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August 24, 2017

Ex Parte

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

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

Dear Ms. Dortch:

On August 22, 2017, Maggie McCreedy, Roy Litland, and I from Verizon met with Michele Berlove, David Brody, Adam Copeland, Madeleine Findley, Daniel Kahn, Gail Krutov, Rodney McDonald, Terri Natoli, Michael Ray, and John Visclosky from the Wireline Competition Bureau to discuss the parts of the Commission's *Notice*¹ that address copper retirement and Section 214 discontinuance. Verizon's remarks were consistent with our filed comments² in this matter and with the attached Exhibit A describing our proposed new copper retirement process (which was also attached to our filed comments).

In general, we urged the Commission to move quickly in resolving the copper retirement and discontinuance issues raised by the *Notice*. The record in these two areas is well established, and builds off of several years of experience and prior proceedings. While we encourage the Commission to promptly resolve all of the items in the *Notice*, it may be possible to address questions relating to these two areas on a standalone basis.

On the copper retirement proposals, we thanked the Commission for its past efforts to streamline the rules and suggested several additional changes. We explained that the Commission should simplify the current copper retirement process further by reducing the public notice period to 90 days when there are customers and 30 days when there are no customers. Further, we encouraged the Commission to tie any required customer notice to the date of a customer's migration, rather than to the date of actual copper retirement, and urged that providers have greater flexibility in the content and timing of the customer notifications. Under our proposed timeline, attached at Exhibit A, providers would be required to give customers notice prior to their individual migration, and any certification would take place before a

¹ See *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, 32 FCC Rcd 3266 (2017) ("*Notice*").

² See June 15, 2017 Verizon Comments; July 17, 2017 Verizon Reply Comments.

provider actually retires copper, rather than linked to the “on or after” date in the FCC’s public notice. This approach would reduce customer confusion by removing the requirement that providers send customers information that contained multiple dates, and instead allow customers to focus on the date that matters most to them: when they will migrate to fiber. We also encouraged the Commission to confirm that the standard copper retirement timeframes do not apply when the copper retirement is triggered by third-party actions or by emergencies or natural disasters, and urged a streamlined process for those circumstances.

Further, we encouraged the Commission to modify its rules regarding notification of interconnecting entities. Instead of requiring providers to notify “each entity within the affected service area that directly interconnects with the incumbent LEC’s network,” the Commission should require notice only for entities who directly interconnect with the incumbent LEC’s network and purchase circuits or provide services on the copper being retired. This modification would reduce the possibility of confusion for interconnecting entities who currently receive unnecessary notifications, as well as streamline the process for providers who are retiring copper. The Commission should also eliminate any requirement that notices to these entities be served individually (by mail or otherwise) and instead allow providers to post notices on their network change web pages within five business days of filing a copper retirement notice with the Commission. A Commission mailing requirement is not needed because our ordinary business practices with these entities typically contain specific requirements that govern the parties’ notice obligations, including the method and timing. Allowing parties to negotiate how they provide each other with necessary notices, backed up by reference to our network change web pages which are a regular resource for customers, will be the most efficient way of communicating necessary changes.

We reiterated that Verizon’s customers who migrate to fiber continue to have the option of receiving the same voice service over fiber, at the same price, terms, and conditions, as they did over copper. Verizon’s customers may also choose to receive Fios Digital Voice service, along with Fios broadband. We noted that both Verizon’s voice over fiber and Fios Digital Voice support hearing impaired services over TTY.

We also encouraged the Commission to repeal 47 C.F.R. § 51.325(c) because it impedes the free flow of useful information between providers and landlords and other third parties. As explained in the Declaration of Kevin N. Smith,³ Section 51.325(c) prohibits us from previewing details about a contemplated copper retirement with tenants and landlords before we file, or providing customers with additional information as soon as possible. Particularly in instances where we must build fiber, as in some multiple dwelling units, being able to begin discussions with landlords and tenants early in the process allows us to better coordinate the deployment of fiber and the migration to newer technologies. But Section 51.325(c) could restrict us from providing such notice until we also file a copper retirement notice with the Commission and identify and notify all business customers and interconnecting entities. This increases the risk of customer confusion because many of those notifications would be far in advance of the date of those customers’ migrations to a different technology. Section 51.325(c) also could prohibit us

³ See Declaration of Kevin N. Smith ¶¶ 4-7, attached to June 15, 2017 Verizon Comments.

from previewing copper retirement with wholesale or retail customers before we file. This prevents us from working with large customers, including those with a large number of circuits impacted by a copper retirement notice, to plan migration to newer technology over a longer period of time. For example, recently, several large customers have requested information about our future copper retirement plans but Section 51.325(c) barred substantive discussions. Being able to have conversations earlier in the process would allow providers and customers greater flexibility. If the Commission is concerned that advance notice to an incumbent LEC's affiliates could somehow benefit those affiliates, the Commission could require that the incumbent LEC simultaneously provide advance notice to entities who would be entitled to notice of a network change. Providers should have flexibility to determine the manner in which they give such advance notice, which could include posting on a network-change web page.

We also reiterate that the Commission should clarify that ILECs, upon providing notice of a forthcoming copper retirement, may stop accepting new orders on the copper that will be retired. It makes no sense to begin the migration process and clear the copper in preparation for retirement, only to be forced to accept a new order that must then be migrated off of the copper shortly thereafter. This is disruptive not only to Verizon's copper retirement efforts, but also to retail customers and wholesale customers and their end users, whose service must be migrated shortly after being installed on copper scheduled for retirement.

We discussed the *Notice*'s proposals regarding Section 214 discontinuance. We urged the Commission to find that a provider does not trigger Section 214 when a comparable fiber, IP-based, or wireless alternative is available. Alternatively, the Commission should forbear from the Section 214 discontinuance process when these conditions are met. At a minimum, the Commission should eliminate the adequate replacement test for discontinuing legacy voice services.

We also explained that the Commission should reverse the "functional test" for defining a service for purposes of Section 214 and streamline Section 214 applications so that applications to grandfather a service or discontinuance a previously grandfathered service are subject to 10-day comment and 25-day automatic-grant periods. Finally, we explained that we appreciated staff's prompt work on recent section 214 applications and encouraged the Commission to continue to find ways to speed the process. We noted that recommendations in the record to adopt a 10-business-day shot clock for issuing a public notice of a Section 214 discontinuance application and a 31-day shot clock for deciding applications that are removed from the automatic-grant process could increase predictability for providers.

Marlene H. Dortch

August 24, 2017

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We urge the Commission to act quickly on standalone aspects of this proceeding that are amenable to quick resolution, including streamlining the copper retirement and Section 214 discontinuance processes.

Sincerely,

A handwritten signature in black ink, reading "Katharine R. Saunders". The signature is fluid and cursive, with a long horizontal flourish at the end.

Katharine R. Saunders

Attachment

cc: Michele Berlove
David Brody
Adam Copeland
Madeleine Findley
Daniel Kahn
Gail Krutov
Rodney McDonald
Terri Natoli
Michael Ray
John Visclosky

Proposed New Copper Retirement Process

