

February 5, 2015

VIA ECFS

Chairman Thomas Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O’Rielly
Federal Communications Commission
445 12th Street, SW
Washington, DC 20024

Re: GN Docket No. 13-5, Technology Transitions; PS Docket No. 14-174, Ensuring Customer Premises Equipment Backup Power for Continuity of Communications; RM-11358, Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers; WC Docket No. 05-25, Special Access for Price Cap Local Exchange Carriers; RM-10593, AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services; WC Docket No. 10-90, Connect America Fund; GN Docket No. 12-353, AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition

Dear Chairman Wheeler and Commissioners,

Telecommunications Divide in Rural California

California is seen as an urban state, yet 1.8 million residents live in rural areas, a number roughly equivalent to the population of the entire state of Nebraska. Of that number, four counties can be defined as entirely rural – containing no urban population, (Alpine, Mariposa, Sierra, Trinity,) and another seven counties can be defined as predominantly “rural”– where 50% or more of the county population live in a rural area (Plumas, Calaveras, Modoc, Siskiyou, Lassen, Mono, and Amador, where I reside.) Still, 90% of California rural residents live outside these counties, near more urbanized areas. 21% live in counties which are between 30% and 49% rural (Tehama, Colusa, Tuolumne, Mendocino, Lake, Glenn, Nevada, Inyo, El Dorado, Madera, Del Norte, Shasta, Humboldt, Yuba,) while 32% of California’s rural population live in counties that are at least 91% urban. Those who know California well recognize a pattern: California’s rural population largely resides in mountainous forests spanning from Oregon to Nevada to Mexico.¹

¹ http://ucanr.edu/sites/UC_CCP/files/125967.pdf

Landline Service Matters

While the vast agricultural Central Valley has its own service needs, the solutions there are relatively simple, because the land is flat and cell tower construction simple; in the mountainous forested rural areas of California, where most California rural residents reside, cell service is rarely available at all, as mountains and trees block access.

So for many years, rural California has successfully relied on copper phone lines to provide telephone service which was always on during power outages. Today, however, the reliability of those copper lines has dropped significantly, meaning rural Californians often cannot even call 911 during emergencies.

Merry Christmas 2014 – This call cannot go through

I live in the Fiddletown area of Amador County, about 43 miles east of downtown Sacramento, in an area the California Highway Patrol calls “rural/ suburban.” I am close enough to commute to Sacramento, and get the Sacramento Bee delivered to my home every day.

On December 3, 2014, at a time when Northern California was experiencing no storms, my land line had so much noise on it, it was basically unusable. I called ATT for repair, and was promised a technician for Saturday, December 6. The tech arrived, as promised, but wasn't the usual technician for this area. Two days later, it became unusable again, and so I placed another service call. This placed me in queue for another five days. After those five days, a repair crew called and left a message that they had fixed it - only they didn't reach me, they reached my ATT voicemail. What they didn't understand, as they didn't actually come out to my home, was that my voice mail was working, but my phone was completely dead.

At this point, I placed another service call, letting them know the phone line was dead, in advance of a large predicted storm in Northern California. Again, I was given an appointment for a tech to arrive in five days. This tech never arrived, despite my waiting for eight hours for our prescribed appointment.

Please understand that every time I had to place a call for service, I had to drive fifteen minutes each way to Mount Aukum, which has reliable cell service.

This story went around and around for more than three weeks, with promised service calls that never developed, and me driving miles to place yet another a repair call. In 24 years of living here, I have never experienced anything like it.

One thing I learned is that ATT has downsized its local crews. ATT techs who had come

out from time to time over the years weren't here anymore. Instead, outside crews who do not know the area were being dispatched. One day, while waiting on a service call appointment, I saw an ATT truck driving down the street. I waved him down, only to learn that he had been flown in from Chicago to help. He couldn't fix the line, so I had to call repair again. More than five days later, the next crew came out, these from Michigan. They did fix the line, but only for about 48 hours, so I had to call repair again.

I wrote about it on social media, which helped. Twitter's @ATTCares got involved, contacting local dispatchers, and a friend referred me to an ATT executive who put additional pressure on them. After all that, sometime after Christmas, one of the Michigan crew members came out, saying that I must be the President or something, as he had been told to be sure to fix my line. (Who knew social media could be so effective?) That tech told me that many people had been going without any phone service for much longer. One friend tells me they were without service for seven weeks!

ATT kept saying California was in a state of emergency, hence the delays. But the storms we had in mid-December were very much par for the course, and my experience began well before any storms. What I believe has changed is the quality of maintenance on existing lines. The Michigan tech even told me the poles were dangerous to work on.

In addition, my tenant informed me that ATT initially refused to provide him with new land line service as they are no longer servicing this area, even though cell service is unavailable. He fought them, and they relented.

Who You Gonna Call?

What does it mean to be without land line service?

First, in an emergency, you cannot call 911.

Second, as mine is a business line, business suffers immeasurably. And on residential lines, families cannot communicate.

Third, satellite TV functions are affected, which is a big deal, because since the 2009 digital transition, people in our area can no longer receive free over the air television, as we once could.

Fourth, most people in these areas have spotty internet access, so land lines are their only means of communication.

Lastly, people do rely on land line services to operate certain medical devices. For them, landlines are quite literally life lines.

What Happened?

It was only after I experienced this nightmare in communication that I learned California has deregulated phone service in our state. While I am personally unsure of the legal ramifications of that, I can clearly state that until ATT and other phone companies come up with reliable and cost effective alternatives, our land line infrastructure must be adequately maintained.

Lives depend on it.

Solutions

The National Rural Assembly has created the following proposed guidelines, which I respectfully encourage you to consider as you draft rules to guide our communications network's technology transitions:

Backup Power for Phone Lines and Equipment

Telephone carriers have traditionally used copper to bring telephone service to homes and businesses. Because copper can carry electricity, as long as the telephone carrier has arranged backup power, basic telephone service can continue to work even during power outages. This is an invaluable characteristic of the old telephone network. It taught the public that their telephone is reliable and that they can reach 911 during the direst circumstances. In contrast, the new technologies we see today do not carry electricity. Thus, a change in technology could mean that telephone service and 911 access during power outages are not guaranteed.

First, a telephone carrier interested in changing the technology it uses to provide basic telephone service must make necessary arrangements to ensure two weeks worth of backup power during outages. This is the reliability and safety that Americans have come to trust from basic telephone service, particularly during power outages caused by natural disasters and public safety emergencies. Shifting responsibility for backup power would require a cultural and educational shift before a shift in technology. Backup power is too urgent a matter to have telephone carriers test it out on the field or suddenly place the responsibility on consumers.

Second, the Federal Communications Commission must develop and enact a nation-wide comprehensive "Telephone Transition Campaign" educating consumers about the changes to basic telephone service and any new responsibilities they will acquire as a result. The Commission must coordinate this campaign along with state agencies (Public Utilities Commissions, Office of Consumers Counsel), public interest and grassroots organizations, and carriers. Materials must be published in multiple languages and formats accessible to persons with disabilities, and distributed in various forums: online, telephone, print, mail, radio, and television.

Retiring Copper Phone and Internet Lines

A carrier who wishes to transition or sell its network must first notify its customers of the proposed technology change and how it affects the availability, reliability, and price of basic telephone service. This notification would allow consumers to determine if the change is in their best interest. Notifications should also inform customers of their avenues to appeal to their Public Utilities Commission, Office of Consumer's Counsel, or the Federal Communications Commission if the change would bring about negative consequences for consumers.

Notifying consumers of any technology transition is reasonable consumer protection. It would protect consumers from being automatically enrolled in a new service they did not agree to, and allow them to decide to opt out, opt in, or end the relationship with that carrier altogether. Unless a consumer explicitly approved enrollment in a new service, that customer should not be automatically enrolled or switched.

Proper notification to consumers by carriers intending to make technology changes includes engaging a community's local entities. 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. Local groups are uniquely positioned to help ensure consumers are well informed about any changes in service.

Additionally, a carrier should be required to notify its customers of any changes to service via Internet, telephone, television, radio, postal mail, and local newspapers in multiple languages and formats accessible to persons with disabilities before transitioning customers to a new service.

The Commission should also support the sale of copper networks where there is another entity willing and able to maintain service over the existing network to continue to serve the community.

Discontinuing Phone Service

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 transitions are an opportunity to provide better communications services to all Americans. The Commission, however, must ensure that the tech transitions do not leave rural communities worse off by depriving them of a tool they already have, while transitioning those rural customers to a more expensive or inferior service (or both). Under these circumstances, we must ensure no one will be left behind before we transition networks. 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 service will be guaranteed to consumers.

To be considered an “adequate substitute,” a new service must be as affordable and reliable as the basic telephone service provided in that area. The new service must function for two weeks during power outages. It must also support and function with other devices that consumers and businesses have come to rely on, such as, but not limited to, heart monitors, security alarms, medical emergency alarms, devices that provide access to technology for people with disabilities, credit card machines, and fax machines.

I commend you in your efforts to ensure the technology transitions are a step forward for all Americans. Thank you for considering my comments.

Sincerely,

Sue Wilson
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cc: Rep. Tom McClintock
Sen. Barbara Boxer
Sen. Diane Feinstein
Gov. Edmund Gerald Brown, Jr.
State Assembly Member Frank Bigelow
State Senator Tom Berryhill