

**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

**REPLY COMMENTS OF
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

The Pennsylvania Public Utility Commission (Pa. PUC) files these Reply Comments in accordance with the Public Notice (PN) in PS Docket No. 14-174 *et al.*, DA 15-5 issued by the Federal Communications Commission (FCC or Commission) on January 6, 2015, soliciting comments regarding the *Notice of Proposed Rulemaking and Declaratory Ruling* regarding ensuring reliable backup power, protecting consumers, and preserving competition during the transition from networks utilizing the time-division multiplexing (TDM) communications protocol to all-Internet Protocol (IP) multimedia

networks using a variety of interconnected physical infrastructure facilities (“*Emerging Wireline Networks and Services NPRM*” or “*NPRM*”) issued on November 25, 2014.¹ On January 6, 2015, a summary of the *Emerging Wireline Networks and Services NPRM* appeared in the Federal Register. 80 Fed. Reg. 450. Accordingly, initial comments were due on or before February 5, 2015, and reply comments are due to be filed on or before March 9, 2015.

Introduction and Summary

In the *NPRM*, the FCC acknowledged that the Nation’s communications networks are in the midst of a series of technology transitions.² The Commission issued the *NPRM* for the purpose of seeking comment on means to strengthen the public safety, pro-consumer and pro-competition policies and protections in a manner appropriate for the technology transitions that are underway and for the networks and services that emerge from those transitions.³ Specifically, the Commission sought comment on the following steps it had determined would assist in the preservation of pro-consumer and pro-competition policies and protections in a manner appropriate for in the midst of the technology transition:

- Ensure reliable back-up power at residences or other locations for consumers of IP-based voice and data services across networks that provide wireline services that substitute for and improve upon the kind of traditional telephony used by people to dial 911/E911, when commercial power supplies are interrupted;⁴

¹ *In re Ensuring Customer Premises Equipment Backup Power for Continuity of Communications; Technology Transitions; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers; et al.*, PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, *et al.*, (FCC, Rel. Nov. 25, 2014), Notice of Proposed Rulemaking and Declaratory Ruling (“*Emerging Wireline Networks and Services NPRM*” or “*NPRM*”).

² *Technology Transitions, et al.*, GN Docket No. 13-5, *et al.*, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, 29 FCC Rcd 1433, 1435, paras. 1 (2014) (*Technology Transitions Order*).

³ The Commission was primarily focused on the technological evolution involving the transition from network use of the time-division multiplexing (TDM) communications protocol to the use of the Internet Protocol (IP) by networks that are based on multiple types of physical and interconnected infrastructure such as copper facilities, co-axial cable, wireless, and fiber optics.

⁴ *NPRM*, ¶ 3, at 3.

- Protect consumers by ensuring they are informed about their choices and the services provided to them when carriers retire legacy facilities (e.g., copper networks) and seek to discontinue legacy services (e.g., discontinuing basic voice services provided over TDM networks);⁵ and
- Protect competition where it exists today, so that the mere change of a network facility or discontinuance of a legacy service does not deprive small- and medium-sized businesses, schools, libraries, and other enterprises of the ability to choose the kinds of innovative services that best suit their needs, and “ensuring that wholesale access does not decline merely because technologies are in transition.”⁶

The Pa. PUC’s Reply Comments highlight and are in agreement with many of the positions of the commentators urging the Commission to ensure that the existing public safety, pro-consumer and pro-competition policies and principles remain intact in the wake of the ongoing technology transition. The Pa. PUC agrees with the following advocated in comments:

- The Pa. PUC agrees with those commentators suggesting that the Commission propose a framework to establish reasonable expectations for when providers should bear responsibility for providing a backup power solution for the communications equipment and end-user premises equipment used by consumers who have transitioned to an IP-based service, including, most importantly, continued access to 911/E911 emergency response services.
- The Pa. PUC agrees with the commentators suggesting that the Commission take action to ensure that consumers and other affected parties, such as wholesale carriers, smaller and multi-location businesses, enterprise, nonprofit, health care and government entities, have the information they need to make informed choices in the midst of a transition from legacy TDM-based services to IP-based and other new retail services. The technological transitions should not do away with procompetitive safeguards and policies that will impact the robustness of the competitive marketplace. Accordingly, the Pa. PUC strongly asserts that technology transitions should not be used as a pretext to limit competition: in the context of the Commission’s copper retirement and service discontinuance rules, wholesale access should not be affected or severely impacted “merely because technologies are in transition.”⁷

⁵ NPRM, ¶¶ 4-5, at 3-4.

⁶ NPRM, ¶ 6, at 5.

⁷ *Id.*

As an initial matter, these Reply Comments should not be construed as binding on the Pa. PUC in any matter currently pending before the Pa. PUC. These Reply Comments could change in response to later events, including Ex Parte filings or the review of other filed Reply Comments and legal or regulatory developments at the state or federal level.

A. Consumers Who Have Transitioned to IP-based Services and New Network Facilities Should Continue to Have Access to Reliable Backup Power

As the Pa. PUC discussed in its comments, IP-based services and new network facilities (such as fiber to the premises or home — FTTP/FTTH — or coaxial cable used by cable systems that provide interconnected voice over the Internet Protocol or VoIP service) do not necessarily supply line power.⁸ In the event of a commercial power outage, the newer technology generally requires a backup power source at the consumer's residence or place of business. Generally, this CPE backup power is some sort of battery, which is also used to support the relevant optical network terminals (ONTs).⁹ Accordingly, it is imperative that consumers who have either migrated or been transitioned to an IP-based network or new facilities continue to have reasonable CPE backup power alternatives as a means to ensure continuity of communications throughout a commercial power outage. Reasonable backup power is critical for continued access to 911/E911 emergency response services.¹⁰ Nevertheless, at this time, there remains an issue as to whether primary responsibility for CPE backup power should lie with

⁸ NPRM, ¶ 12, at 8.

⁹ The Pa. PUC liberally construes the term CPE to include, as needed, network interface devices that would also need to be supported by premises backup power sources during the duration of commercial power supply interruptions, e.g., optical network terminals or terminations (ONTs). *See generally* AT&T, *Backup Power for Voice Services in the Customer Premises*, (San Francisco, CA, February 2, 2009), Performance Reliability Standards Workshop Sponsored by the California Public Utilities Commission, <http://www.cpuc.ca.gov/NR/rdonlyres/FFE91CE3-D2E2-4CCE-97A3-239493CDC5F5/0/MicrosoftPowerPointPRSWorkshopATTV11.pdf> .

¹⁰ NPRM, ¶ 13, at 9.

providers or consumers and the extent to which consumers should be responsible for any associated maintenance of the backup power supply.

Many telecommunications carriers, which have deployed fiber or rolled out IP-based networks, and industry advocates, such as the United States Telecom Association (USTA) and the National Cable and Telecommunications Association (NCTA) rely on “marketplace realities” to assert that the Commission should undertake a light regulatory approach on the backup power issue.¹¹ Specifically, these commentators assert that, because the reliance on line-powered voice service continues to decline and because a majority of the households in the country have at least one wireless phone or are wireless-only households, these households have an alternative means of communication during power outages. Therefore, these commentators reason that the Commission should only require providers of voice service to offer battery backup to consumers who request it.¹²

Nevertheless, this mass migration away from the traditional line-powered services is one reason the Commission should take action on this issue. The Pa. PUC agrees with commentators stating that the transition to an alternative technology platform should not reduce the importance of robust access to emergency service providers and should not negatively impact consumers.¹³ This policy objective must be technology-neutral, and the retirement of TDM-based services and, potentially, network facilities should not

¹¹ See Comments of USTA at 3-7; Comments of Verizon at 17-22; Comments of CenturyLink at 45-49; Comments of Cincinnati Bell Telephone Company at 6-10; Comments of AT&T Services, Inc. at 7-23; Comments of NTCA—The Rural Broadband Association at 3-7; Comments of Telecommunications Industry Association at 5; Comments of American Cable Association at 8-15; Comments of National Cable & Telecommunications Association (NCTA) at 4-13; Comments of Fiber to the Home Council Americas at 17-27.

¹² See Comments of Cincinnati Bell Telephone Company at 7-8; Comments of Fiber to the Home Council Americas at 9-11; National Cable & Telecommunications Association at 3, 6-8; Comments of American Cable Association at 8-9; Comments of AT&T Services, Inc. at 10-12.

¹³ See Comments of Ad Hoc Telecommunications Users Committee at 5-6; Comments of Public Knowledge *et al* at 21-29; Comments of Members of the Rural Broadband Policy Group at 3-4; and Comments of the New York Public Service Commission (NYPSC) at 2-4.

result in the abandonment of efforts to ensure that the IP-based wireline broadband and wireless networks of the present and future perform adequately during emergencies and abnormal operating conditions.

The Pa. PUC agrees with those commentators noting that adequate and reliable access to 911/E911 response services and functionalities during emergency conditions has been a long-standing public policy objective.¹⁴ In the NPRM, the Commission requested comments on the amount of time a carrier should be required to provide backup power capable of powering CPE during a commercial power outage and tentatively concluded that a minimum of eight hours may be sufficient and consistent with certain VoIP deployment models already in practice.¹⁵

In its Comments, however, the Ad Hoc Telecommunication Users Committee asserts that the eight hours of backup power set forth in the Commission's NPRM is inadequate as most power outages routinely exceed eight hours in ice or wind storms and similar severe weather conditions.¹⁶ Thus, the Ad Hoc Telecommunications Users Committee states that since the eight-hour standard is inadequate to ensure the reliability and availability of 911 services for residential end-users during prolonged commercial power outages, the Commission should require twenty-four hours of backup power.

Additionally, the Rural Broadband Policy Group asserts that a telephone carrier that does not use its own facilities 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.¹⁷ On the basis of commercial power outages in hurricane-prone coastal areas, Public Knowledge and other parties put forward the

¹⁴ See Comments of Ad Hoc Telecommunications Users Committee at 5-6; Comments of Public Knowledge *et al* at 21; Comments of Members of the Rural Broadband Policy Group at 3; and Comments of the New York Public Service Commission (NYPSC) at 2.

¹⁵ NPRM, ¶ 35, at 21.

¹⁶ See Comments of Ad Hoc Telecommunications Users at 6.

¹⁷ See Comments of Members of the Rural Broadband Policy Group at 3.

premise that backup power batteries should last for a minimum of seven (7) days.¹⁸

Public Knowledge further argues that if end-user consumers need to purchase batteries of a proprietary type from the network operator — where the number of batteries purchased must support basic voice communications capabilities for a week — this can become a rather high “and likely unaffordable cost on low-income, fixed-income, and rural Americans.”¹⁹

The Pa. PUC does not implicitly endorse or adopt any of the above recommendations. Rather, the Pa. PUC urges the Commission to adopt a standard that ensures that the provision of backup power to customer premises equipment is reliable and of a sufficient timeframe so that adequate battery backup is maintained at a customer’s premises during lengthy power outages. The Pa. PUC believes that the Commission has the statutory authority to address this issue and to require that providers have sufficient backup power to maintain network operator and end-user customer 911/E911 connectivity during commercial power outages so long as the federal rules do not preempt more stringent state rules.

Nonetheless, it is not necessary that the Commission overreach on this matter. As suggested by AT&T Services, Inc. (AT&T), NCTA, the National Cable and Telecommunications Association and others, the Commission can rely on technical expertise and the relevant final recommendations regarding premises backup power requirements and technology alternatives of the Communications Security, Reliability and Interoperability Council (CSRIC).²⁰

However, as some commentators suggest, if a provider of wireline IP-based services require that their respective end-user consumers be responsible for purchasing and/or replacing backup power batteries that ensure continuity of power for CPE during

¹⁸ Comments of Public Knowledge *et al.* at 24-25.

¹⁹ Comments of Public Knowledge *et al.* at 26.

²⁰ NPRM, ¶ 36, at 22.

commercial power outages , they must develop and implement outreach and education programs to ensure consumers are aware that they are responsible for providing their own backup power and coordinate this effort with the states.²¹ The Pa. PUC recognizes that network providers and suppliers have been exploring a variety of backup power options to be provided, at a minimum, at time of installation by service providers and supported by consumer education and replacement. The Pa. PUC supports these efforts.

Lastly, the Pa. PUC agrees with the Comments of Public Knowledge, *et. al*, that the Commission should adopt baseline requirements for ensuring continuity of power for CPE during commercial power outages. Baseline requirements can assist in the Commission's efforts to promote smooth technology transitions. Such requirements should apply to all carriers providing interconnected VoIP-based services that do not provide their own line-power from their central offices, but rather, rely on backup power at the customer's premises. The Pa. PUC asserts that this will help ensure that all residential IP-based services, as well as any basic services delivered over fiber, can operate and provide basic telephone or minimally essential communications, including 911/E911 calls, as well as for the receipt of emergency alerts and warnings during the power outage.

²¹ See Comments of Members of the Rural Broadband Policy Group at 4; and Comments of the NYPSC at 3. The California Public Utilities Commission (CA PUC) has also pointed out the following: "Expecting consumers to self-provision CPE backup power after 8 hours of standby time may be reasonable but *only* if the following conditions are met: (1) the FCC has conducted a public education about program [*sic*] of consumer responsibilities to self-provision CPE power beyond the 8 hours; (2) service providers have disclosed to consumers their responsibilities and their options for replacing batteries to prolong onsite CPE power; and (3) service providers offer spare batteries at reasonable cost." Comments of the CA PUC at 6 (emphasis in the original).

B. The Commission Should Take Steps to Protect Retail and Wholesale Competition in the Context of the Retirement of the Legacy Copper Network and the TDM-based Services Supported by the Legacy Network

The Pa. PUC agrees with the Commission's overall recommendation to revise its copper retirement rules in order to align the goals of consumer protection and competition with the ongoing incentives to deploy advanced facilities and services. The Pa. PUC reiterates its position that the Commission should not seek to revisit or alter its previous determination in the 2003 *Triennial Review Order* to preserve state authority with respect to requirements for copper retirement and shall continue allowing the state commissions to evaluate an incumbent local exchange carrier's (ILEC's) retirement of its copper loops to ensure such retirement complies with any applicable state legal or regulatory requirements.²²

The Pa. PUC takes notes of the comments of United States Telecom Association (USTA) and various ILECs such as AT&T, CenturyLink, Cincinnati Bell Telephone Company LLC and Verizon, who oppose the proposed changes to the network modification rules and characterize them as "burdensome," "onerous" or "restrictive."²³ These commentators suggest that the expansion of the notice requirements will somehow discourage, delay, and impede the benefits of the fiber-based networks that are replacing those copper facilities.

Nonetheless, many commentators, such as the Pa. PUC, who are advocating for greater transparency in the copper retirement process and the opportunity for meaningful participation in the process by consumers and competitive carriers, support the migration or transition to all-fiber networks and facilities. This support is based on an overall

²² See *Triennial Review Order*, 18 FCC Rcd at 17148, para. 284 ("[W]e stress that we are not preempting the ability of any state commission to evaluate an incumbent LEC's retirement of its copper loops to ensure such retirement complies with any applicable state legal or regulatory requirements.").

²³ See USTA Comments at 8-10; Comments of Verizon at 9-16; Comments of AT&T at 23-41; Comments of Cincinnati Bell Telephone Company at 12-15; and Comments of CenturyLink at 27-39.

agreement that this technological advancement will provide consumers with access to new advanced services as envisioned under state and federal law, while maintaining universal and wholesale access services.²⁴

However, there is a recognition that the impact copper retirement has or may have on competition and consumers warrants revisions to the Commission's network change disclosure rules: (1) to allow for greater transparency; (2) to provide a meaningful opportunity to participate by all stakeholders, including incumbents²⁵ and competitors; and (3) to ensure consumer protection.²⁶ As we reiterate, this does not mean that those commentators who suggest the Commission expand and adopt new network disclosures rules are supporting the permanent retention and operation of a ubiquitous copper network. It only means that stakeholders should have a meaningful opportunity to participate in the process as the copper network is retired or upgraded.

Additionally, loss of certain ILEC wholesale input services is particularly detrimental to competitive carriers' ability to serve their end-user customers and applies to all stakeholders using that network, be they incumbents, wholesale access providers, or competitive carriers.²⁷ Retiring traditional network facilities before a similarly functional and priced alternative wholesale product is readily available imposes a real impediment to viable competition. To preserve meaningful competition and consumer protections, stakeholders must not be precluded from providing their respective wholesale and/or retail services or obtaining such services. Again, we emphasize, the states must also continue to play an oversight role, including dispute resolution.²⁸

²⁴ See Comments of Ad Hoc Telecommunications Users Committee at 7-13; Comments of Public Knowledge *et al* at 7, 16, 29-34; Comments of Members of the Rural Broadband Policy Group at 2, 4-5; and Comments of the NYPSC at 5-13.

²⁵ See, e.g., *In re: Technology Transitions*, Docket No. 13-5, Windstream Communications Ex Parte (August 7, 2014) and Granite Telephone Ex Parte (October 30, 2014).

²⁶ See generally NPRM, ¶ 57, at 28.

²⁷ See Comments of Comptel at 28-29.

²⁸ See generally NPRM, ¶ 54, at 27.

The Pa. PUC takes note of the comments of the NYPSC and agrees that the Commission should adopt its tentative proposal to revise the network disclosure rules and require ILECs to provide interconnecting competitors with additional information about the potential impacts of proposed copper retirements. The Pa. PUC agrees that, as ILECs continue with their planned technology transitions, competitive providers should be fully informed about the impact that copper retirements will have on their businesses. This will help ensure that retirement of the legacy copper network facilities does not harm a provider's ability to compete. This also is consistent with the directive in the *Triennial Review Order* that ILECs building fiber-to-the-home (FTTH) networks may retire copper, but subject to disclosure, *i.e.*, they must inform existing wholesale access customers of the copper retirement. In sum, competitors that rely on that network using copper-based unbundled network facilities or interconnection (including the use of unbundled copper loops for the provision of retail broadband access services) should be fully informed about the potential impacts of copper retirement and should not be left without legal access to a regulatory forum to resolve disputes.

As the Commission tentatively concluded, revised network disclosure rules should require ILECs: (1) to provide to each telephone exchange service provider or other user that interconnects with the ILEC's network an advanced direct notification of the planned copper retirement(s); (2) to provide to each telephone exchange service provider or other user that interconnects with the ILEC's network a description of the expected impact of the planned changes, including but not limited to any changes in prices, terms, or conditions that will accompany the planned changes; and (3) to file a certificate of service with the Commission and notice to the relevant state commissions confirming the provision of such notice regardless of the timing of the retirement. The advance notice of a planned copper retirement should be of sufficient length that the competitive provider has ample lead time to obtain a functionally equivalent service so that they can both plan

for the necessary changes to their products as well as to prepare their customers for changes to any offerings that may have been dependent upon ILEC last-mile facilities.²⁹

Further, as XO Communications asserts, consumers and other retail customers need to understand what is and is not happening during a copper retirement, and they need to understand their choices about service.³⁰ Accordingly, the Commission should adopt its determination to extend its proposed notice obligations to retail customers.³¹ As noted in the comments of Public Knowledge, *et. al*, and Rural Broadband Group, copper retirements should not have the potential to reduce wholesale, incumbent, or competitor access to affordable basic services and reduce retail customer choice.³²

The Pa. PUC has previously noted the importance that copper facilities and networks play in the delivery of universal service and competition. During the inevitable technological transition, the Commission's goal should be to preserve universal service while promoting competition. Accordingly, it is appropriate to extend the notice-only requirement to include incumbent carriers, wholesale access providers, and retail customers. It is necessary that these affected entities, including consumers, should have the opportunity to comment in the copper retirement process. The Pa. PUC agrees with the Commission's decision to revise its network change disclosure rules and allow consumers to participate in the copper retirement process, which may affect them, especially if it affects the availability, reliability, and price of basic telephone service.

Also, as we mentioned in our initial Comments, any FCC approval of a network change must not expressly obviate independent state law. This is necessary to ensure that a state's jurisdiction over protected voice-grade service (or other service that is provided

²⁹ See Comments of XO Communications at 8-9.

³⁰ *Id.*

³¹ See generally NPRM, ¶ 61, at 30.

³² See Comments of Public Knowledge, *et. al* at 33; Comments of Members of the Rural Broadband Policy Group at 5-6.

under state or federal law) is not indirectly obviated by a Commission decision.³³ An ILEC's transition from copper to fiber facilities or some other technological advance should not eliminate universal service or substantially restrict competition. Like the Commission, states also bear important responsibilities with respect to technology transitions, and the states serve a vital function in safeguarding the values of the Network Compact.

Finally, the comments the Pa. PUC supports vividly illustrate the important role that competition must continue to play as networks evolve. The FCC must adopt rules in light of competition. For these reasons, the Pa. PUC files these Reply Comments in the current Windstream Petition and asks the FCC to issue a decision adopting these general comments in this proceeding as well as that more specific proceeding.

C. The Commission Should Protect Consumers, Competition, and the Public Safety by Requiring an Applicant Seeking 214 Relief to Affirm that Any Retail or Wholesale Service Being Discontinued, Reduced, or Impaired Will Be Replaced by an Adequate and Functionally Equivalent Substitute Service

In the *NPRM*, the Commission noted it was critically important that technology transitions do no harm to the benefits of competitive access for retail customers or wholesale competitive providers. The FCC noted the concerns of competitive LECs that, if ILECs discontinue TDM-based services in the transition from TDM to IP-based services, competitive LECs will lose the ability to access last-mile facilities, such as DS1 and DS3 special access lines.³⁴ As noted above, incumbents, competitive LECs, and wholesale access providers use these facilities to serve retail customers, including providing packet-based broadband services to hundreds of thousands of American businesses at competitive prices. Accordingly, the Commission tentatively concluded

³³ The Pa. PUC notes with approval that the FCC does not propose to preempt state notice or other requirements on copper retirements. *NPRM* ¶ 54, at 27. *See also* Comments of the CA PUC at 15.

³⁴ *See, e.g.*, Windstream April 28, 2014 *Ex Parte* Letter at 2-8. No discontinuance would affect an incumbent LEC's obligations to provide unbundled access to loops under Section 51.319(a)(4) of our rules. 47 C.F.R. § 51.319(a)(4).

that it should require ILECs, which are seeking to discontinue, reduce, or impair a legacy service used as a wholesale input by competitive providers, to provide equivalent wholesale access to those providers on equivalent rates, terms, and conditions.

In its initial Comments, the Pa. PUC agreed with this tentative conclusion and recommended that the Commission adopt it. In its Comments, COMPTTEL states that the in the case of discontinuance, reduction or impairment of an ILEC's wholesale input services for which competitive carriers rely on to serve end-users, the Commission should find conclusively that the Section 214 process applies and should establish specific criteria for finding that the replacement service must meet the same functionality of the existing wholesale input and meet other standards and comparable safeguards.³⁵

Likewise, the Pa. PUC notes that Ad Hoc Telecommunications Users Committee also asserts that the Commission should adopt this tentative conclusion and proposed a list of ten factors the Commission should utilize in determining whether an adequate substitute exists for a service a carrier seeks to discontinue.³⁶ Thus, it is clear that competitors and the public will benefit from the articulation of clear, technologically neutral principles that define what constitutes an adequate and functionally equivalent substitute for a discontinued retail service or a wholesale access service. Nevertheless, the Pa. PUC agrees that this *presumption* can be rebutted where it could be shown that the discontinuance, reduction, or impairment of the wholesale service would not: (1) discontinue, reduce, or impair service to a community or part of a community; or (2) impair the adequacy or quality of service provided to end users by either the incumbent LEC or competitive LECs in the market.

³⁵ See Comments of COMPTTEL at 8, 16-27.

³⁶ See Comments of Ad Hoc Telecommunications Users Committee at 15-18.

Conclusion

The Pa. PUC agrees with much of the Commission's tentative conclusions and any efforts to ensure that existing public safety, pro-consumer and pro-competition policies and principles remain intact through any technology transition. The Pa. PUC encourages the Commission: (1) to establish a reasonable framework for backup power solutions post-transition; (2) to ensure that consumers and other affected parties have the information needed to make informed choices; and (3) to maintain competitive safeguards and policies to preserve and promote a robust competitive marketplace.

Respectfully Submitted On Behalf Of
The Pennsylvania Public Utility Commission

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