

United States Senate

WASHINGTON, DC 20510-4804

November 15, 2017

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COMMITTEES
APPROPRIATIONS
ENERGY AND NATURAL RESOURCES
INTELLIGENCE
VETERANS' AFFAIRS

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th St SW
Washington, D.C., 20554

Dear Chairman Pai:

As you know, the Federal Communications Commission (Commission) is scheduled to vote on the draft Wireline Broadband Deployment Report and Order tomorrow, November 16th. While I applaud the Commission's commitment to making advanced high-speed networks accessible to all Americans, I am concerned that the current plan may have unintended consequences for rural America and the people I represent.

As I understand it, the draft Wireline Broadband Deployment Report and Order would eliminate a provision that requires companies to give direct notice to their retail customers that they are retiring copper landline service, including de facto retirements due to neglect or lack of maintenance. It would also make it easier for incumbent local exchange carriers (ILECs) to discontinue, reduce, or impair service by eliminating the Functional Test and lowering the bar for what constitutes acceptable service.

I recognize that the retirement of copper wireline for other networks such as fiber is not only inevitable but will actually improve the reliability of coverage in certain areas. However, during periods of technological transition, it is imperative that consumers and exchange carriers have a reasonable and realistic timeline to prepare for these changes which in many cases can be costly and disruptive to their daily lives.

I have been proud to work with the Commission on keeping the promise of universal service and ensuring that all Americans have access to comparable communications services, but I am deeply concerned that this draft order does not reflect that same commitment. For many in rural America, including many places within West Virginia, copper wireline landlines are still the only way they can communicate, and we must ensure that these networks are maintained and serviced until there is a functional alternative in place. When that transition does take place, consumer protections and education are critical to helping these consumers better understand the potential benefits offered by the new technologies available to them.

Thank you for your attention to this matter and I stand ready to work with you to ensure we can provide strong and reliable broadband service to all Americans.

Sincerely,



Joe Manchin III
United States Senator



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 9, 2018

The Honorable Joe Manchin III
United States Senate
306 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Manchin:

Thank you for your letter about the Federal Communications Commission's efforts to accelerate wireline broadband deployment to all Americans. As you know, we are amidst a transformation of American communications networks, as more and more consumers move away from using traditional telephone services provided over copper wires and towards incorporating into every aspect of their lives services provided over next-generation technologies. For consumers and the country, making that leap from legacy services provided over 20th century copper-based networks to IP-based services riding over a fiber network is the key to bridging the digital divide.

But that digital opportunity is denied when the FCC's rules force carriers to maintain the networks of yesteryear. Unneeded regulations deter many companies from investing in these new networks. Having to maintain two networks—one legacy, one modern—diverts resources away from new deployments. By definition, every dollar spent propping up fading infrastructure is a dollar that can't be spent on tomorrow's technologies.

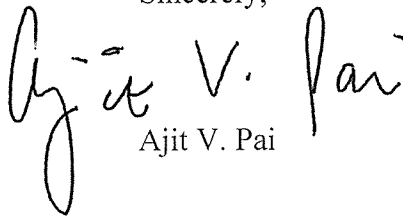
On November 16, 2017, the Commission adopted a Report and Order in the *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* proceeding. The Report and Order takes several actions designed to accelerate the deployment of next-generation networks and services that should particularly benefit rural America by improving the business case for building out rural broadband. Indeed, coupled with our recent reforms to inject over \$500 million into rural broadband deployment for small carriers and our upcoming \$2 billion Connect America Fund Phase II auction this summer, I believe that reducing the cost of deploying and maintaining next-generation networks in rural America will make a big impact for those who have waited far too long for 21st century service.

I agree with you that we must protect consumers during and after technology transitions—and our rules continue to do just that. Should a carrier seek to stop offering traditional telephone service or reduce that service through a de facto copper retirement, the Commission's rules *still* require that carrier to provide advance notification to affected customers and to seek Commission permission through the section 214 discontinuance of service process. And rather than lowering the bar, the Commission is raising its expectations—the people of rural

America should not be left with the age-old copper wires but instead deserve and expect next-generation services. That's why I have made closing the digital divide my top priority at the agency, pushing to launch the Connect America Fund Phase II and Mobility Fund Phase II auctions while also ensuring adequate universal service support for the small carriers that serve much of rural America.

I appreciate your interest in this matter. I look forward to continuing to work with you and my colleagues at the Commission to further advance the benefits of next generation technology to all Americans. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink that reads "Ajit V. Pai". The signature is fluid and cursive, with the first name "Ajit" being the most prominent part, followed by "V." and "Pai".

Ajit V. Pai