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June 1, 2018

Chairman Ajit Pai
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure
Investment, WC Docket 17-84

Dear Chairman Pai:

On behalf of The Leadership Conference on Civil and Human Rights ("The Leadership Conference") and its Media/Telecommunications Task Force, we write to oppose the elimination of consumer notification obligations when legacy voice service is discontinued, as proposed in the *Draft Second Report and Order* in this docket. The Leadership Conference is a coalition charged by its diverse membership of more than 200 national organizations to promote and protect the rights of all persons in the United States. We are committed to ensuring that all communities have access to affordable, reliable, high-quality advanced communications services provided by skilled professionals.

The *Draft Second Report and Order* proposes to eliminate consumer outreach and education requirements that were adopted in 2016 but never fully implemented.¹ These requirements include: (1) development and distribution of educational materials to all affected customers with specific information about the changes being made to their services; (2) creation of a telephone hotline for 12 hours a day, including during regular business hours, to answer customer questions about the transition; and (3) designated staff trained in disability access issues to answer consumer questions about the transition.²

Leadership Conference members previously filed comments in the technology transitions dockets in support of fundamental precepts of "universal service, public safety, network reliability, and consumer protection, which remain as relevant in an IP network as they do in the current system."³ We believe high quality, affordable, and reliable voice and high-speed broadband services should be provided regardless of income, race, or geography and long-established consumer protections should be maintained during and after the transition.⁴ Leadership Conference members have urged the Commission to ensure that vulnerable users are protected during and after the technology transition, and to closely monitor the impact on those consumers.⁵ Leadership Conference members and public interest advocates also support consumer education in languages other than English and in a manner that can be used by people with disabilities.⁶



The Commission relies on three arguments to support the elimination of the education and outreach rules: (1) the rules are unduly burdensome;⁷ (2) the Commission's placement of discontinuance applications on public notice provides adequate notice for consumers;⁸ and (3) there is no evidence to show that current efforts of carriers are inadequate to inform or educate consumers.⁹ The Commission's rationale in favor of eliminating consumer education ignores the needs of the most vulnerable communities in the United States. The Commission has failed to conduct any cost-benefit analysis in presumptively concluding that the education and outreach rules are burdensome. Instead, it relies on anecdotal claims made by carriers that offer no evidence to support their assertions that the education rules impose an undue burden.¹⁰ The Commission's failure to implement its previously-adopted consumer education obligations is not a justification for eliminating them now. The record shows that elimination of legacy voice service absent advance consumer education and outreach has caused substantial confusion for consumers, particularly among elderly consumers.¹¹ The Commission's assumption that ordinary consumers will receive information from the Commission's public discontinuance process is unrealistic and is not supported by any evidence. Moreover, the Commission ignores the incentives of carriers to provide incomplete information to consumers in order to suppress their participation or objections to the technology transition until it is too late.

The Commission adopted the education and outreach requirements in 2016 after finding that greater education and outreach is needed when there is a discontinuance of a critical service.¹² The rules are specifically tailored to ensure the most vulnerable communities including low-income populations, communities of color, seniors, and people with disabilities have the information they need to understand what to expect when their legacy voice service is discontinued. With the Commission's recent elimination of advance notice requirements of copper retirements, the education and outreach rules have become even more critical. They should be implemented, not eliminated, as the Commission now proposes.

We strongly object to the elimination of any consumer education outreach after the inexcusable failure to implement that outreach in the first place. This proposal both fails to protect the constituencies The Leadership Conference represents and is inconsistent with the Commission's previous commitments to close the digital divide¹³ and rely on data and cost-benefit analysis to make decisions.¹⁴ We urge the Commission to set this proposal aside. If you have any questions or would like to discuss this matter further, please contact Media/Telecommunications Task Force Co-Chairs Cheryl Leanza, United Church of Christ, Office of Communication, Inc., at 202-904-2168 or cleanza@alhmail.com, or Michael Macleod-Ball, American Civil Liberties Union, at (202) 253-7589 or macleod@627consulting.com, or Corrine Yu, Leadership Conference Managing Policy Director, at 202-466-5670 or yu@civilrights.org.

Sincerely,

Vanita Gupta
President & CEO



¹ See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, DRAFT Second Report and Order, FCC-CIRC1806-02 (May 27, 2017), para 22-28 available at <https://docs.fcc.gov/public/attachments/DOC-350769A1.pdf> (“Draft Second Report and Order”).

² See *Technology Transitions et al*, Declaratory Ruling, Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 8283, 8350-51 para 181 (2016) (“2016 Second Report and Order”).

³ Letter from American Civil Liberties Union et al to Marlene Dortch, GN Docket 13-5 at 1 (filed Oct. 18, 2013) (“Leadership Conference Trials Letter”).

⁴ *Id.*

⁵ Leadership Conference Trials Letter at 2 (describing importance of consumer education in languages other than English and for people with disabilities).

⁶ Letter from Benton Foundation *et al.* to Marlene Dortch, Secretary, Federal Communications Commission, GN Docket 13-5 (filed July 7, 2016).

⁷ See Draft Second Report and Order para 22.

⁸ *Id.* at paras. 25, 26.

⁹ *Id.* para 23.

¹⁰ Draft Second Report and Order para 22 n.62.

¹¹ National Association of State Utility Consumer Advocates et al., Reply Comments at 10-11, WC Docket 17-84 (filed July 17, 2017). See also AT&T Wire Center Trial Operating Plan at 16, (Feb. 27, 2014) (“customer outreach and education are critical elements of our plan for the trials, and will be essential to their success.”)

¹² *Technology Transitions et al.*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, 9491 para 233 (2015).

¹³ Remarks of Ajit Pai, Chairman of the Federal Communications Commission (January 24, 2017) (core priority is to close the digital divide).

¹⁴ Remarks of FCC Chairman Ajit Pai at The Hudson Institute, “The Importance of Economic Analysis At the FCC,” Washington, D.C. (April 5, 2017).