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November 9, 2017
Marlene Dortch
Secretary
Federal Communications Commission
445 12th St SW
Washington, DC 20554

RE: *Accelerating Wireline Broadband Development by Removing Barriers to Infrastructure Investment Draft Order, WC Docket No. 17-84 (October 26, 2017)*

Dear Ms. Dortch:

The Maryland Office of People's Counsel submits this Ex Parte Letter in response to the Federal Communications Commission's ("Commission" or "FCC") combined Draft Order and Notice of Proposed Rulemaking, Notice of Inquiry, and Request for Comment, collectively entitled *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment* ("Draft Order").¹ Maryland OPC also is a joint signatory of a separate letter submitted this date by a broad range of consumer, rural, elderly, labor, civil and human rights, and low-income organizations ("Joint Letter").

The purpose of this letter is to bring to the attention of the Commission an inadvertent mischaracterization of the Comments of the Maryland Office of People's Counsel, submitted in WC Docket No. 17-84 on June 14, 2007. In paragraph 45 of the Draft Order, the Commission states that "there is evidence that notice of planned copper

¹ *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, DRAFT Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking, FCC-CIRC1711-04, (Oct. 26, 2017) available at https://apps.fcc.gov/edocs_public/attachmatch/DOC-347451A1.pdf ("Draft Order"); *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) ("2017 NPRM").

retirements, pursuant to section 51.322, has caused confusion and delay,” and refers to page 3 of Maryland OPC Comments in support of this statement. However, in its comments describing the Maryland experience in pages 3 through 6, Maryland OPC describes both a problem and a satisfactory resolution of that problem. In fact, as Maryland OPC specifically stated, “Rule 51.322 was *not* a hindrance to this [copper retirement] process; it was the very framework on which the most recent wave of large-scale copper retirement in Maryland was built.” (Maryland OPC Comments, page six, emphasis added). The notice requirements did not cause “confusion and delay;” the failure of Verizon to comply with the requirements did that. Instead, as described in those Comments, Maryland OPC was able to use those notice requirements to create a smoother process, and reduce “the level of misunderstanding and hardship, particularly for senior citizens and customers who had to ensure compatibility with medical devices.” (Maryland OPC Comments, page 6). The Maryland experience reinforces the value of the notice requirements for consumers during the technology transition. We fully support their retention.

Respectfully submitted,

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