

Communications  
Workers of America  
AFL-CIO, CLC

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September 26, 2017

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Dear Ms. Dortch:

**RE: Ex Parte Notice. In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment. WC Docket No. 17-84**

On September 20, 2017 Debbie Goldman, George Kohl, and Brian Thorn of the Communications Workers of America (CWA) met with Commissioner Jessica Rosenworcel and Travis Litman, Legal Advisor.

CWA discussed the fact that the rebuilding of storm-damaged infrastructure in Texas, Florida, Puerto Rico, the U.S. Virgin Islands and elsewhere underscores the critical importance of the existing copper retirement and Section 214 service discontinuance rules. CWA expressed concern that rules changes proposed in the above-captioned proceeding could allow incumbent carriers to abandon service to customers without any public oversight, leaving people without reliable voice connections and functionally equivalent services.

As we learned after Superstorm Sandy in Fire Island NY, Section 214 discontinuance rules ensure that an incumbent carrier cannot use a weather emergency as an excuse to abandon landline service to a community. Rather, the carrier must file an application with the Commission, subject to public participation and Commission review to ensure that an adequate replacement exists. The Commission's Section 214 functional test remains essential to ensure that a community continues to have access to essential voice communications, health monitoring, security systems, fax machines, 911, and connectivity for people with disabilities. Any reduction in the scope of the Section 214 discontinuance rules would put communities, particularly small towns and rural areas, at risk where a functionally equivalent alternative may not be available.

CWA also conveyed our strong support for Commissioner Rosenworcel's suggestion that the FCC issue a report on the impact of Hurricanes Harvey, Irma, and Maria on communications

infrastructure and public safety, including a comprehensive investigation into what worked and what didn't work to maintain or promptly restore service, what have we learned, and what issues need to be addressed going forward.

CWA emphasized that the current copper retirement and service discontinuance rules carefully balance two important goals: 1) the urgent need to accelerate broadband investment in advanced networks to all Americans; and 2) the importance of protecting consumers during technology transitions. The copper retirement advance notice requirements to retail (90 days) and wholesale (180 days) customers facilitate technology transitions by giving copper customers' the advance notice they need to prepare for change. The Commission should maintain its prohibition against *de facto* copper retirement as a deterrent to incumbent carriers' failure to maintain copper networks and as an incentive to upgrade networks to fiber.

Finally, CWA cautioned against "one-touch, make-ready" pole attachment rules that would allow third parties to short-circuit safe processes, leave third parties and their contractors without accountability for poor or unsafe work, and violate legally-binding collective bargaining agreements, eliminating good, career jobs in the community. The Commission should ensure that any changes in the pole attachment rules and timelines are sufficient to complete all aspects of the work (survey, cost estimate, make-ready and inspection) safely and accurately, and do not undermine collective bargaining agreements.

CWA distributed two documents (attached). The first document shows that a substantial number of customers – 24.3 million consumers and 24.8 million small business and government customers -- subscribed to incumbent local exchange carrier's switched access service as of June 30, 2016. They continue to need the consumer protections afforded by the Section 214 and copper retirement rules during technology transitions. The document also includes a state-by-state analysis. The second document illustrates proposed changes in the Commission's Section 214 discontinuance and copper retirement rules. During our discussion, CWA referenced our Comments and Reply Comments in the above-captioned proceeding.<sup>1</sup>

Sincerely,



Debbie Goldman  
Telecommunications Policy Director  
Communications Workers of America

cc: Travis Litman

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<sup>1</sup> CWA Comments, In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, June 15, 2017 and CWA Reply Comments, In the Matter of Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment, WC Docket No. 17-84, July 17, 2017.