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May 13, 2015

Via ECFS

Marlene Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Ex Parte* Filing of the Fiber to the Home Council Americas on Ensuring Customer Premises Equipment Backup Power for Continuity of Communications, PS Docket No. 14-174, and Technology Transitions GN Docket No. 13-5

Dear Ms. Dortch:

On May 11, 2015, Heather Gold (Fiber to the Home Council Americas (FTTH Council)), Tim Regan (Corning), David Russell (Calix, via telephone) and Jameson Dempsey and the undersigned, Thomas Cohen, Kelley Drye & Warren LLP, met with the following staff to discuss the backup power for customer premises equipment (“CPE”) issue in the above-referenced dockets: Public Safety and Homeland Security Bureau – Rear Admiral (ret.) David Simpson, Jeffrey Goldthorp, Lisa Fowlkes, John Healy, Lauren Kravetz (via telephone), Nicole McGinnis, Linda Pintro, and Brenda Villanueva; Office of Strategic Planning & Policy Analysis – Chuck Needy. The FTTH Council filed comments earlier this year in response to the Commission’s Notice of Proposed Rulemaking, and these comments were used a basis for the discussion with Commission staff.¹

¹ See Comments of the Fiber to the Home Council Americas on the Technology Transitions NPRM, PS Docket No. 14-174 *et al.* (Feb. 5, 2015), and Reply Comments of the Fiber to the Home Council Americas on the Technology Transitions NPRM, PS Docket No. 14-174 *et al.* (Mar. 9, 2015) (collectively “Council Comments”). The Council also notes that Adtran and Corning filed comments in this proceeding. See Comments of Adtran, Inc., PS Docket No. 14-174 *et al.* (Feb. 5, 2015), and Comments of Corning Incorporated, PS Docket No. 14-174 *et al.* (Feb. 5, 2015).

Marlene H. Dortch
May 13, 2015
Page Two

Heather Gold began the meeting by reiterating that the Council shares the Commission's objective to ensure consumers have reasonable access to emergency communications during power outages. She then explained that achieving this aim is challenging for the following reasons. First, over the past two decades, the communications industry has evolved dramatically, and service providers have already made giant strides in moving their services from copper to fiber, wireline to wireless, and TDM to IP. In fact, a recent survey by the RVA, LLC for the Council (which is attached to the Council's Reply Comments) showed there are few traditional telephone subscribers – those accessing voice service via line power copper, with only a corded phone, and no mobile wireless service. Moreover, consumers are increasingly disconnecting their wireline telephony service and instead using mobile wireless or over the top voice service. Second, consumers are changing the types of communications they value and use during power outages, including the types of communications they use to access emergency services or other critical assistance. Consumers mainly rely on wireless communication during emergencies, and a large portion of this is texting. In addition, use of social media is becoming more prominent, since it enables members of communities to communicate quickly and provide assistance more immediately. Third, consumers have different needs and communications capabilities depending on the duration of the power outage. In such a complex and dynamic environment, Ms. Gold noted, imposing a battery backup requirement only on wireline providers to support voice service is not a solution that is robust or durable.

Ms. Gold also noted that the Commission has long supported the deployment of all-fiber infrastructure, which now is marketed to approximately 24 million homes in the U.S.. That means we still have a long ways to go to make all-fiber networks ubiquitous. Mr. Russell noted that deployments can be accelerated by lowering the cost of builds, and the industry has worked hard to decrease the price of their equipment. Ms. Gold explained that Adtran had lowered the cost of its optical network terminal by over two-thirds and was still trying to drive it lower. Yet, providing battery backup costs about 15% of the drop from the network to the premises, and this cost is unlikely to decrease. Thus, while the industry has generally supplied backup batteries to all subscribers, it would make a material difference to the cost of a build, enabling expansion into less dense areas, if it could supply battery backup only to those subscribers that expressly want it – a number all-fiber service providers has determined is not great.

Ms. Gold explained that to solve the challenge of providing emergency communications during power outages, the Commission should institute a process – the first step of which is to define the scope and scale of the problem – involving all stakeholders that can result in real, long-lasting, effective, and efficient solutions for consumers. She added that because having access to emergency communications is so important, the process should seek to achieve tangible outcomes within defined times.

Marlene H. Dortch
May 13, 2015
Page Three

At the same time, the Council believes there are interim actions the Commission can take to materially improve access to emergency communications. To that end, the Council supports the adoption of a consumer education effort by the government, service providers, and other interested parties and the adoption of reasonable requirements on all providers of voice service to notify their subscribers of the capabilities of their service to access emergency communications during power outages. As a paradigm for the education and notification efforts, the Council believes the Commission should look to the regulations adopted by the California Public Utilities Commission.²

This letter is being filed electronically pursuant to Section 1.1206 of the Commission's rules.

Sincerely,



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² See Decision Adopting Guidelines for Customer Education Programs Regarding Backup Power Systems Pursuant to Assembly Bill 2392, Rulemaking 07-04-015 (Jan. 21, 2010) available at: http://docs.cpuc.ca.gov/PublishedDocs/WORD_PDF/AGENDA_DECISION/112538.PDF