

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, Senior Vice President of Public Knowledge, Jodie Griffin, Senior Staff Attorney of Public Knowledge and Edyael Casaperalta, Internet Rights Fellow of Public Knowledge and representing the Rural Broadband Policy Group met with Daniel Alvarez in Chairman's Wheeler'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 items for standards for the phone network's transition to new technologies, including protecting NG911 reliability. 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 create certainty for all stakeholders and address concerns expressed by Public Knowledge and other public interest groups of carriers forcibly migrating consumers off copper-based service.²

The Commission Should Examine Impact of the Tech Transitions on Rural Communities.

As IP-based phone services increasingly depend on back up power technology, the Commission should examine battery requirements to ensure functionality and reliability during

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.

and after natural disasters. The Commission should collaborate with states, local carriers and communities to ensure consumers are educated about the limitations, service requirements and cost of the newer technologies, similar to the public engagement around the 2009 digital television transition. This engagement strategy should be comprehensive in scope to include outreach towards the harder to reach rural populations.

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

PK urged the Commission to include guidance for situations when 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. These guidance standards should aim to protect already vulnerable populations including rural communities by ensuring they do not permanently lose access to reliable and critical services because of natural disasters.

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

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 in an accurate and timely manner. The issues the FCC reported on 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.

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

Survey Results Confirm Basic Service is Critically Important to Consumers.

The report, attached to this *ex parte*, finds that consumers overwhelmingly say that 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 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 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,

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>.

⁵ *Id.*

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.

PewResearch Internet Project Reveals People Value the Security of Landline Service.

A recent survey conducted by the PewResearch Internet Project revealed that the majority of respondents across all generations felt most secure when using landline phones to share private information.⁶ Despite the evolving adoption of wireless and online communication tools, the public still recognizes the privacy value of the landline network. The Commission cannot let the phone service market mirror the lack of consumer choice in the broadband market, and should take steps to ensure the network compact ensures this transition is an opportunity for all communities to move up and not down.

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/ Clarissa Ramon
Government Affairs Associate
PUBLIC KNOWLEDGE

⁶ See Mary Madden, *Public Perceptions of Privacy and Security in the Post-Snowden Era* (Nov. 2014).

http://www.pewinternet.org/files/2014/11/PI_PublicPerceptionsofPrivacy_111214.pdf.