



The voice of mid-size communications companies

April 30, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Communication: PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, and RM-10593

Dear Ms. Dortch:

On April 28, 2015, AJ Burton of Frontier Communications, Jeff Lanning of CenturyLink, Pat Rupich of Cincinnati Bell (by phone), and the undersigned of ITTA met with David Furth, Jeff Goldthorp, John Healy, Lauren Kravetz, Linda Pintro, and Brenda Villanueva of the Public Safety & Homeland Security Bureau and Chuck Needy of the Office of Strategic Planning & Policy Analysis to discuss the Commission's Notice of Proposed Rulemaking ("*NPRM*") seeking comment on various issues in connection with the ongoing TDM-to-IP transition.¹

We expressed concern that the proposals in the *NPRM* relating to backup power for customer premises equipment ("CPE") are unwarranted and would result in increased costs and burdens for providers and consumers while impeding the Commission's broadband deployment goals. There is virtually no consumer demand for or expectation that providers supply backup power for CPE. Most consumers already rely on alternative (i.e., non-landline) sources for voice calls, such as wireless service, to communicate during power outages, and even those consumers that continue to subscribe to traditional landline voice service (anticipated to be only about 11% of all voice subscribers by the end of 2015) often use equipment (i.e., a cordless phone) that does not rely on a line-powered network. Indeed, it is common for providers to voluntarily make available to subscribers equipment that is capable of maintaining backup power for an extended period of time, yet in most cases, customers choose to pay less and forego backup power.

Cincinnati Bell's experience in the wake of Hurricane Ike in September 2008 provides a clear example of the lack of consumer interest in provider-supplied backup power options. More

¹ *In the Matter of 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; Special Access for Price Cap Local Exchange Carriers AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, PS Docket No. 14-174, GN Docket No. 13-5, WC Docket No. 05-25, RM-11358, RM-10593, Notice of Proposed Rulemaking, FCC 14-185 (rel. Nov. 25, 2014).

than 1.9 million Ohioans lost commercial power during the storm, and it disrupted electric service to 83 percent of Duke Energy's 700,000 customers in Southwest Ohio for up to nine days. After the storm, Cincinnati Bell promoted the advantage of its traditional landline service during a power outage expecting that the campaign would entice customers that had migrated to competing cable and VoIP providers to switch back. However, the company saw little to no uptick in customers as a result of the campaign, and landline losses continued at a steady pace despite the lack of backup power with alternative services. The marketing lesson from this experience was that consumers generally do not place a great deal of value on backup power. For the small number of consumers who may value backup power capabilities, a variety of options are available, and consumers, not providers, are in the best position to understand their specific needs and take any desired precautions.

In addition, the costs and burdens associated with the Commission's proposals would be tremendous. The requirement to provide backup power would presumably apply to all voice customers, regardless of whether they request it. Requiring providers to install battery backup power for all existing customers would be a huge undertaking for providers and inconvenient and burdensome for customers. Providers would need to devote significant man hours to contact every subscriber to set up an appointment, install the equipment on site, and repeat this process for no shows, which are likely to be numerous given that most customers do not want or care about obtaining battery backup power from their voice provider. Customers would need to make arrangements to be home for the installation.²

There also would be environmental costs associated with the Commission's proposals. Providing 8 hours of backup power for a typical fiber optic service terminal requires a 12-volt lead acid battery with a life span of 3-4 years, depending on how often it is used. Assuming all customers must have battery backup, the quantity of batteries likely to end up in landfills could be significant. It also is important to note that the Commission's proposals would lead to fewer available resources for broadband deployment. Retrofitting existing service deployments for customers who are not interested in battery backup power would divert resources from new deployments, thus slowing the expansion of services to customers who desire advanced broadband capabilities.

Rather than adopting regulations relating to CPE backup power, the Commission should look to best practices developed by the Communications Security, Reliability, and Interoperability Council ("CSRIC"). CSRIC Working Group 10 issued a report with recommended CPE backup power best practices in September 2014.³ The report includes recommendations for (i) disclosures to consumers about limitations of CPE supplied by the

² Any requirements relating to remote monitoring would add significantly to these costs. Remote monitoring would require deployment of CPE that supports that function, and the technology necessary is not yet mature enough to be reliable and efficient.

³ See CSRIC IV Working Group 10B, CPE Powering – Best Practices; Final Report – CPE Powering (Sept. 2014), *available at*: <http://transition.fcc.gov/pshs/advisory/csrc4/CSRIC%20WG10%20CPE%20Powering%20Best%20Practices%20Final%20Draft%20v2%20082014.pdf>.

