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May 18, 2015

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

**Re: Battery Backup, PS Docket No. 14-174  
Technology Transitions, GN Docket No. 13-5**

Dear Ms. Dortch:

On May 14, 2015, Loretta Polk, Jennifer McKee, and Steve Morris of the National Cable & Telecommunications Association, Christianna Barnhart of Charter, and Jennifer Prime of Cox, met with David Furth, Jeff Goldthorp, Lauren Kravetz, Brenda Villanueva, and Jerry Stanshine of the Public Safety and Homeland Security Bureau, and Chuck Needy of the Office of Strategic Planning, to discuss issues in the above-referenced proceedings.

We expressed continued support for the goal of ensuring that consumers are informed about the capabilities and limitations of their voice service. We explained that providers of interconnected VoIP service already are subject to disclosure and labelling requirements to ensure that consumers are informed of, and acknowledge, any limitations in service during a power outage.<sup>1</sup> The record in these proceedings contains no evidence that consumers of cable voice services do not understand these limitations or that they are unaware of the need to purchase additional services (e.g., mobile voice service) or backup power capability for customer premises equipment (e.g., battery or UPS device) to enable communication during a power outage. We explained that the absence of such evidence in the decade since the Commission adopted disclosure and labelling rules – a period in which cable operators have added roughly 30 million voice customers – strongly suggests the current rules are achieving their intended results and meeting the expectations of consumers.

We stated that cable operators are open to discussing ways in which we could work with the Commission to facilitate the distribution of additional educational material. We pointed out that the Commission already has prepared a number of consumer advisories that provide helpful information, but that consumers may have difficulty finding that material on the Commission's current web site.

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<sup>1</sup> 47 C.F.R. § 9.5

Notwithstanding existing disclosure and labelling requirements, we acknowledged that there was a subset of consumers that still rely on legacy voice services (because they have no alternatives available or because they prefer these legacy services) and that additional efforts may be necessary to ensure these customers understand the capabilities of IP-based networks once they transition to such networks. With rare exception, these consumers are customers of incumbent local exchange carriers, not cable operators, and therefore they will be covered under any rules the Commission adopts in this proceeding with respect to the IP Transition.<sup>2</sup>

As described in pleadings filed by NCTA and Bright House Networks,<sup>3</sup> we explained that an exceedingly small percentage of cable voice customers purchase batteries for their CPE when offered and that there is no demonstrable increase in demand for batteries following extended power outages. This experience suggests that the customers rely on alternative means of communicating (i.e., mobile devices and services) if the voice equipment in their home is not working. It also suggests that any mandate to provide batteries to all VoIP customers would be tremendously wasteful and would impose significant unwarranted costs on consumers.

With respect to the question of how best to address power outages of extended duration, we encouraged the Commission to convene workshops or a working group to discuss the myriad issues raised by such situations. Such outages almost always are associated with natural disasters which present a large number of communications and non-communications issues. Typically such situations involve the participation and leadership of state and local officials, as well as other federal agencies. While there is always an opportunity for additional improvement in how these situations are handled, a comprehensive approach that involves all the relevant participants in the public and private sector would be far more productive than a narrow focus on particular entities or equipment.

Respectfully submitted,

/s/ **Steven F. Morris**

Steven F. Morris

cc: D. Furth  
J. Goldthorp  
L. Kravetz  
B. Villanueva  
J. Stanshine  
C. Needy

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<sup>2</sup> *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174, Notice of Proposed Rulemaking and Declaratory Ruling, FCC 14-185 (rel. Nov. 25, 2014) at ¶¶ 61 n.157, 94.

<sup>3</sup> Comments of the National Cable & Telecommunications Association at 8; Reply Comments of Bright House Networks at 1-2.