

September 25, 2014

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

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force

Dear Ms. Dortch:

On September 23, 2014, Harold Feld, Jodie Griffin, Clarissa Ramon, and Edyael Casaperalta of Public Knowledge (PK) met with Matthew DelNero and Daniel Kahn in the Wireline Competition Bureau.

Public Knowledge urged the Commission to take action to set standards for the phone network's transition to new technologies. Carriers are showing increasing interest in moving end-users off of copper networks in certain areas, but we still know little about whether and how carriers' new technologies will continue to serve customers as well as or better than the existing networks do. We are in the midst of this transition, and carriers are only becoming more aggressive in seeking to transition their networks. Now is when we most need the Commission to assert its leadership and ensure the network transition is handled in a way that continues to protect the enduring values of the network.¹

Before policymakers can state with confidence that any new technology is comparable to or better than existing network technology, it must know the metrics by which to compare the two. The Commission should therefore establish the metrics by which it will evaluate new technologies, when, for example, a carrier files an application to change or retire its service under § 214(a).² Consumers, carriers, and policymakers alike will benefit from clear metrics and standards that everyone can use to determine whether a new network passes muster, and stakeholders are looking to the Commission for guidance with increasing urgency.

Part of this process will necessarily involve confirming and clarifying what potential functionalities are included as part of the basic service that consumers can rely on. As we have seen in the past, carriers seeking to change their network infrastructure may argue that they only

¹ See Jodie Griffin and Harold Feld, *Five Fundamentals for the Phone Network Transition* PKTHINKS (July 2013), <https://www.publicknowledge.org/news-blog/blogs/five-fundamentals-for-the-phone-network-transition>.

² See 47 U.S.C. § 214(a). The Commission's technical trials would be useful in this endeavor, but as the Commission does not yet have any carrier trial proposals before it that include the necessary data collection and analysis structures, the Commission must not let consumers fall behind while it waits for carriers to catch up.

need to provide the most basic dial tone service, and consumers relying on features not supported by new networks, like Internet access, heart monitors, security systems, faxes, ATM, and credit card processing, are therefore simply left behind.³ But contrary to carriers' contention, enabling data service is as much a part of "telecommunications" as voice is.⁴ The "service" that carriers provide to users includes enabling and being open for these uses, regardless of whether the use itself qualifies separately as a telecommunications service. When a subscriber calls her mother on mother's day, the greetings and good wishes are not telecommunications services, but carrier's offering to support that call is. Telecommunication is a function of the network, the "transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received."⁵ It is erroneous to claim that the "information of the user's choosing" must somehow be telecommunications as well.

These actions will help the Commission and other policymakers fully understand the extent of the complaints we have already seen in several states. As the expert agency at the federal level, the Commission brings unique value and authority to this conversation and should assert its leadership in investigating and evaluating these complaints. Just as in rural call completion, 911 access, or privacy, the public is relying on the Commission here to ensure customers still have access to a reliable, affordable network and carriers continue to fulfill their obligations under the law. PK urges the Commission to begin the process of uncovering all of the necessary information to understand the problems that have now been alleged in complaints across the country as a step toward ensuring the network transition is truly a step forward for everyone.

In accordance with Section 1.1206(b) of the Commission's rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/ Jodie Griffin
Senior Staff Attorney
PUBLIC KNOWLEDGE

³ See Section 63.71 Application of Verizon, *Section 63.71 Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150, at 5 (June 7, 2013); Comments of AT&T Services, Inc., *Section 63.71 Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150, *Technology Transitions Policy Task Force Seeks Comment on Potential Trials*, GN Docket No. 13-5, at 3 (July 29, 2013).

⁴ See Comments of Public Knowledge, *Section 63.71 Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150, at 7-10 (July 29, 2013), available at <http://apps.fcc.gov/ecfs/document/view?id=7520934131>.

⁵ 47 U.S.C. § 153.