

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

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

To: The Commission

**JOINT REPLY COMMENTS OF ALLIANT ENERGY CORPORATION AND XCEL
ENERGY SERVICES INC. ON SECTIONS II.B. AND II.C. OF THE NOTICE OF
PROPOSED RULEMAKING**

Alliant Energy Corporation (“Alliant Energy”) and Xcel Energy Services Inc. (“Xcel Energy Services”), on behalf of their utility operating subsidiaries, hereby submit these Joint Reply Comments in response to the issues raised in Sections II.B. and II.C. of the Federal Communications Commission’s (“FCC” or “Commission”) *Notice of Proposed Rulemaking* on copper retirement and streamlining the Section 214(a) discontinuance process.¹

As previously stated in this docket, Alliant Energy and Xcel Energy Services are extremely concerned that the Commission’s proposals to eliminate or revise its rules on copper retirement and service discontinuance could adversely affect utilities that rely on legacy carrier circuits and services to support mission critical communications – such as remote monitoring and control of substations, SCADA operations, protective relays, and communication with generation

¹ / *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, FCC 17-37 (rel. April 21, 2017) (“*NPRM*”). Alliant Energy and Xcel Energy Services are separately submitting Joint Reply Comments together with the WEC Energy Group, Inc., in response to the issues raised in Section II.A. of the *NPRM* regarding pole attachments.

facilities – especially in rural and remote areas where many critical assets and facilities are located.² Utilities need sufficient notice and time to prepare to transition to alternative communications, and Alliant Energy and Xcel Energy Services therefore join with Southern Company, the Utilities Technology Council (“UTC”), the Edison Electric Institute (“EEI”) and the National Electric Rural Cooperative Association (“NRECA”) in urging the Commission to retain those rules and requirements that enable utilities to ensure the continuing operational safety, reliability, and security of the delivery of essential electric and gas utility services to the public.

I. COPPER RETIREMENT AND NETWORK CHANGE NOTIFICATION PROCESS

Alliant Energy and Xcel Energy Services agree with other utility commenters in this proceeding that the Commission should retain its current rules on copper retirement and network change notifications.³ As these commenters have demonstrated, the costs of reducing, modifying, or eliminating these rules far exceed any possible benefits to carriers or to the IP transition process in general.⁴ Many utilities rely on copper facilities to support mission critical communications, and, if adopted, the Commission’s proposals could compromise their ability to maintain communications with their critical utility assets in order to ensure the operational safety, reliability, and security of their essential electric and gas utility services.⁵ As Southern Company stated, this “could have severely detrimental consequences to public safety, health, and

² / See Joint Comments of Alliant Energy Corporation, WEC Energy Group, Inc. and Xcel Energy Services Inc. at 46-47.

³ / Comments of UTC at 24-29; Comments of Southern Company at 4-12; Comments of EEI at 46-47; Comments of NRECA at 5-7.

⁴ / See note 3 *supra*.

⁵ / *Id.*

welfare.”⁶ Conversely, the current notification requirements impose only a minimal burden (if any) on carriers,⁷ and there is no actual evidence that these simple notification requirements have in any way hindered the IP transition or the deployment of new services and technologies.

A. The Commission Should Retain the Current Notice Period for Copper Retirement

Alliant Energy and Xcel Energy Services strongly urge the Commission to retain the requirement that ILECs provide 180 days advance written notice of planned copper retirements.⁸ Although electric and gas utilities have been transitioning to newer communications technologies, many utilities, including Alliant Energy and Xcel Energy Services, still rely on copper facilities to support mission critical communications in many parts of their service areas and systems. As UTC observed, utilities “have stringent performance requirements for latency and reliability, and they need to be sure that a replacement service from a carrier will be able to meet these performance requirements.”⁹ For example, Southern Company described in its comments the latency requirements for its utility command and control applications, pointing out in particular the extreme latency requirements (less than 40 milliseconds) for teleprotection systems due to their criticality to public safety and welfare.¹⁰

⁶ / Comments of Southern Company at 8.

⁷ / See, e.g., Comments of NRECA at 7 (pointing out that ILECs already possess customer billing addresses, and thus it “should not be unduly burdensome for ILECs to send a separate notice to customers.”).

⁸ / *NPRM* at ¶ 58; See Comments of NRECA at 5-7; Comments of UTC at 27-28. See also Comments of Southern Company at 5 (recommending that the notice period be increased from 180 days to one year “with respect to copper that has been used in the delivery of communications services to electric and gas utilities and other critical infrastructure industries.”).

⁹ / Comments of UTC at 26.

¹⁰ / Comments of Southern Company at 2-4; See also Comments of NRECA at 9.

This example illustrates the challenges faced by utilities in the IP transition process. As Southern Company stated, customers in general – and utilities and critical infrastructure industries in particular – “need time to assess whether and how the proposed replacement service will affect their ongoing operations, then engineer, order, and install the replacement service, assuming it is adequate.”¹¹ Planning and preparation is further complicated by the fact that, as NRECA stated, “there is no timetable, window, or end date for local exchange carriers to initiate or complete copper retirements or to deploy or implement IP services or networks.”¹² Sufficient notice is therefore needed for utilities to be able to prepare to transition to alternative communications services that meet their performance and reliability needs.

B. The Commission Should Retain Expanded Definition of Copper Retirement

Alliant Energy and Xcel Energy Services also agree with other utility commenters that the Commission must maintain the current expanded definition of copper retirement that includes a failure to maintain copper facilities “that is the functional equivalent of removal or disabling.”¹³ In such a situation – also known as “run to failure” – the carrier will take the opportunity to replace the copper entirely rather than repairing it. While this may make sense operationally, replacing rather than repairing copper circuits often results in long disruptions to communications services. Utilities rely on high levels of availability and quality of service, and therefore must be informed if the carrier’s intent is to run a copper circuit to failure so that the utility can develop an alternate plan for that circuit. This information is especially important

¹¹ / Comments of Southern Company at 5; *See also* Comments of EEI at 47 (“The required network and equipment re-engineering could be very time-consuming for utilities in that in a typical electric utility anywhere from several individual to several thousand substations and thousands of voice circuits could be involved.”).

¹² / Comments of NRECA at 6.

¹³ / *NPRM* at ¶ 60; Comments of UTC at 27; Comments of Southern Company at 5 (stating that a failure to maintain “is absolutely the same as removing or disabling those facilities.”).

when a utility's facilities are located in rural areas, where communications options are much more limited.

C. The Commission Should Retain the Expanded List of Entities to be Notified and Remove Restrictions on Disclosure

Alliant Energy and Xcel Energy Services join Southern Company in urging the Commission to retain the expanded list of entities to be notified of copper retirement, including “each entity within the affected service area that directly interconnects with the incumbent LEC’s network.”¹⁴ Many utility communications networks and facilities interconnect directly with the incumbent LEC’s network, especially in rural areas where many critical assets and facilities are located, and where there is generally no alternative to the incumbent LEC’s network. Utilities and other entities that interconnect directly with the ILEC’s network should therefore continue to receive notification of copper retirements.

Similarly, Alliant Energy and Xcel Energy Services support the Commission’s proposal to eliminate or modify the prohibition in its rules against ILECs disclosing any information about their planned network changes to affiliated or unaffiliated entities prior to providing public notice.¹⁵ Alliant Energy and Xcel Energy Services agree that this proposal would facilitate the free flow of useful information that utilities and other entities would find particularly helpful in planning their own business operations.¹⁶ This in turn would encourage greater cooperation and coordination between ILECs and enterprise customers with specific communications needs and requirements, thus increasing the efficiency of the IP transition.

¹⁴ / *NPRM* at ¶ 61; Comments of Southern Company at 6.

¹⁵ / *NPRM* at ¶ 67 (*citing* 47 C.F.R. § 51.325(c)).

¹⁶ / *Id.*

D. The Commission Should Continue to Require Notice of Changes Affecting Terminal Equipment

Finally, Alliant Energy and Xcel Energy Services agree with UTC and Southern Company that the Commission should continue to require wireline carriers to give adequate written notice to customers of changes to the carrier's facilities, equipment, operations or procedures that "can be reasonably expected to render any customer's terminal equipment incompatible" with the carrier's facilities, or "require modification or alteration of such terminal equipment, or otherwise materially affect its use or performance."¹⁷ Alliant Energy and Xcel Energy Services agree with UTC that eliminating this requirement "could undermine the reliability and security of utility applications that are supported by carrier services, if the replacement service is incompatible with the utility's terminal equipment."¹⁸ The provision of adequate notice is especially important in rural areas where there is only one communications service provider, since a lack of adequate notice not only raises reliability and security concerns for utilities, but also puts undue financial pressure on customers to lifecycle their terminal equipment in an expedited manner.

Conversely, as Southern Company observed, the burden on a carrier to provide notice is "insignificant in comparison to the costs and public safety risks that could be caused by disruption to enterprise users that may have invested significantly in terminal equipment and/or that depend on these devices for critical operations."¹⁹

¹⁷ / *NPRM* at ¶ 70 (*quoting* 47 C.F.R. § 68.110(b)); Comments of UTC at 28-29; Comments of Southern Company at 11-12.

¹⁸ / Comments of UTC at 29.

¹⁹ / Comments of Southern Company at 11-12.

II. STREAMLINING THE SECTION 214(a) DISCONTINUANCE PROCESS

Alliant Energy and Xcel Energy Services join UTC and Southern Company in opposing the Commission's proposed changes to the Section 214(a) discontinuance process.²⁰ In particular, Alliant Energy and Xcel Energy Services agree with Southern Company that the Commission should not reduce the timelines for applications to grandfather legacy services, nor should the Commission auto-grant grandfathering applications or forbear from applying Section 214 requirements to applications that propose grandfathering.²¹ Alliant Energy and Xcel Energy Services also agree with Southern Company that the Commission should not adopt a streamlined discontinuance process for previously grandfathered services.²²

Southern Company correctly states that 10 days' notice of a proposal to grandfather a legacy service is "woefully inadequate" for utilities and other critical infrastructure industries "that must spend significant time in planning and engineering communications systems to support their operations."²³ As Southern Company explained, "A customer may be deep into system design, only to find that the carrier intends to soon discontinue a service that the customer assumed would be available for the planned operation."²⁴ With respect to discontinuance of previously-grandfathered services, Southern Company correctly states that a 10-day notice period is likewise "woefully inadequate" for many legacy services used by utilities.²⁵

²⁰ / *NPRM* at ¶¶ 71-99; Comments of UTC at 31-33; Comments of Southern Company at 12-17.

²¹ / Comments of Southern Company at 12-13.

²² / *Id.* at 15-16.

²³ / *Id.* at 13.

²⁴ / *Id.*

²⁵ / *Id.* at 15.

In any event, the Commission must ensure that any service agreement for tariffed services between a carrier and its customer will take precedence over the service discontinuance procedures required under Section 214(a) and the Commission's regulations. Otherwise, a carrier could stop taking new service orders for a grandfathered service in as little as ten days after filing a notice for public comment, regardless of the terms of its service agreement with a customer. Because enterprise customers such as utilities base their operational planning on the pricing and availability of the services covered under their carrier service agreements, they require certainty that these services will be available (at the specified pricing) at least through the expiration of their current service agreement. Without this certainty, utilities and other enterprise customers would lose their ability to plan for and respond to the discontinuance of or significant price increases in certain services that they rely on.

WHEREFORE, THE PREMISES CONSIDERED, Alliant Energy and Xcel Energy Services respectfully request the Commission to take action in this docket consistent with the views expressed herein.

Respectfully submitted,

**ALLIANT ENERGY CORPORATION AND
XCEL ENERGY SERVICES INC.**

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