

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
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Accelerating Wireline Broadband)	WC Docket No. 17-84
Deployment by Removing Barriers)	
To Infrastructure Investment)	
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**Comments of
Communications Workers of America
*On Draft Second Report and Order***

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May 31, 2018

The Communications Workers of America (CWA) strongly opposes the elimination of consumer outreach and education obligations when legacy voice service is discontinued, as proposed in the *Draft Second Report and Order* in this docket.¹ CWA represents 700,000 workers in private and public sector employment who work in telecommunications and information technology, the airline industry, news media, broadcast and cable television, education, health care and public service, law enforcement, manufacturing and other fields. CWA members have a direct interest in this proceeding as workers and consumers.

As CWA has made clear throughout this proceeding, we strongly support Commission policies that accelerate deployment of affordable advanced networks to all Americans while at the same time protecting consumers during and after technology transitions.² Rules that require carriers to provide outreach and education prior to the discontinuance of legacy services will actually facilitate the transition from legacy to next-generation broadband service. By giving people the information they need to prepare for change and the reassurance that they will not be left with inferior service, consumers will be less likely to resist change and more willing to make a smooth transfer to new advanced networks and services.

The Commission adopted the consumer education and outreach requirements in 2016 after finding that “the establishment of clear guidance on education outreach materials will help promote seamless technology transitions, consumer choice, and the fulfillment of consumer

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Draft Report and Order, FCC-CIRC1806-02, May 27, 2017, para 22-28.

² CWA Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, June 15, 2017; CWA Reply Comments, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, July 17, 2017; CWA Comments on Further Notice of Proposed Rulemaking, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Jan. 17, 2018.

information needs.”³ CWA wholeheartedly agrees, as did the AARP, the Leadership Conference on Civil and Human Rights, state regulatory commissions and state consumer advocates, all of whom urged the Commission to require discontinuance applicants to offer comprehensive education and outreach plans.⁴

In the *Draft Second Report and Order*, the Commission claims that education and outreach requirements are not necessary because service providers have the marketplace incentive to communicate with customers about replacement services.⁵ As evidence, the *Draft Second Report and Order* cites CWA’s reference to AT&T’s “comprehensive and multi-faceted” outreach in its West Delray Beach, FL and Carbon Hill, AL technology trials.⁶ But here the Commission completely ignores the fact that AT&T’s “comprehensive and multi-faceted” outreach was mandated by the Commission as a required component of any technology transition trial.⁷ As the Commission wrote in the *2014 AT&T Wire Centers Trial Order*, “we can only advance our goal of advancing technology transitions if customers are fully educated and informed.”⁸ In order to meet the Commission technology trials mandate, AT&T submitted (and subsequently gained Commission approval for) a Wire Center Trial Operating Plan in which “customer outreach and education are critical elements... and will be essential to their success.”⁹ In AT&T’s wire center trials in West Delray Beach, FL and Carbon Hill, AL, the company conducted more than 100 informational events with community leaders, local organizations, and governments, with special

³ *2016 Service Discontinuance Order*, para 457.

⁴ *Id.*, para. 181 fn. 461.

⁵ *Draft Report and Order*, para. 23.

⁶ *Id.*(citing CWA FNPRM Comments, Jan. 17, 2018, pp. 3-4).

⁷ *See 2014 Technology Transitions Order*, Appendix B (Additional Guidance on Service-Based Experiments) GN Docket No. 13-5, 13-353 et al, Jan. 31, 2014 (rel), para 6 (“[w]e expect providers to engage in customer outreach and education efforts”).

⁸ *2014 AT&T Wire Centers Trial Order*, para. 70.

outreach to seniors and people with disabilities. Even with this extensive outreach, AT&T reports only a 38 percent reduction in consumer and 25 percent reduction in business TDM (circuit switched) service.¹⁰ This underscores the importance of a comprehensive, multi-faceted consumer education and outreach program prior to shutting down legacy services.

The Commission's service discontinuance consumer outreach and education guidelines are not overly burdensome. They provide consumers with the minimum amount of information they need to transition from legacy to alternative services, and they provide carriers with a flexible blueprint to follow. An Applicant seeking discontinuance authority must 1) develop and disseminate materials that explain the changes to the service, the impact on existing applications and functionalities, any price changes, and points of contact for questions; 2) provide an accessible telephone hotline staffed at least 12 hours per day to answer questions regarding discontinuance; and 3) designate staff trained to assist consumers with disabilities with transition issues.¹¹ These are reasonable and practical guidelines, and CWA would hope that carriers would expand upon these mandates with more extensive outreach, just as AT&T did in West Delray Beach, FL and Carbon Hill, AL. Issues of public safety and public welfare are at stake. Consumers who do not understand that their legacy service might be shut off on a certain date could find themselves without vital communications at times of medical or weather emergency. The Commission should reaffirm these guidelines and soundly reject any modifications that would weaken consumer outreach and education.

There are 48 million consumers, businesses, and government agencies that rely on the

⁹ AT&T Wire Center Trial Operating Plan, p. 16, Feb. 27, 2014.

¹⁰ AT&T Final Wire Center Trial Report, *Technology Transitions, et al.*, GN Dockets No. 13-5 and 12-353, Jan. 19, 2017.

legacy voice network.¹² Many are elderly, low-income, and located in rural areas. The record shows that elimination of legacy services without advance education and outreach has caused substantial confusion, particularly among low-income consumers.¹³ With the Commission's recent elimination of advance notice requirements of copper retirements, the education and outreach rules have become even more critical. The Commission's failure to implement its previously-adopted consumer education obligations is not a justification for eliminating them now. CWA strongly urges the Commission to retain the consumer education and outreach requirements to protect consumers, particularly those who are elderly, low-income, and live in rural areas.

Respectfully Submitted,

A handwritten signature in black ink, reading "Debbie Goldman", written over a horizontal line.

Debbie Goldman
Communications Workers of America

May 31, 2018

¹¹ 2016 Service Discontinuance Order, para. 179-186.

¹² FCC, *Voice Telephone Services as of June 30, 2016*, April 2017; CWA Comments on Further Notice of Proposed Rulemaking, *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Jan. 17, 2018.

¹³ National Association of State Utility Consumer Advocates et al., Reply Comments, WC Docket No. 17-84, July 17, 2017, pp. 10-11; *See also* CWA Comments, WC Docket No. 17-84, June 15, 2017, pp. 10-14 (citing customer confusion from copper retirements in Maryland and New Jersey).