

October 27, 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 October 23, 2014, I spoke with Matthew DelNero, Deputy Bureau Chief of the Wireline Competition Bureau.

Public Knowledge urged the Commission to grant the request of Public Knowledge and the National Consumer Law Center (NCLC) to require AT&T to make public the proposed timeline of AT&T's proposed network transition trials.<sup>1</sup> When the Commission sets up procedures to address improper confidentiality claims, parties must know they can rely on those procedures to receive prompt rulings on challenges to another party's confidentiality claims. If the Commission delayed in responding to a challenge or did not respond at all, it could risk undermining confidence in the challenge process.

Public Knowledge also urged the Commission to grant PK and NCLC's confidentiality challenge to confirm that the technology transitions trials are just that—*trials*. The trials should be carefully controlled technical experiments, not permanent deployments, and not marketing opportunities. There is therefore no legitimate competitive harm in permitting the public to know when the trials will start and how long they last as part of soliciting public comment on trial proposals.

The Commission has unanimously acknowledged certain “core statutory values” that must endure in our communications networks throughout and after technology transitions: public safety, ubiquitous and affordable access, competition, and consumer protection.<sup>2</sup> The

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<sup>1</sup> See Challenge to Confidentiality Designation of Public Knowledge and the National Consumer Law Center, on Behalf of Its Low-Income Clients, *Technology Transitions*, GN Docket No. 13-5, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353 (Apr. 8, 2014).

<sup>2</sup> See *Technology Transitions*, GN Docket No. 13-5, *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition*, GN Docket No. 12-353, *Connect America Fund*, WC Docket No. 10-90, *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative at ¶¶ 1-4 (rel. Jan. 31, 2014).

Commission must continue to protect those values by guiding transition trials and collecting useful data from them, but also by making the necessary policy decisions that are already properly before it. For this reason, Public Knowledge urges the Commission establish the metrics by which new technologies will be evaluated when carriers wish to transition away from their existing networks.<sup>3</sup> This will increase certainty for all parties and prevent customers from being left behind in a network transition.

In addition, Public Knowledge urges the Commission to ensure that carriers are complying with existing rules that serve the network's core values. The Commission should protect universal access by ensuring carriers are not failing to adequately maintain their networks and offer reasonable basic service.<sup>4</sup> Similarly, the Commission should protect competition in the network by confirming that the existing rules continue to enable competitive access to unbundled network elements even after the transition to IP.<sup>5</sup> Ensuring the continued effectiveness of these rules is particularly critical to preserving and promoting choice for many small businesses, government entities, and nonprofit organizations across the country.

As we continue to move forward in the network transition, consumers and other end-users are looking to the Commission to ensure the effectiveness of existing rules while carefully establishing rules to guide future transitions. PK urges the Commission to continue to ensure the network's core values will guide policy decisions throughout and after the transition.

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

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<sup>3</sup> See 47 U.S.C. § 214(a).

<sup>4</sup> See Letter from Jodie Griffin, Public Knowledge, and Regina Costa, The Utility Reform Network, *et al.* to Julie A. Veach, FCC (May 12, 2014), *available at* [https://www.publicknowledge.org/assets/uploads/blog/14.05.12\\_Copper\\_Letter.pdf](https://www.publicknowledge.org/assets/uploads/blog/14.05.12_Copper_Letter.pdf).

<sup>5</sup> See 47 C.F.R. §§ 51.319(a)(4), (5); Letter from Marlena F. Barzilai, Senior Government Affairs Counsel, Windstream, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 (Oct. 9, 2014).