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VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure
Deployment, WC Docket No. 17-84

Dear Ms. Dortch:

ADT Security Services (“ADT”) writes to express its concerns with the *Draft Order’s* effective elimination of the adequate replacement test when incumbent local exchange carriers (“ILECs”) discontinue legacy voice service.¹ To further streamline the discontinuance process, the *Draft Order* gives ILECs the option of foregoing that test, which they have claimed is overly burdensome, if they replace TDM-based voice service with interconnected VoIP service and another facilities-based voice service, including wireless, is available. There is no requirement that either replacement service will be interoperable or compatible with key applications and functions, such as a consumer’s existing alarm or home health monitoring service.

Background

ADT provides alarm monitoring and home medical health alert services for nearly 7 million consumers, many of which are still using traditional TDM services over copper loops. Approximately 50 percent of ADT’s medical alert service customer base, which is overwhelmingly elderly, relies on TDM-based voice services. It is critical to ensure that these services will work with IP-based or wireless services that will replace legacy voice services.

As ADT has previously noted, the alarm equipment connected to traditional copper wires must be replaced or modified when the copper is retired and replaced with fiber or wireless services. Sometimes the alarm equipment, which may or may not be compatible with the new voice service, is installed incorrectly by the telecommunications provider or the customer, leaving

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Second Report and Order, WC Docket 17-84, FCC-CIRC1806-02 (“Draft Order”).

the customer unknowingly unprotected. ADT thus argued in the context of streamlining copper retirement rules that eliminating advance notification requirements could deprive ADT and its customers of the opportunity to determine the potential impact on a particular customer and, if necessary, upgrade the equipment in advance, or test the equipment modifications to ensure compatibility and interoperability with the replacement service.² Moreover, the cumulative effect to the Commission's streamlining efforts is providing ILECs with an unfair competitive advantage as their affiliated home monitoring services may obtain advanced notice of upcoming changes well before competing providers and they can ensure compatibility with their alarm services without worrying about the compatibility of competing services.³

The Commission downplayed concerns that consumers may be harmed when copper was being retired by claiming that commenters were confusing copper retirement with service discontinuance. Should TDM service be eliminated and replaced with IP or wireless services, consumers, the Commission argued, would be protected by the Section 214 discontinuance process.⁴ The Commission is now eviscerating that process by effectively eliminating the adequate replacement test.

The Commission Should Retain the Interoperability and Compatibility Requirements of the Adequate Replacement Test for Alarm and Medical Monitoring Equipment

The *Draft Order's* proposed adoption of a new streamlining option for applications to discontinue legacy voice services will leave consumers and competing providers vulnerable.⁵ Currently, streamlining is available to ILECs seeking to discontinue legacy voice services as part of a technology transition only if the ILEC shows or certifies that there will be an adequate replacement service.⁶ Among other showings, the adequate replacement test requires that the new technology be interoperable and compatible with "key applications and functionalities."⁷ The Commission defined "applications" as "offerings that run on TDM-based service, such as home alarm systems,"⁸ and adopted an initial list of key applications that expressly included "home security alarms [and] medical monitoring devices."⁹ The Commission "identified medical

² Letter from Michael Pryor, Counsel for ADT, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 17-84 (filed Nov. 7, 2017) (*ADT Nov. 7 Letter*). See also *Accelerating Wireline Deployment by Removing Barriers to Infrastructure Investment*, Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, 32 FCC Rcd 11128, 11147-48, ¶ 46 (2017) (citing comments expressing concerns that alarm and medical monitoring equipment did not work on fiber or wireless replacement services) (*2017 Order*).

³ See *ADT Nov. 7 Letter*. See also Comments of the Alarm Industry Communications Committee, WC Docket 17-84, at 11-13 (filed June 15, 2017) (explaining the need to ensure adequate replacement service to support alarm and medical monitoring services.)

⁴ See *2017 Order*, 32 FCC Rcd at 11146, ¶43 (noting consumers could "object to the proposed discontinuance and raise concerns regarding the adequacy of available alternative services.")

⁵ *Draft Order*, ¶ 29-37.

⁶ See *In the Matter of Technology Transitions*, 31 FCC Rcd 8283, 8304-06, ¶¶ 63-67 (2016) (*2016 Technology Transitions Order*); 47 C.F.R. §§ 63.71(f); 63.602(b).

⁷ 47 C.F.R. 602(b)(3); *2016 Technology Transitions Order*, 31 FCC Rcd at 8341-43, ¶¶ 157-166.

⁸ *2016 Technology Transitions Order*, 31 FCC Rcd at 8341, n. 418.

⁹ *Id.* at ¶ 159.

monitoring devices and home security alarms as the type of ‘health and safety’ applications that remain key in the marketplace.”¹⁰ The Commission defined interoperability as “allow[ing] the key application to function or perform in a substantially similar manner as it did on the legacy voice service” and identified compliance with certain industry standards as “persuasive evidence” of interoperability.¹¹

The *Draft Order* proposes that, instead of demonstrating the existence of an adequate replacement service, an ILEC could streamline applications and obtain an automatic grant if it show that it “provides a stand-alone interconnected VoIP service” and that there is “at least one other stand-alone facilities-based voice service available from another provider.”¹² There is no requirement, however, that either the stand-alone interconnected VoIP service or other facilities-based voice service meet any of the requirements applicable to the adequate replacement test, including importantly for ADT, that they be interoperable with key applications and functions such as alarm monitoring services or medical monitoring services.

The *Draft Order* seeks to overcome concerns raised in the record that the alternative test will provide insufficient consumer protections by claiming that interconnected VoIP service “embodies” managed network service, disability access and 911 access.¹³ Notably missing from this list is the requirement for interoperability and compatibility with key applications and functions. This omission leaves consumers in the position of potentially being unable to utilize their alarm monitoring or medical monitoring equipment when their legacy TDM-based voice service is replaced with VoIP or wireless services. Moreover, it potentially disadvantages alarm monitoring service providers such as ADT that compete with the ILECs’ affiliated alarm or monitoring services. The ILECs can ensure compatibility of their own services without concern that competing services may be rendered inoperable or incompatible with the replacement service.

The *Draft Order* proffers no reasoned basis to forgo requiring a showing of interoperability for applications it has previously found to be critical for public health and safety. As noted, the *Draft Order* indicates that VoIP service embodies certain aspects of the adequate replacement, but not interoperability. The only other justification appears to be that consumers would benefit from competition from two facilities-based voice providers. This justification, however, is meaningless if neither alternative provides interoperability.

The effective elimination of the adequate replacement test is codified in the proposed new streamlining rules, which would provide in pertinent part under section 63.71:

(f) (2) An application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in §63.60(i) of this part, may be automatically granted only if:

¹⁰ *Id.* at ¶ 164.

¹¹ *Id.* at ¶ 168.

¹² *Draft Order* ¶ 30.

¹³ *Draft Order* ¶ 34.

(i) the applicant provides affected customers with the notice required under paragraph (a)(6) of this section, and the application contains the showing or certification described in §63.602(b) of this part[codifying the adequate replacement test]; or

(ii) the applicant (1) offers a stand-alone interconnected VoIP service, as defined in § 9.3 of this chapter, throughout the affected service area, and (2) at least one other alternative stand-alone facilities-based wireline or wireless voice service is available from another unaffiliated provider throughout the affected service area. For purposes of this paragraph, “stand-alone” means that a customer is not required to purchase a separate broadband service to access the voice service.

(h) An application to discontinue, reduce, or impair an existing retail service as part of a technology transition, as defined in §63.60(i) of this part, except for an application meeting the requirements of paragraph (f)(2)(ii) . . . of this section, shall contain the information required by §63.602 of this part. *The certification or showing described in §63.602(b) of this part is only required if the applicant seeks eligibility for automatic grant under paragraph (f)(2)(i) of this section.*¹⁴

As reflected in those rules, the requirement to demonstrate that the replacement service will enable interoperability and compatibility with key functions and applications as codified in section 63.602(b) is not required for the new streamlining option.

ADT fully supports the transition to advanced network technologies and the new services that they enable. Nevertheless, the Commission’s long-held policy of ensuring that the transition does not harm consumers is being eroded by the ever more expedient processes designed to alleviate proposed burdens on ILECs.

ADT thus respectfully request that Commission revise the *Draft Order* to require that either the ILEC’s replacement interconnected VoIP service or the other facilities-based voice service on which the ILEC intends to rely to qualify for streamlining be interoperable and compatible with critical safety applications such as alarm and home medical monitoring services.¹⁵

¹⁴ *Draft Order*, App. A at 34 (emphasis added).

¹⁵ The interoperability requirement is slated to sunset in 2025. *2016 Technology Transitions Order*, ¶158. ADT does not seek to disturb this requirement.

Sincerely,

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