



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 20024
Washington, DC

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 America

Rural, Native, and low-income communities have the least access to telecommunications services today. The latest FCC Broadband Progress Report found that 53 % of Rural Americans and 63% of Americans living on Tribal lands lack access to high-speed broadband, leaving them to rely on basic telephone service to apply for jobs, run businesses, call for emergency services, and reach doctors, loved ones, and elected officials.¹ But, even landline phone service is not yet truly ubiquitous in our country. Over 31% of Native communities do not have access to basic telephone service, and over 10 million subscribers depend on the Lifeline Program to be able to afford it.² The reality is that the gap in availability of telecommunications services limits technology transitions in rural areas.

Americans trust the availability, affordability, and reliability of the traditional telephone network. Technology transitions should not cause everyday people to lose that trust, particularly for the most vulnerable communities. Instead, any technology transition should guarantee: availability, reliability, and affordability of telecommunications services; the continuation of benefits and consumer protections the traditional telephone network has provided the American public; and proper

¹ *Ninth Broadband Progress Report*, Federal Communications Commission (2015).

² *Universal Service Monitoring Report*, CC Docket No. 98-202, Federal Communications Commission (2010).

notification to consumers of any changes to service before they happen.

Why Does Landline Service Matter

Appalshop, Inc. is a 45-year-old media, arts and education center located in Whitesburg in the Appalachian coalfields of eastern Kentucky. Our Congressional District (Kentucky 5th) ranks near the very bottom in health and wealth. Broadband Internet has yet to reach many communities outside our town centers and when available can be too expensive for many residents. Cell phone service is erratic and unreliable and often non-existent. Power outages occur frequently during winter and summer storms. Residents in our region depend on their landlines and it is critical that they are not moved to Internet based phone services until they are affordable, accessible and offer the same public safety protections that we expect and need from phone service.

Appalshop, Inc. respectfully encourages you to consider the following recommendations 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

Residents of our region have received little education about the technological changes taking place with phone service or factual information about the services, costs and limitations of broadband,

IP-phone, and cellular service. It is easy for any of us to be taken in with service provider statements that promise the moon. We need to be fully informed in accessible language about proposed changes to service.

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.

We commend you in your efforts to ensure the technology transitions are a step forward for all Americans, including those of us living in rural areas. Thank you for considering these comments.

Sincerely,

Mimi Pickering
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