

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

In the Matter of

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

Petition for Declaratory Ruling to  
Clarify that Technology Transitions Do  
Not Alter the Obligation of Incumbent  
Local Exchange Carriers to Provide DS1  
and DS3 Unbundled Loops Pursuant to  
47 U.S.C. § 251(c)(3)

WC Docket No. 15-1

**COMMENTS OF MEMBERS OF THE RURAL BROADBAND POLICY GROUP:  
APPALSHOP, CENTER FOR RURAL STRATEGIES, AND MEDIA LITERACY  
PROJECT**

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February 5, 2015

Appalshop, Center for Rural Strategies, and Media Literacy Project, collectively the “Rural Broadband Policy Group” (RBPG) respectfully submit the following comments in response to the Commission’s Notice of Proposed Rulemaking on issues related to the technology transitions.

## **I. 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.<sup>1</sup> 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.<sup>2</sup> 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 notification

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<sup>1</sup> *Ninth Broadband Progress Report*, Federal Communications Commission (2015).

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

to consumers of any changes to service before they happen.

The Rural Broadband Policy Group respectfully encourages the Federal Communications Commission (Commission) to consider the following recommendations as you draft rules to guide our communications network's technology transitions.

## **II. Backup Power for Phone Lines and Equipment**

Telephone carriers have traditionally used copper to bring telephone service to homes and businesses. Because copper wires can carry electricity, basic telephone service can continue to work even during power outages as long as the telephone carrier has arranged backup power at a central location. This is an invaluable characteristic of the traditional telephone network. It taught the public that their home telephone is reliable and that they can reach 911 during natural disasters and extreme 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.

A telephone carrier interested in using a technology that does not carry its own electricity to provide basic telephone service must make necessary arrangements to ensure a minimum of seven days and an ideal of two weeks worth of backup power during outages. Americans have come to trust and expect basic telephone service to work indefinitely, particularly during power outages caused by natural disasters and public safety emergencies. While natural disasters can last only a few hours, they can devastate the infrastructure of a community and their effects can be felt for weeks. During times of extreme danger, Americans should not be additionally burdened by a communications network that fails to connect them to their family and loved ones, 911 services, and

medical emergency resources. And, as Americans take on the task of rebuilding their communities after a natural disaster, their efforts should not be obstructed by a broken communications network that keeps their businesses and economy from getting back their feet. For these reasons, the Commission's proposal to require service providers to ensure eight to twenty four hours of backup power is not sufficient. The time frame proposed is a short-term solution, and we respectfully ask the Commission to consider the long-term solution needed to guarantee safety in rural communities.

At this stage in the technology transitions, carriers are the best-positioned actors to take on the responsibility of guaranteeing backup power. In contrast, consumers are not informed of the need for backup power with new technologies nor prepared to take on this responsibility. Shifting responsibility for backup power onto the consumers 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.

### **III. The FCC Must Develop and Enact a National Telephone Transition Campaign.**

The Commission must develop and enact a nation-wide comprehensive "Telephone Transition Campaign" to educate 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, Departments of Public Safety, etc.), 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 that will ensure to reach the most vulnerable consumers: online,

telephone, print, mail, radio, and television. The RBPG encourages the Commission to develop the following two informational guides:

- A guide about the technologies a carrier can use to provide basic telephone service. This guide would educate consumers about the kind of technologies new telephone services will use and how these technologies impact the reliability of their service.
- A guide that compares backup power options. This guide would inform consumers of the options available (batteries, UPC power sources, gas powered generators, etc.) to provide backup power, their durability, quality, and reliability.

#### **IV. 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.

The Commission must require carriers to notify consumers of any technology transition before it happens. Notifying consumers would protect them from being automatically enrolled in a new service they did not agree to, and allow them to decide whether to opt out, opt in, or even change carriers. Unless a customer explicitly approved enrollment in a new service, that customer should not be automatically enrolled or switched. Requiring carriers to notify their customers of any changes protects the consumer's right to choose the best option to fulfill their communications needs.

Proper notification by carriers intending to make technology changes also 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 all the communications options available to them, including 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.

Finally, the Commission should 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.

## **V. 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 them 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.

## **VI. Conclusion**

The Rural Broadband Policy Group commends the Commission in its efforts to ensure the technology transitions are a step forward for all Americans. We welcome the opportunity to collaborate with you in ensuring that the needs of rural Americans continue to be met in our changing telecommunications environment. Thank you for considering our comments.

Respectfully submitted,

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