

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Ensuring Customer Premises Equipment)	PS Docket No. 14-174
Backup Power for Continuity of)	
Communications)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing Retirement Of)	RM-11358
Copper Loops by Incumbent Local Exchange)	
Carriers)	
)	
Special Access for Price Cap Local Exchange)	WC Docket No. 05-25
Carriers)	
)	
AT&T Corporation Petition for Rulemaking)	RM-10593
to Reform Regulation of Incumbent Local)	
Exchange Carrier Rates for Interstate Special)	
Access Services)	

**OPPOSITION OF RURAL BROADBAND POLICY GROUP
TO PETITION FOR RECONSIDERATION
OF
UNITED STATES TELECOM ASSOCIATION**

Rural Broadband Policy Group (RBPG) files this Opposition to the Petition for Reconsideration filed by the United States Telecom Association (USTA) on December 23, 2014.

I. Introduction

Rural communities have long depended on the safety and reliability telephone service provides. Today, rural consumers are amongst the members of our society with the least access to new communications technologies (such as wireless, broadband, and fiber). However, basic telephone service is the most accessible, reliable, and affordable service still available in rural,

low-income, and remote areas, and users rely on the consumer protections that the Federal Communications Commission (FCC, Commission) ensures telephone providers observe. The Rural Broadband Policy Group is pleased to see that the Commission continued to protect consumers with its Declaratory Ruling regarding providers' potential network changes. The Declaratory Ruling reminds providers that if the technology changes they intend to make to their networks bring about a change in the basic telephone service customers have come to rely on, then they must follow the appropriate steps of the § 214(a) process. This is an invaluable protection for consumers, particularly for vulnerable communities with less access to new technologies and less resources to report bad behavior from carriers. For these reasons, the Rural Broadband Policy Group respectfully urges the Commission to deny USTA's Petition for Reconsideration.

II. The Declaratory Ruling provides certainty for providers.

The Declaratory Ruling provides certainty for providers. It clarifies *when* providers should inform consumers and regulators about changes to a network that affects basic telephone service, and *when* they need to proceed with the appropriate steps outlined by Section 214.

III. The Declaratory Ruling provides certainty for consumers.

The ruling also provides *crucial* certainty to consumers. It clarifies to the consumer their right to continue to receive the service they have come to expect from their provider. “[I]t applies a functional test that takes in to account the totality of the circumstances from the perspective of the relevant community or part of a community, when analyzing whether a service is

discontinued, reduced, or impaired under section 214.”¹ The functional test will help rural, low-income, and other vulnerable communities assess whether a company has failed to meet their public obligations in the process of changing their network or switching to a new service. In addition, the Ruling aids all consumers by “point[ing] wireline carriers to their obligations under section 68.110(b) of [the] our rules requiring notice to customers when changes in the provider’s facilities, equipment, operations or procedures.”²

The Declaratory Ruling will help consumers like Ms. Sue Wilson in rural Fiddletown, California who had broken landline service for two weeks and absolutely no telephone service another two weeks. She contacted her provider, AT&T, who waited five days to send a technician to repair the line. After only a couple of days from restoration, the landline broke down again. Based on her experience and what she had seen in her community, Ms. Wilson felt that AT&T was no longer maintaining the lines and that many others were also losing basic telephone service. Unfortunately, the lack of reliable cell phone service in Fiddletown, California left Ms. Wilson stuck.

The Declaratory Ruling is great policy for consumers stuck in difficult situations like Ms. Wilson, who is now more certain that she can turn to the Commission to ask for help with the communications problems in her community. In addition, dozens of states have deregulated telephone service and stripped the states’ Public Utilities Commissions from receiving, tracking,

¹ *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174, *Technology Transitions*, GN Docket No. 13-5, *Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, RM-11358, *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593, Notice of Proposed Rulemaking and Declaratory Ruling, ¶ 117 (rel. Nov. 25, 2014).

² *Id.*

or resolving consumer complaints. In this new deregulated environment, the FCC becomes the only advocate left where consumers can turn to for help.

As the Commission stated in its Declaratory Ruling, “Congress has written a statute that applies to the practical functionality provided by the network on which consumers have come to rely. Our obligation is to apply that statute.”³ Reconsidering this Declaratory Ruling would present a danger to the public – the danger of losing service without proper notification and having nowhere to turn to.

IV. Conclusion

WHEREFORE, the Petition for Reconsideration of the United States Telecom Association should be denied.

Respectfully submitted,

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³ *Id.* at ¶ 118.

CERTIFICATE OF SERVICE

I certify that on January 23, 2015, I caused the foregoing Opposition to Petition for Reconsideration to be served upon the following:

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