

William H. Johnson
Vice President and Associate General Counsel



October 14, 2014

1320 North Court House Rd.
Ninth Floor
Arlington, VA 22201

703 351-3060
will.h.johnson@verizon.com

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

Re: Section 63.71 Application of Verizon New England Inc., Verizon New Jersey Inc., Verizon New York Inc., Verizon Pennsylvania LLC, and Verizon Virginia LLC, WC Docket No. 14-136

Dear Ms. Dortch:

The Verizon entities in this proceeding (“Verizon”) have submitted an Application for authority under Section 214(a) and Section 63.71 of the Commission’s rules to discontinue a small set of outdated legacy services in just six wire centers and grandfather existing customers.¹ There currently are fewer than ten customers for these services with a total of fewer than twenty circuits in the affected areas. Once grandfathered, these existing customers will continue to receive these same legacy DS0 services over Verizon’s more advanced and reliable fiber facilities if they want them.² No new customers may order them at that point, but there have been no new orders for these services for over a year in these areas.

During the period for public comment, only one party, the Pennsylvania Public Utility Commission (“PUC”), filed comments in this proceeding.³ The PUC “supports Verizon’s proposal to migrate to all-fiber facilities in this case.”⁴ The PUC explains that it believes that

¹ Specifically, except for the grandfathered existing customers, Verizon is discontinuing Voice Grade Service, WATS Access Line Service, Bonded Digital Link Service, and Digital Data Service in six wire centers (Lynnfield, MA; Farmingdale, NJ; Belle Harbor, NY; Orchard Park, NY; Hummelstown, PA; and Ocean View, VA). In addition, Verizon is discontinuing DIGIPATH Digital Service II in the Lynnfield, Belle Harbor, and Orchard Park wire centers (DIGIPATH Digital Service II is not currently offered in Farmingdale, Hummelstown, or Ocean View). See Verizon, Section 63.71 Application of Verizon New England Inc., *et al.*, WC Docket No. 14-136 (Aug. 14, 2014) (“Application”).

² As indicated in the second footnote of our Application, we will file tariff modifications to reflect these provisions for these particular wire centers, following approval of the pending application.

³ The PUC filed its initial comments on October 2 and amended those comments on October 8.

⁴ PUC Comments at 2.

“Verizon’s action is a technological advancement that could provide new advanced services as envisioned under state and federal law while maintaining universal and wholesale service.”⁵

The PUC separately addresses a few additional issues more generally related to technology transitions, but unrelated to Verizon’s discontinuance application here. The PUC does not raise any concerns or specific information about the impact of this proposed grandfathering on specific entities, nor does it identify any inability to acquire reasonable substitute service.⁶ Thus, as a starting point, the PUC’s additional comments cannot form the basis of any delay or deferment of this application.

The PUC argues that the FCC should not do anything here to “obviate independent state law . . .”⁷ But the relief requested in this application is limited to five obsolete, *interstate* services: Voice Grade Service, WATS Access Line Service, Bonded Digital Link Service, Digital Data Service, and DIGIPATH Digital Service II. There is no request that the FCC take any action affecting intrastate services subject to the PUC’s jurisdiction nor that would supersede or alter the state laws cited by the PUC. Thus there is no issue to address.

Second, the PUC urges the FCC to “address the impact” of the “loss of services over copper, particularly special access voice-grade (64Kbps) services in the Hummelstown exchange.”⁸ But the PUC’s comments misconstrue the services at issue here: the *only* services covered by Verizon’s pending 214 application are the specific legacy DS0 services listed in the application. These services are obsolete forms of voice and very low-speed data transmission services. To be clear, these services are *not* the voice POTS service that customers previously have used and will continue to use going forward. POTS customers in the geographic areas encompassed by these six wire centers will continue to receive the same POTS service over fiber at the same or better price, with no change in the underlying features and functionalities in their service. Instead, the specific services listed in Verizon’s application are outdated legacy services that have largely fallen out of favor as customers have chosen new options and technologies. There are ample alternatives to these services that provide the same functions, available either from Verizon or other providers. These alternatives include fiber-based Voice Service, FiOS Internet Service, Switched Ethernet Service, Private Internet Protocol Service, DS1 Service, Machine-to-Machine Service, and 800 Service. Verizon has been working with its customers, both retail and wholesale, to help identify appropriate alternatives that best meet end users’ needs if they choose to remain with Verizon.⁹

⁵ *Id.*

⁶ Compare Public Notice, *Comments Invited on Application of Verizon New England Inc. et al*, 29 FCC Rcd 10446, at 3 (2014) (providing that appropriate “Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service.”).

⁷ PUC Amended Comments at 2.

⁸ *Id.*

⁹ As Verizon set out in its separate Hummelstown copper retirement petition, to the extent required by applicable agreements and federal law, Verizon will offer to requesting carriers a 64 kbps voice-grade channel over fiber loops that have been deployed in areas where copper is

Finally, the PUC asks the FCC to “ensure that Verizon’s transition from copper to fiber facilities or some other technological advance does not eliminate universal service or substantially restrict competition.”¹⁰ But this application presents neither of those issues. The focus of universal service is generally to ensure that customers have the ability to obtain certain defined services from some provider, not to ensure that outmoded specialty services such as the ones at issue here continue to be available forever. And the services at issue here present no competitive issue where the services are outmoded. To the extent the PUC has comments about the transition to next generation technologies and services more broadly, the FCC has other pending dockets already in place in which to consider them. They are not relevant – and should not be considered – here.

In any event, as the PUC made clear, it has not asked that the Commission deny or delay action, and the application should be promptly approved.

Very truly yours,



retired. See Letter from K. Green, Verizon, to M. Dortch, FCC, *Verizon Notice of Network Changes CC Docket No. 96-98, 47 CFR Sections 51.325-41.335*, Attachment at 4 (June 11, 2014); see also

http://www.verizon.com/idc/groups/public/documents/adacct/hummelstown_pa.pdf.

¹⁰ PUC Amended Comments at 3.