

December 18, 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. 13-5, Technology Transitions

Dear Ms. Dortch:

On December 16, 2014 Edyael Casaperalta from Public Knowledge and representing the Rural Broadband Policy Group met with Parul Desai, Roger L. Goldblatt, Mark Stone, and Aaron Garza from the Consumer & Governmental Affairs Bureau, and Lyle S. Ishida from the Consumer Affairs and Outreach Division to discuss consumer education and outreach during the phone network's technology transitions.

The Rural Broadband Policy Group ("RBPG") expressed its interest to collaborate with all appropriate bureaus and divisions at the Commission to educate consumers about the changes they could experience as telephone providers switch technologies to provide residential and business voice services. 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.¹ The Commission must now take steps to protect those values and create certainty for all stakeholders by establishing rules, and the Consumer & Governmental Affairs Bureau and the Consumer Affairs and Outreach Division play a pivotal role in educating consumers appropriately to ensure no one will be left behind in the technology transitions.

¹ 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.² 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.³ This gap in telecommunications service availability limits the Tech Transition in rural areas and outreach strategies to educate consumers.

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 telephone carrier websites to learn about the Tech Transition or the FCC's website to report problems with disruption of service or carrier neglect resulting from a transition of technology. The RBPG encouraged the Commission staff present at the meeting to develop a comprehensive strategy encompassing Internet, telephone, television, radio, postal mail, and local newspaper outreach to educate consumers before and during the Tech Transition and to engage them in complaint processes. All education material developed by the Commission should also be available in languages other than English to ensure the broadest outreach possible to consumers.

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 encouraged the staff of the Consumer & Governmental Affairs Bureau and the Consumer Affairs and Outreach Division to work with 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 following points can be incorporated into a comprehensive outreach strategy:

- 1) Engage a community's local organizations and institutions to properly notify customers of any changes in service. A carrier should collaborate with local

² *Eight Broadband Progress Report*, Federal Communications Commission (2012).

³ *Universal Service Monitoring Report*, CC Docket No. 98-202, Federal Communications Commission (2010).

organizations, churches, community centers, and anchor institutions to inform customers of the option to transition to a new service and the consequences of switching (especially if adopting a new service means a loss of consumer protections). Because these groups are knowledgeable of the community, they are uniquely positioned to help ensure customers are well informed about any changes in service.

2) A carrier should advertise any changes to its service on Public Service Announcements aired in local television channels, radio stations, and newspapers. All educational materials developed by the carrier should be available in languages other than English to ensure the comprehensive outreach to consumers.

Collaboration between the Consumer Affairs and Outreach Division, the Consumer & Governmental Affairs Bureau and State Agents is Key for Consumer Education and Outreach

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 neglect and abusive behavior from carriers. This is a big problem for rural and low-income consumers who relied on the PUC to act as a consumer advocate enforcing consumer protections and investigating complaints. Some of the consumer protections that could fall by the wayside in deregulated states are: affordability, reliability, maintenance and repair of service, reliable 911 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.

The RBPG encouraged the Consumer Affairs Division and Bureau 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 and resolve complaints of harmful behavior from carriers. In deregulated states, it will be vital for the Consumer Bureau and Division 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 Technology Transitions that prioritize consumers. We urge the Commission to ensure all Americans, including those living in rural and low-income communities, can continue to access reliable and affordable communication across all technologies. We look forward to collaborating with the Consumer Affairs and Outreach Division and the Consumer and Governmental Affairs Bureau to help educate and engage rural and low-income consumers during the phone network transition.

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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