

**Before the
Federal Communications Commission
Washington, D.C. 20554**

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

REPLY COMMENTS OF WINDSTREAM SERVICES, LLC

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Windstream Services, LLC (“Windstream”), on behalf of its affiliates and subsidiaries, herein submits reply comments in response to the Federal Communications Commission’s (“Commission’s”) *Notice of Proposed Rulemaking (“NPRM”), Notice of Inquiry, and Request for Comment* released April 21, 2017, in the above-referenced proceeding.¹

INTRODUCTION

An array of commenters in this proceeding identify that the Commission, under the guise of promoting broadband deployment, ironically is proposing actions that would impede network investment, complicate technology transitions, and leave consumers vulnerable to service disruptions, fewer choices, and higher prices. As AARP correctly notes, the “most significant impediment to the deployment of next-generation technologies is the lack of competition in last-mile broadband markets, which is a direct result of persistent economies of scale, and other entry barriers.”² The Commission’s 2015 changes to its copper retirement rules and Section 214(a) discontinuance process—which give competitive providers adequate time to adapt to technology

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 2017 FCC LEXIS 1199 (rel. April 20, 2017) (*NPRM*).

² Comments of AARP, WC Docket No. 17-84, at 20 (June 15, 2017) (AARP Comments).

transitions and help ensure that consumers retain comparable, reasonably priced options—are designed to address that deficiency, but less than two years later, the Commission now seeks to sweep away these positive changes—“taking a step backward,” as AARP notes.³

Perhaps the Commission believes that, relieved of the allegedly onerous yoke of these protections, large incumbent local exchange carriers (“LECs”) will use their market power to benefit consumers rather than line their own pockets. However, contrary to USTelecom’s assertion that “[T]here is scant evidence . . . that the ‘fear’ expressed by competitive LECs that ILECs will use technology transitions to thwart competition is warranted,”⁴ there is in fact a great deal of evidence that incumbent LECs are doing just that. For example, Windstream has presented evidence that with respect to the unregulated IP-based services and inputs increasingly replacing TDM-based DS1s and DS3s, the large incumbent LECs charge exorbitant wholesale rates⁵ and engage in price squeezes by pricing wholesale inputs close to or higher than their own rates for finished retail products that use those inputs.⁶ Moreover, Windstream has demonstrated

³ *Id.* at 12.

⁴ Comments of the USTelecom Association, WC Docket No. 17-84, at 22 (June 15, 2017) (USTelecom Comments).

⁵ See Reply Comments of Windstream Services, LLC, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593, WC Docket No. 15-1, at 11-12 (March 9, 2015) (Windstream 2015 Reply Comments) (noting pricing data it has presented showing that AT&T charges eight times more for a 2 Mbps Ethernet service than for a TDM-based DS1); *id.* at 16 (citing a TeleGeography report showing that the United States has some of the highest Ethernet rates in the world).

⁶ See, e.g., Declaration of Joseph Harding at ¶ 17, attachment to Motion of Windstream Services, LLC et al. for Stay Pending Judicial Review, *Ad Hoc Telecommunications v. FCC*, No. 17-2342 (8th Cir. July 3, 2017).

that the large ILECs are using the transitions from copper to fiber and from TDM-based to IP-based technologies as grounds to stop providing unbundled DS1- and DS3-capacity loops.⁷

As the record overwhelmingly shows, the protections adopted by the Commission in 2015 are important and largely should be kept intact. In particular, the comments underscore that the Commission should (1) retain the essential elements of 47 C.F.R. §51.332, which sets forth specific notice requirements for copper retirements; (2) permit early disclosure about planned network changes only if disclosure is given to all interconnecting entities; and (3) ensure that the Section 214(a) discontinuance process includes a thorough evaluation of the effects of the proposed discontinuance on all members of the community.

I. THE COMMISSION SHOULD KEEP THE ESSENTIAL ELEMENTS OF ITS DISTINCT NOTICE REQUIREMENTS FOR COPPER RETIREMENTS.

The record shows that distinct notice requirements for copper retirements are appropriate, and that the Commission should retain the extended notice requirements and expanded definition of copper retirement. Furthermore, to the extent the Commission permits early notice of copper retirements, it should require that all interconnecting carriers receive such notice. Finally, it is important to note that no commenter expresses opposition to the continuation of the requirement that incumbent LECs communicate in good faith with interconnecting entities regarding copper retirement. Windstream has found such communication essential, and as NASUCA explains, it is of the “utmost importance that there be timely and full disclosure of service changes, so that every customer can fully evaluate the options available and make arrangements to replace affected service(s) with alternatives that meet all the customer’s functional requirements.”⁸

⁷ See Petition of Windstream Corporation for a Declaratory Ruling, WC Docket No. 15-1, at 10-11 (Dec. 29, 2014).

⁸ Comments of the National Association of State Utility Consumer Advocates et al., WC Docket No. 17-84, at 4 (June 15, 2017) (NASUCA Comments).

A. The Record Demonstrates that the Commission Should Retain Specific Notice Provisions, Including the 180-Day Notice Timeline, for Copper Retirements.

Despite AT&T's assertion that "there is nothing special about copper retirement that requires additional burdens and longer waiting periods,"⁹ a wide range of commenters support the distinct treatment of copper retirement vis-à-vis other network changes. For example:

- "Copper retirement is not the same as any other network change," explains the California Public Utility Commission.¹⁰
- The Communications Workers of America states that "[c]opper retirement is indeed different in magnitude and impact than other short-term network changes."¹¹
- Public Knowledge notes that "copper retirement poses unique challenges and policy considerations and must be treated differently."¹²

Commenters also reject the flawed argument, presented by the Commission and predictably supported by large incumbent LECs, that heightened notice requirements are unnecessary because interconnecting carriers are "aware that copper retirements are inevitable" and are "familiar by now with the implications of and processes involved in accommodating such changes."¹³ ADTRAN, a leading global provider of telecommunications networking equipment, notes that "copper loops are not an obsolete technology."¹⁴ CALTEL states that "the on-the-

⁹ Comments of AT&T Services, Inc., WC Docket No. 17-84, at 33-34 (June 15, 2017) (AT&T Comments).

¹⁰ Comments of the California Public Utilities Commission, WC Docket Nos. 17-84, 17-79, at 26 (June 15, 2017) (CPUC Comments). *See also* Comments of the Pennsylvania Public Utilities Commission, WC Docket No. 17-84, at 7 (June 15, 2017) (Pa. PUC Comments).

¹¹ Comments of the Communications Workers of America, WC Docket No. 17-84, at 9 (June 15, 2017) (CWA Comments).

¹² Comments of Public Knowledge, WC Docket No. 17-84, at 4 (June 15, 2017).

¹³ *See NPRM* at ¶ 62. *See, e.g.,* Comments of Frontier Communications Corporation, WC Docket No. 17-84, at 23 (June 15, 2017).

¹⁴ Comments of ADTRAN, Inc., WC Docket No. 17-84, at 5 (June 15, 2017) (ADTRAN Comments).

ground facts do not support a view that copper retirement notices are an everyday occurrence, let alone inevitable,” and calls this familiarity argument “the overblown rhetoric of the ILECs’ regulatory advocacy.”¹⁵

Numerous commenters explain that the singular nature of copper retirements necessitates the longer notice period established in 2015. The National Rural Electric Cooperatives Association (NRECA) notes that “[t]his advance notice is critical for its members’ network planning and the important role of reliable and available telecommunications services in the day-to-day operation” of its members.¹⁶ NASUCA points out that “the greatest burden of shortening the notice period for copper retirement will fall on competitors and consumers.”¹⁷ Some commenters assert that the notice period should be even longer than 180 days. The Competitive Carriers Association explains that “in some cases even 180 days is not sufficient lead time to make the upgrades or reconfigurations necessary to transition to IP-based service or make alternative arrangements.”¹⁸ ADTRAN states that if the notice period is reduced to 90 days, there should be a mechanism for customers to get a 90-day extension.¹⁹ And Southern Company Services, Inc., a utility company in Alabama, supports the suggestion of Windstream and others in 2015 that the notice period should be increased to one year:

Customers 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. This is especially true for enterprise customers in general, and for utilities and critical infrastructure industries in

¹⁵ Comments of CALTEL, WC Docket No. 17-84, at 6 (June 15, 2017) (CALTEL Comments).

¹⁶ Comments of the National Rural Electric Cooperative Association, WC Docket No. 17-84, at 5 (June 15, 2017) (NRECA Comments).

¹⁷ NASUCA Comments at 18.

¹⁸ Comments of the Competitive Carriers Association, WT Docket Nos. 17-79, 15-180, WC Docket No. 17-84, at 53-54 (June 15, 2017).

¹⁹ ADTRAN Comments at 6.

particular, as previously noted by the FCC. As discussed below, it can take years to complete the transition from services used to support critical utility operations, even with the full support of the carrier.²⁰

Predictably, the large incumbent LECs support the elimination of distinct copper retirements by arguing that the rules require them to “maintain[] facilities used by a small and decreasing number of customers.”²¹ This straw man obfuscates the fact that of course the rules do not require incumbent LECs to retain copper facilities, or even require them to seek permission to retire copper. Moreover, as commenters note, the 180-day notice period is not overly burdensome because “a copper retirement decision is not something that the ILEC can arrive at on the spur of the moment,”²² and “ILEC planning cycles for fiber deployment are likely in the 12-18 month window.”²³ The ILECs do not deny this, nor do they provide evidence that the existing notice requirements are impeding broadband investment—the central question in this proceeding.²⁴ Thus, the Commission should retain the existing notice requirements set forth in 47 C.F.R. §51.332. If it nonetheless reduces the notice period to 90 days, the

²⁰ Comments of Southern Company Services, Inc., WC Docket No. 17-84, at 5 (June 15, 2017) (Southern Comments).

²¹ *See, e.g.*, USTelecom Comments at 22.

²² NASUCA Comments at 18.

²³ CALTEL Comments at 7.

²⁴ *See* Comments of INCOMPAS, WC Docket No. 17-84, at 14 (June 15, 2017) (INCOMPAS Comments) (noting that there is “no evidence—perhaps beyond bare assertions by incumbent LECs—that the need to provide 180-day notice of copper retirements actually hinders incumbent LEC network upgrade efforts”); Comments of Utilities Technology Council, WC Docket No. 17-84, at 28 (June 15, 2017) (There is “nothing to suggest that these consumer protections have substantially delayed carriers from transitioning, nor have they imposed an undue burden on carriers in terms of compliance”). *See also* Public Knowledge Comments at 6 (“The Commission asserts that burdens exist, and are great enough to justify sweeping changes to existing rules, but offers no substantive analysis to justify this position, instead beseeching commenters to explain the costs and benefits.”).

Commission should clarify that the period should run from the date that the incumbent provides interconnecting carriers with lists of impacted circuits.²⁵

B. The Commission Should Retain the Expanded Definition of Copper Retirement.

The record also demonstrates that the Commission should retain the expanded definition of copper retirement that added (1) the feeder portion of copper loops and subloops, and (2) *de facto* retirement that results from the failure to maintain copper facilities. Though USTelecom, parsing words, asserts that “there has been no broad finding that ILECs are deliberately and pervasively allowing their copper networks to deteriorate,”²⁶ the record is replete with evidence of such deliberate neglect. As NASUCA notes, “the decision to include *de facto* copper retirement was based in part upon submission of multiple state filings by consumer advocates (including NASUCA) and competitors alleging that “in some cases incumbent LECs are failing to maintain their copper networks in an effort to push customers off copper and onto fiber or other technologies, even when the other technologies do not meet customer needs or are more expensive.”²⁷ CWA notes that the Commission in 2015 “responded to extensive evidence provided by CWA, state public utility commissions, and consumer advocates of cases in which incumbent LECs have allowed copper networks to deteriorate to the extent that the networks are no longer reliable.”²⁸ In this proceeding, CWA provides additional evidence of substantial harm

²⁵ See Windstream 2015 Reply Comments at 46.

²⁶ USTelecom Comments at 25.

²⁷ NASUCA Comments at 8-9. See also Southern Comments at 5 (noting “maintenance of existing copper facilities remains a concern when an incumbent LEC does not go through the copper retirement process”); Pa PUC Comments at 5.

²⁸ CWA Comments at 14-15 (internal quotation omitted).

leading to state proceedings in five states, noting that “this brief review . . . illustrates that, absent public oversight, incumbent carriers will continue to engage in de facto copper retirement.”²⁹

Yet again, the incumbent LECs set up a straw man by asserting that the expanded definition of copper retirement “effectively requires ILECs to preserve copper networks for CLECs who do not want to invest.”³⁰ Again, of course the existing rules do not compel ILECs to retain or maintain copper facilities, but merely require them to go through a formal notice process if they do not wish to retain or maintain such facilities, so that consumers will experience minimal service disruption.

C. If the Commission Permits Early Disclosure of Copper Retirement Plans, Such Disclosure Should Go to All Interconnecting Entities.

The record demonstrates that if the Commission chooses to permit disclosure of network change plans before public notice, it should modify the rule (47 C.F.R. § 51.325(c)) to permit disclosure only to the extent it makes such information available at the same time to all interconnecting entities. The California Public Utilities Commission makes clear the competitive harm that is likely to result from preferential disclosure:

[N]othing would prohibit an incumbent LEC from planning to retire copper, notifying an affiliate that provides business services in time to allow the affiliate to lay fiber in an area where a competing carrier has a wholesale agreement, and putting that competitor out of business. If competition in the telecommunications market is a balance between incumbents and their competitors, by these rules the Commission could stifle competition, rather than enabling it. Effective competition depends in part on the flow of information.³¹

²⁹ *Id.* at 23.

³⁰ Comments of ITTA—The Voice of America’s Broadband Providers, WC Docket No. 17-84, at 9 (June 15, 2017) (ITTA Comments). *See also* Frontier Comments at 24 (asserting that the expanded definition means providers must maintain copper where no one is using it).

³¹ CPUC Comments at 27-28. *See also* Pa PUC Comments at 9 (noting that “technology transitions should not be used as a pretext to limit competition or to allow incumbents to engage in anticompetitive behavior”).

Indeed, CenturyLink essentially admits that it intends to use the proposed elimination of Section 51.325(c) to gain a competitive advantage for it and its affiliates vis-à-vis competitive providers: “The rule also arguably requires ILECs to inform their competitors . . . of new service offerings at the same time they make that information available to partners and potential customers.”³² However, rather than a “asymmetric requirement” “providing an unfair advantage to the ILECs’ competitors,”³³ as CenturyLink puzzlingly asserts, the present rule even-handedly prevents ILECs’ affiliates from gaining an unfair advantage and thus promotes competition as envisioned by the Telecommunications Act of 1996. The rule also helps minimize the risk of consumer service interruptions.

Thus, to the extent the Commission alters the rule to permit early disclosure to any party, it should require equal, contemporaneous disclosure to all interconnected carriers. Even ITTA, an incumbent LEC trade association, concedes that earlier notice would benefit all interconnecting carriers and notes that “eliminating Section 51.325(c) will also facilitate smoother copper retirement processes by enabling ILECs *and interconnectors* to communicate earlier.”³⁴ The incumbent LECs that oppose contemporaneous notice to interconnecting entities fail to provide any compelling reason.³⁵ For example, Verizon implies that interconnecting entities would be confused by early notice of a copper retirement that has not yet been finalized, but interconnecting entities are sophisticated enough to understand that plans can change.³⁶ In

³² Comments of CenturyLink, WC Docket No. 17-84, at 34 (June 15, 2017) (CenturyLink Comments).

³³ *Id.*

³⁴ ITTA Comments at 14.

³⁵ *See, e.g.*, USTelecom Comments at 29 (giving no explanation for why providers should have full discretion).

³⁶ Comments of Verizon, WC Docket No. 17-84, at 25 (June 15, 2017).

the same vein, AT&T notes that a “rule barring disclosure could chill discussions that may improve the planning process,” but does not explain why a rule permitting preferential disclosure is necessary to adequately promote discussion.

II. THE RECORD DEMONSTRATES THAT THE COMMISSION SHOULD NOT TAKE ACTIONS THAT WOULD UNDERMINE THE SECTION 214(a) APPROVAL PROCESS.

A broad range of commenters agree that the Commission should avoid actions that would undermine the approval process set forth in 47 U.S.C. § 214(a), which requires that the Commission carefully consider whether the public would be adversely affected when carriers discontinue, reduce, or impair services on which communities rely. In particular, the record shows that the Commission should not reverse its clarification in the *2015 Technology Transitions Order* that Section 214(a) applies to *all* retail end-users, as they are all part of the “community” experiencing the service discontinuance. Moreover, commenters stress that the Commission should continue to require thorough reviews of discontinuance applications, including consideration of whether alternative services are comparable in cost and functionality.

A. **The Commission Should Not Reverse its 2015 Clarification That Section 214(a) Applies to Retail End-User Customers of Carrier-Customers.**

A range of commenters, including competitive providers,³⁷ state commissions,³⁸ public interest organizations³⁹ and telecommunications purchasers,⁴⁰ agree that the Commission should continue to enforce its clarification that a carrier must consider the retail end-user customers of its carrier-customers when evaluating whether it will “discontinue, reduce, or impair service to a

³⁷ See INCOMPAS Comments at 16; CALTEL Comments at 10.

³⁸ See, e.g., CPUC Comments at 37-39; Pa. PUC Comments at 14.

³⁹ See, e.g., AARP Comments at 6-7.

⁴⁰ See, e.g., Southern Comments at 16-17.

community, or part of a community.”⁴¹ Commenters correctly note that the “community” includes the retail customers of carrier-customers, and if Congress had meant to focus solely on the discontinuing carrier’s own direct customers, it would have specified so in the statute.⁴² Southern Company Services, an energy company that purchases telecommunications services, highlights the arbitrariness of interpreting “community” not to include the retail customers of carrier-customers: “A user should not lose its right to receive notice of a planned discontinuance by the underlying carrier just because it has chosen to consolidate its service arrangements through a single carrier.”⁴³ Thus, the Commission’s 2015 clarification is not, as USTelecom asserts, about “ensuring particular carriers an enduring source of wholesale supply,”⁴⁴ but rather about ensuring that all members of the community are protected. Even AT&T, which as a large incumbent LEC opposes the 2015 clarification, concedes that the purpose of Section 214(a) is “to protect end users from a loss or impairment of critical communications services”⁴⁵—a goal that necessitates consideration of *all* end users in the community.

USTelecom again sets up and knocks down a straw man, arguing that the “Commission never adequately explained how the obligation to seek discontinuance falls on the ILEC rather than on the carrier-customer when the carrier-customer’s end users are affected.” As

⁴¹ See *Technology Transitions et al.*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 15-97, 30 FCC Rcd 9372, 9428, ¶ 102 (2015) (*2015 Technology Transitions Order*).

⁴² See INCOMPAS Comments at 16 (citing Joint Brief of Intervenors Public Knowledge, INCOMPAS, and 10 Competitive Carriers, *U.S. Telecom. Assoc. v. Fed Comm’n’s Comm’n*, No. 15-1414, at 22 (D.D.C. Sept. 19, 2016) (Intervenors’ Brief)); CPUC Comments at 37 (“The FCC properly clarified that a carrier customer cannot narrowly define ‘community’ as just its own retail customers.”)

⁴³ Southern Comments at 16.

⁴⁴ USTelecom Comments at 36.

⁴⁵ AT&T Comments at 53.

USTelecom well knows, the carrier-customer also has an obligation to seek Section 214(a) approval if a discontinuance of the incumbent LEC prevents it from being able to offer a service. However, as the Commission has recognized, the end user customers of a carrier-customer are only adequately protected if their interests are considered in the process for discontinuance of the underlying service provided by the incumbent LEC.⁴⁶ Where an incumbent LEC shuts down a service that a competitive LEC had relied upon, the Commission “may have no real choice but to allow the competitive LEC to leave the retail market,” rendering the competitive LEC’s customers’ service impaired or unavailable.⁴⁷ Thus, the interests of those end users, who are part of the community, must be considered earlier in the process, before the discontinuance becomes a *fait accompli*.⁴⁸

The large ILECs again attempt to argue that they should not be required to consider the end users of carrier-customers because they have “no way of knowing” how they would be affected.⁴⁹ However, as Windstream has noted in the past, and as recognized by other commenters—including AARP and CALTEL—wholesale providers can easily ascertain the names, locations, and number of lines of its carrier-customers’ end users, and thus can surmise whether and how the proposed discontinuance would affect those end users.⁵⁰ In short, it is

⁴⁶ See Brief of Respondent Federal Communications Commission, *U.S. Telecom. Assoc. v. Fed Comm’ns Comm’n*, No. 15-1414, at 49 (D.D.C. Aug. 15, 2016).

⁴⁷ *Id.*

⁴⁸ See also Southern Comments at 16 (“Discontinuance of the service by the underlying carrier does not merely terminate service to the ‘wholesale’ carrier; it terminates service to an end user and therefore requires compliance with Section 214(a) with respect to the end user that is most directly affected by that discontinuance.”)

⁴⁹ CenturyLink Comments at 48. See also AT&T Comments at 57 (the “wholesale carrier must expend much more time and resources to collect and decipher the same information”).

⁵⁰ See AARP Comments at 6-7; CALTEL Comments at 10.

possible and necessary for a carrier to consider the end user customers of a carrier-customer when evaluating whether its actions will “discontinue, reduce, or impair service to a community, or part of a community.”⁵¹

Finally, the fact that Section 251(c)(5) requires incumbent LECs to “provide reasonable notice of changes in the information necessary for the transmission and routing of services using that local exchange carrier’s facilities or networks . . .” does not mean that Congress only intended to require incumbent LECs to provide notice, not obtain approval pursuant to Section 214(a), when making changes to wholesale inputs relied upon by competing carriers.⁵² AT&T asserts that “Section 251(c)(5) would be largely superfluous if . . . Section 214(a) already addressed a carrier’s duties when discontinuing a wholesale input.”⁵³ However, as INCOMPAS et al. noted in the Intervenor’s Brief in USTelecom’s appeal of the *2015 Technology Transitions Order*, Section 251 mandates that ILECs provide notice for any network change, but Section 214(a) also requires approval where the change would result in the discontinuance, reduction, or impairment of service to end users.⁵⁴ Thus, the two provisions are easily reconciled.

B. Section 214(a) Requires that the Commission Engage in a Thorough Review, Including Careful Consideration of Availability of Alternatives.

Finally, commenters overwhelmingly agree that the Commission should not abrogate its responsibility under Section 214(a) by concluding or adopting a presumption that discontinuances will not adversely affect the present or future public convenience and necessity

⁵¹ See 47 U.S.C. § 214(a).

⁵² See *NPRM* at ¶ 93.

⁵³ AT&T Comments at 55.

⁵⁴ Intervenor’s Brief at 24-25. See also AARP Comments at 8 (“The scope of Section 251(c)(5) does not rise to the level of discontinuance.”).

wherever “alternative services” are available.⁵⁵ For example, NASUCA articulates a major concern that the Commission’s proposals “could reduce Section 214 review to a mere formality.”⁵⁶ Southern Company Services correctly highlights the illogic—and inconsistency with the purpose of Section 214(a)—of having the discontinuing carrier unilaterally assess whether suitable alternatives are available:

Southern has serious concerns with the idea of a discontinuing carrier making its own assessment – and without notice to users or an opportunity to comment – of whether suitable alternatives are available to users whose service is discontinued. Section 214(a) was adopted by Congress for a reason: to ensure that carriers do not unilaterally or precipitously discontinue service to a community or part of a community without the Commission having an opportunity to determine whether the present or future public convenience and necessity would be served thereby. Compliance with Section 214(a) is not so onerous that it should be waived to the detriment of users who might not have suitable alternatives.⁵⁷

A wide range of commenters agree that a rigorous examination by the Commission concerning the availability of alternatives is required by Section 214(a).⁵⁸ Commenters also note that in addition to functionality—including network performance and service quality—the Commission must consider affordability of suggested alternatives when evaluating whether a discontinuance should be permitted.⁵⁹ NRECA suggests that the Commission should ensure that the “recurring charge for the replacement service is reasonably comparable to the rates for the

⁵⁵ See, e.g., Verizon Comments at 29. See also USTelecom Comments at 33-34 (proposing that providers should not have to file for discontinuance of services at higher than DS1 speeds).

⁵⁶ NASUCA Comments at 20. See also AARP Comments at 6 (Truncated review of discontinuance is “inappropriate as consumers must be certain to have alternatives once a legacy service is discontinued”).

⁵⁷ Southern Comments at 17.

⁵⁸ See, e.g., Pa. PUC at 13 (“This is existing precedent that should be maintained, and this criterion should be considered mandatory”); AARP Comments at 10 (“Issues associated with the coverage, stability and reliability, and affordability of third-party services must be verified by the Commission with the benefit of specific information from the third-party service provider that the applicant proposes as the replacement service provider.”)

⁵⁹ See, e.g., AARP Comments at 6, 10.

discontinued service, regardless of whether the TDM service is acquired under a term commitment plan or on a month-to-month basis.”⁶⁰ And AARP rightly notes that “[a]ffordability must enter the Commission’s evaluation of Section 214 alternatives. If this matter is not considered, the transition to an all-IP environment will likely lead to degraded services and higher rates, outcomes that will threaten universal service objectives.”⁶¹

CONCLUSION

As the record overwhelmingly shows, the protections adopted by the Commission in the 2015 Technology Transitions Order are important and largely should be kept intact. In particular, the comments underscore that the Commission should retain the essential elements 47 C.F.R. §51.332, which sets forth specific notice requirements for copper retirements; permit early disclosure about planned network changes only if disclosure is given to all interconnecting entities; and ensure that the Section 214(a) discontinuance process includes a thorough evaluation of the effects of the proposed discontinuance on all members of the community.

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⁶⁰ NRECA Comments at 8. *See also* Pa. PUC Comments at 15 (supporting reimposition of “reasonably comparable” wholesale access provision).

⁶¹ AARP Comments at 29.