

November 17, 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 November 13, 2014, Harold Feld, Jodie Griffin, and Edyael Casaperalta of Public Knowledge (PK) met with Nicholas Degani and Joel Thayer in Commissioner Pai's office.

Public Knowledge Supports the Commission's Step Forward to Protect Consumers and Competition in the Phone Network Transition.

Public Knowledge supports the Chairman's proposed item for standards for the phone network's transition to new technologies. This is an important next step in upholding the Commission's unanimously supported "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.¹ Establishing clear guidelines for the ongoing tech transitions will ensure that all Americans benefit from the adoption of new technologies and that vulnerable communities are not left further behind.

By establishing a strong § 214(a) checklist for changes to the phone network, and determining a clear definition of "service", the Commission would give certainty to all stakeholders and address concerns expressed by Public Knowledge and other public interest groups of carriers forcibly migrating consumers off copper-based service.²

Consumers and Competition Must Be Protected During the Tech Transition Process.

The Commission should promote competition by not eliminating existing unbundling obligations, or increasing special access pricing for IP-based networks. Technology transitions in and of themselves should not lead to the elimination of existing unbundling obligations, or an increase in special access pricing. These protections are important for small businesses,

¹ See Tom Wheeler, *Technology Transitions: Consumers Matter Most*, FCC BLOG (Oct. 31, 2014), <http://www.fcc.gov/blog/technology-transitions-consumers-matter-most>.

² 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.

nonprofits, and smaller sites of government entities. These important customers should benefit from, not be harmed by, technology transitions.

The Commission Should Have a Process for Handling Network Changes After Natural Disasters.

PK urged the Commission to include guidance for situations where a carrier wishes to change its network after sustaining network damage during a natural disaster. Addressing the substantive issues of how to evaluate new technologies is important, but there remain the procedural issues of how and when to seek permission to deploy new technology in the wake of a natural disaster. The FCC's guidance here should aim to protect already vulnerable populations by ensuring they do not permanently lose access to reliable and critical services because of natural disasters.

It is especially important for the Commission to find a solution for backup during power outages in the context of natural disasters. As carriers increasingly offer voice service that is reliant on battery power in the event of a power outage, the Commission should establish standards that make clear who is responsible for providing and replacing these batteries as well as effectively educating consumers about the limitations of these newer technologies. The expectation that our phone system is a dependable technology in the event of an outage or emergency is a value that we as a country should not walk back from.

The Commission's NG911 Item is an Important Step Toward Maintaining a Reliable Public Safety System in the Transition.

Public Knowledge supports the Commission's efforts to address the recent reports of "sunny day" 911 outages in several states that were a result of the TDM-to-IP transition.³ The Commission needs to show leadership in this area and ensure that when 911 calls are placed, callers are reaching help quickly. The issues the FCC reported in the April 2014 outage were the direct result of the transition to IP-based technologies. Consumers and companies should be able to expect that their emergency services will continue to be reliable as these services move to new technologies.

Survey Results Confirm Basic Service is Critically Important to Consumers.

The report, attached to this *ex parte*, finds that consumers overwhelmingly say phone service is important for the typical American household.⁴ Most survey respondents still had landline phones at home, and almost half had both a landline and a mobile phone. When asked why they continued paying for both landline and mobile phone service, 82% of respondents pointed to the reliability of the landline network, 73% said they liked the connection quality, and

³ See *April 2014 Multistate 911 Outage: Cause and Impact*, FCC Public Safety and Homeland Security Bureau (Oct. 2014), http://transition.fcc.gov/Daily_Releases/Daily_Business/2014/db1017/DOC-330012A1.pdf.

⁴ See John Horrigan, *Consumers and the IP Transition: Communications Patterns in the midst of Technological Change* (Nov. 2014), <https://www.publicknowledge.org/assets/uploads/blog/Consumers.IP.Transition.FINAL.pdf>.

45% said they kept a landline connection so they would still have a working phone during a power outage. Additionally, a little more than a third of those respondents pointed to a specific functionality they rely on that currently needs the copper network to operate, like medical alerts (24%), fax machines (26%), and security systems (17%).

The survey responses also indicated that the affordability of basic landline service impacts consumers' habits. Two-thirds of respondents with both a cell phone and a landline phone said that when they are at home they mostly use their landline phone to make and receive calls. That number increased to 72% among households with income below \$25,000, which suggests the affordability of basic phone service allows users to communicate more frequently than a potentially more expensive wireless plan would.

The survey also asked questions to learn more about the values people associate with basic phone service. An overwhelming majority—89% of respondents—said it is important for a typical household to have a phone. When asked about specific services: 96% of the respondents said it is important that a phone can reach emergency services like 911; 81% said it is important for a phone to be able to reach all other numbers in the country; and 59% said it is important for a phone to be able to communicate its location.

PK emphasized the fact that the survey also found that 45% of people with both landline and wireless phones reported that they kept their landline phone because the phone would continue to work during a power outage.⁵ Since the pool of respondents included those with landline phones via copper, cable, and fiber, the percentage of people who care specifically about service during power outages may be even higher when looking specifically at those using copper-based phone service. PK pointed out that policies that make it easier to ensure consumers will have adequate battery backup on new technologies do not hold back the transition, but rather push the transition forward by encouraging adoption by consumers who care specifically about backup power. In this sense, proprietary backup batteries that are more expensive and burdensome to repair and replace may actually be discouraging people from adopting new technologies.

These survey results do not mean that policymakers must avoid new technologies, but rather just confirm that there are important needs currently being served by the existing network, and those needs must continue to be met on new networks. 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.

⁵ *Id.*



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