

November 17, 2014

Ex Parte Notice
VIA ECFS

Ms. 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; PS Docket No. 07-114, Wireless E911 Location Accuracy Requirements

Dear Ms. Dortch:

On November 13, 2014 Jodie Griffin and Harold Feld from Public Knowledge, and Edyael Casaperalta representing the Rural Broadband Policy Group met with Joel Thayer and Nick Degani, Legal Advisor to Commissioner Ajit Pai.

Public Knowledge (“PK”) and the Rural Broadband Policy Group (“RBPG”) expressed its support for the Chairman’s recently proposed items beginning the process of establishing rules to protect consumers during the phone network’s technology transitions.¹ 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.² The Commission must now take steps to protect those values and create certainty for all stakeholders by establishing rules that ensure no one will be left behind in the technology transitions and no carrier will be allowed to engage in “self-help” to the detriment of network users.

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 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, Proposal for Ongoing Data Initiative at ¶¶ 1-4 (rel. Jan. 31, 2014).

Rural Areas Experience a Persistent Gap in Availability of Telecommunications Technologies.

Rural, Native, and low-income communities constitute the majority of those left unserved by telecommunications services today. Fixed broadband networks do not reach 14.5 million people living in rural areas and nearly a third of people living in Tribal lands.³ Unavailability of service, the high cost of broadband service (where available) and equipment keep many rural Americans from accessing wireless, broadband, and fiber service. Even telephone service is not ubiquitous in our country. Over 31% of Native communities do not have access to landline service, and almost 10.6 million subscribers depend on the Lifeline Program to be able to afford it.⁴ This gap in telecommunications service availability limits the Tech Transition in rural areas.

The availability, affordability, and reliability of the traditional telephone network has helped Rural Americans to trust communications service in our country. The Tech Transition should not represent a loss of that trust. Instead, the Tech Transition should improve telecommunications services; guarantee a reliable, affordable option for communication; include guidelines for proper notification of any changes to service; and continue the benefits the traditional telephone network has afforded.

The Commission Should Require Carriers to Guarantee an Option for Reliable, Affordable Communication.

Currently, landline service is the most accessible, affordable, and reliable communications tool in rural communities. And for some, it is the *only* choice available to them. The Tech Transition is an opportunity to provide better communications services to all Americans. The Commission, however, must ensure that the Tech Transition does not leave rural communities worse off by depriving them of a tool they already have while transitioning rural customers to a more expensive or less reliable service. Under these circumstances, the transition must wait. Before allowing a provider to transition its customers to a new technology, the Commission must require the provider to demonstrate that an equally affordable, reliable, unbundled technology will be guaranteed to consumers. Further, the Commission must consider how a provider's transition to a wireless, fiber, or IP technology will affect the safety of the rural and low-income customers they serve and that have long relied on 911 services provided over a copper network.

The Commission Should Enact a Comprehensive Outreach Strategy to Engage the Most Vulnerable Consumers.

Releasing consumer information online about the Tech Transition will likely have limited success in areas that do not have Internet access. Rural and low-income residents with limited or no Internet access might not be able to check websites to learn about the Tech Transition. The RBPG urged the Commission to develop a comprehensive strategy encompassing Internet,

³ *Eight Broadband Progress Report*, Federal Communications Commission (2012).

⁴ *Universal Service Monitoring Report*, CC Docket No. 98-202, Federal Communications Commission (2010).

telephone, television, radio, postal mail, and newspaper outreach to educate consumers before and during the Tech Transition and to engage them in complaint processes after their provider has transitioned.

The Commission Should Require Carriers to Enact a Comprehensive Outreach Strategy to Notify their Customers.

Customers in rural and low-income communities with little access to the Internet might not be able to check their email (if they have one) to receive notifications from a carrier. A carrier who wishes to transition or sell its network must not rely on delivering online or telephone notification to consumers. The RBPG urged the Commission to require carriers to develop a comprehensive outreach strategy via Internet, telephone, television, radio, postal mail, and local newspaper to notify all their customers before transitioning them to a new service.

The RBPG's July 8, 2013 comments to the Tech Transitions Policy Task Force concerning Potential Technology Transitions Trials (GN Docket No.13-5) outline several recommendations regarding proper notification to consumers that can apply to the Tech Transition. The recommendations have been adapted and noted below:

- 1) Ensuring no customer is automatically enrolled in a new service. The customer is the ultimate decision maker in switching to a new service offered by his or her carrier, opting out of that service, or opting out of continuing a relationship with that carrier. Unless a customer explicitly indicated his or her desire to accept the new service available to them, that customer should not be automatically enrolled or switched to a new service.
- 2) Engaging a community's local entities to properly notify customers of any changes in service. A carrier should be required to collaborate with local organizations, churches, community centers, and anchor institutions to inform customers of the option to transition to a new service. Because these groups are knowledgeable of the community, they are uniquely positioned to help ensure customers are well informed about any changes in service.
- 3) A carrier should be required to advertise any changes to its service on Public Service Announcements aired in local television channels, radio stations, and newspapers.

Collaboration between the Commission and State Agents is Key for Consumer Protections

For the past three years, the RBPG has engaged in state-level advocacy against deregulation of basic telephone service and Carrier of Last Resort obligations. In deregulated states, Public Utilities Commissions ("PUC") can no longer track abusive and anti-competitive behavior from carriers. This is a big problem for rural and low-income customers who relied on the PUC to act as a consumer advocate, enforcing consumer protections and investigating consumer complaints regarding basic telephone service. Some of the consumer protections that

could fall by the wayside in deregulated states are: affordability, reliability, maintenance and repair of service, reliable 9-1-1 and emergency services, battery back-up during outages (particularly urgent before, during, and after natural disasters). We fear that there will be no consumer advocate looking out for the interest of the most vulnerable in deregulated states during and after the Tech Transition. That is why we are very pleased to see the Commission take steps to tackle the parameters, rules, and opportunities of the Tech Transition.

The RBPG urged the Commission to collaborate with state agencies, community and consumer advocacy organizations, and anchor institutions (community media centers, libraries, universities) to educate the public about the Transition, process complaints of harmful behavior from carriers, and enforce rules. In deregulated states, it will be vital for the Commission to collaborate with agencies like the state Office of the Consumers' Counsel or any other agency left in charge of accepting consumer complaints. For example, in Florida, USDA was allowed to accept consumer complaints.

The RBPG commends the Commission for beginning the process to usher a Technology Transition that prioritizes consumers. We urge the Commission to ensure all Americans, including those living in rural and low-income communities, can continue to access reliable, affordable communication across all technologies.

This letter is being filed with your office in accordance with Section 1.1206(b) of the Commission's rules.

Respectfully submitted,



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