILECs have stated that the mere fact that they are the current service provider incents them to reach out to their customers and communicate with them about their specific planned copper retirement. Nevertheless, based upon our experience with technology transitions, the Pa. PUC states that the Commission should not anticipate that residential consumers will continue to be well-informed about copper retirements impacting their service absent Commission-imposed notice obligations.

The Pa. PUC believes there is a continuing need to maintain the outreach requirements given the changes to the copper retirement notice rules made by the Commission. The Pa. PUC notes that by eliminating the rule requiring direct notice of copper retirement to retail customers, the Commission also eliminated the requirement that ILECs include in their copper retirement notices “a description of any changes in prices, terms, or conditions that will accompany the planned changes.” *Notice* at 26, para. 58. With the elimination of the requirement that ILECs provide direct notice of planned copper retirements to state commissions, states are no longer well positioned to engage in consumer education and outreach efforts of customer transitions activities of which they no longer have any foreknowledge. Moreover, the elimination of the requirement that ILECs provide direct notice to retail customers highlights the essential need that the Commission require some form of mandatory education and outreach for carriers to inform their customers of network transitions from copper to fiber. Commission-mandated education and outreach will serve a very practical purpose and will help reduce confusion and ensure that consumers are fully informed.

The Pa. PUC agrees with the comments of Greenlining Institute that the Commission should maintain notice requirements in some fashion, especially in those cases where a replacement service may be more expensive and provide less functionality and reliability than the legacy service being replaced. Greenlining Institute Comments at 2. This migration simply cannot occur absent these communications from the carriers. And, again, these observations apply with particularity to interstate common carrier legacy voice services and the facilities used to provide common carrier legacy voice services or other services.

1. **Preemption of State and Local Laws in the Context of Rebuilding and Repairing Broadband Infrastructure After Natural Disasters**

In the *FNPRM*, the Commission sought comment on whether there are targeted circumstances in which it can and should use its authority to preempt state or local laws that inhibit restoration of communications infrastructure. *FNPRM* at 67, para. 178. Specifically, the Commission sought comment on its legal authority to preempt state and local laws in this context, including its authority under Sections 253 and 332(c)(7) of the Telecommunications Act of 1996 and Section 6409 of the Spectrum Act. *FNPRM* at 68, para. 179. Further, the Commission sought comment on whether it should limit the scope of any preemption in this context only to periods in which a community is recovering from a natural disaster, and if so, how to delineate that timeframe.

The Pa. PUC agrees with the comments of the City of New York that there is nothing in the federal statutory provisions the Commission cites that suggest that natural disasters or other emergency circumstances lessen the constraints on Commission preemption authority. Comments of City of New York at 1. Again, we agree that if the Commission seeks, as a matter of policy, to exert preemptive authority in natural disaster scenarios, it should seek a remedy from Congress rather than claim it without statutory permission.[[10]](#footnote-10)

Moreover, the Pa. PUC supports the Communications Workers of America’s recommendation that the Commission should reject any proposal to preempt state or local laws under the guise that such statutes “inhibit restoration of communications infrastructure.” Comments of Communication Workers of America at 7. The Pa. PUC agrees with the comments of Public Knowledge and Center for Rural Strategies that the Commission’s direction on which state laws would be subject to potential preemption is vague. Comments of Public Knowledge and Center for Rural Strategies at 8-9. The Commission should not proceed with this course of action, but rather should continue to work cooperatively with states to help communities rebuild damaged or destroyed communications infrastructure after a natural disaster, rather than implement unnecessary and ill-supported preemption of state laws.

**Conclusion**

The Pa. PUC supports the Commission’s efforts to ensure its rules allow carriers to invest in modern networks. However, the Pa. PUC agrees with those comments submitted in response to the *FNPRM* that assert that while accelerating technology transitions and encouraging investment in next-generation networks is laudable, the Commission should remain mindful of balancing its desire to minimize the burden of transitioning from legacy to next-generation technologies with its responsibility to protect the needs of consumers and to do so in a way that does not preempt state law.

Accordingly, the Commission should not eliminate the requirement that wireline carriers provide public notice of network changes affecting the interoperability of customer premises equipment, should not eliminate the outreach and education requirements in the *2016 Technology Transitions Order*, and should not grant forbearance nor approve streamlining the Section 214(a) application process for common carrier legacy interstate voice services or facilities used to provide that service or other services based solely on the self-certification of an applicant-carrier.

Finally, and most importantly, the Commission should not attempt to preempt state or local laws that purportedly inhibit restoration of communications infrastructure after natural disasters and should limit any waiver or decision only to service *restoration* and not service *reconstruction*. Rather, the Commission should continue to work cooperatively with states to help communities rebuild damaged or destroyed communications infrastructure.

Respectfully submitted,

Pennsylvania Public Utility Commission

/s/ David E. Screven

David E. Screven, Esquire

Assistant Counsel

Pennsylvania Public Utility Commission

Commonwealth Keystone Building

400 North Street

Harrisburg, PA 17120

(717) 787-2126

Email: [dscreven@pa.gov](mailto:dscreven@pa.gov)

Dated: February 16, 2018

1. *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, FCC 17-154, released November 29, 2017, 82 Fed. Reg. 61520 (December 28, 2017)

   (“Notice” or “*FNPRM*”). [↑](#footnote-ref-1)
2. *Technology Transitions et al.*, 31 FCC Rcd 8283, 8348-52, paras. 179-86 (2016) (*2016 Technology Transitions Order*). [↑](#footnote-ref-2)
3. Telecommunications for the Deaf and Hard of Hearing, Inc., Association of Late-Deafened Adults, California Coalition of Agencies Serving the Deaf and Hard of Hearing, Inc., Cerebral Palsy and Deaf Organization, Hearing Loss Association of America, National Association of the Deaf, and American Foundation of the Blind (collectively, “Consumer Groups”). [↑](#footnote-ref-3)
4. Rehabilitation Engineering Research Center on Technology for the Deaf and Hard of Hearing at Gallaudet University and Rehabilitation Engineering Center on Universal Interface & Information Technology Access, Trace Research & Development Center at the University of Maryland (collectively “RERCs”). [↑](#footnote-ref-4)
5. *Telecommunications Device Distribution Program, Distribution of Wireline Internet Protocol Enabled Devices through Office of Vocational Rehabilitation*, Pa. PUC Letter Guidance to Pennsylvania Department of Labor and Industry, July 9, 2014. [↑](#footnote-ref-5)
6. The Pa. PUC distinction between voice legacy networks and the interstate voice legacy services that may be provided over those networks is evident here. According to Verizon in its comments, because the Commission’s jurisdiction extends only to interstate services, providers may discontinue or grandfather purely *intra*state services (like local telephone service) without filing a Section 214(a) application. While the Pa. PUC agrees that our determinations under Chapter 30 as to voice legacy services can occur independent of federal law, the Pa. PUC also notes that retirement of an interstate voice legacy service does not obviate a continuing obligation to comply with state laws regarding the networks that were used to provide that interstate voice legacy service. Because the provision of interstate and intrastate services often relies on the same network facilities, Verizon’s decision to retire networks and facilities do not obviate the Pa PUC’s authority over the physical networks or facilities used to provide or facilitate service. [↑](#footnote-ref-6)
7. Chapter 30 of the Pennsylvania Public Utility Code, 66 Pa. C.S. §§ 3011 *et seq*. [↑](#footnote-ref-7)
8. On February 26, 2015, the Pa. PUC entered an order at Docket Nos. P-2014-2446303 and P-2014-2446304 granting in part a petition filed by Verizon North LLC and Verizon Pennsylvania LLC and declaring stand-alone basic local telephone service to be competitive in 153 of the 194 Verizon wire centers in Pennsylvania for which Verizon sought a competitive determination under state law.  The reclassification means that in those 153 wire centers, basic service is no longer a tariffed service, and Verizon has pricing flexibility with the service.  In making its decision, the Commission relied on record evidence that in the 153 wire centers, the voice services offered by competing providers, including wireless providers, was “*similar enough*” that consumers were willing and able to switch to them.  Specifically, for residential customers, the 153 wire centers represented areas where there was 100% wireless coverage by non-Verizon affiliated companies and represented areas where at least 97% of households had access to cable telephony. Therefore, the Commission found these services to be like or substitute services to basic local exchange service, which was a statutory prerequisite for declaring a service to be competitive. Moreover, the record evidence relied on showed with granularity on a per-wire center basis that basic service customers not only had access to sufficient competitive voice alternatives in the form of cable telephony, wireless, and competitive local exchange carriers (the latter in particular for business customers), but also were actually availing themselves of those alternatives.  [↑](#footnote-ref-8)
9. The Pa. PUC believes this approach is evidenced in footnote 3 of the *April 2017 Voice Telephone Services Report*, the FCC itself acknowledged that “the presentation of mobile wireless telephone subscriber counts in this report does not constitute, or imply, Commission analysis of the extent to which wireline and mobile wireless telephone services are demand substitutes or complements in general or in any particular situation.” *Voice Telephone Services: Status as of June 30, 2016*(April 2017)at 4, fn 3. (*April* *2017 Voice Telephone Services Report*). [↑](#footnote-ref-9)
10. Assuming otherwise, *arguendo,* the FCC must limit any decision to service *restoration* as opposed to service *reconstruction.* A waiver needed for service *restoration* is a short-term action taken in response to an emergency. It is not a waiver governing a longer-term period needed for service *reconstruction.* In the 2017 hurricanes, Harvey, Irma, and Marie, for example, the FCC waived rules governing the short-term dispensation of federal universal service support for the Virgin Islands. This waiver was focused on the *restoration* of service. This was not a longer-term waiver governing disbursement of all future USF disbursements provided to facilitate *reconstruction.* Waivers for dire short-term emergency for service *restoration* is not the same thing as a waiver for longer-term, and more focused, *reconstruction*. [↑](#footnote-ref-10)