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EX PARTE

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

Re: 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)

Dear Ms. Dortch:

ADT Security Services (“ADT”) has recently proposed new rules in the above referenced proceeding.¹ The Commission should not adopt the proposals. ADT’s proposed new rules would confuse consumers and create obstacles to network transitions.

ADT’s proposal has two parts, each flawed. First, ADT proposes that a carrier that offers any IP-enabled service in addition to a traditional TDM-based voice service must provide written information to customers that “explains whether services not provided by the Telecommunications Carrier that currently use the TDM service will continue to operate on the IP service.” ADT’s proposal would require providers to know about every possible third-party service or product that rides on top of their TDM-based voice service and to barrage customers with those details. For customers who choose to retain their TDM-based service, the information would be confusing and unnecessary. And even for those customers who choose an IP-based service, most of that

¹ See Ex Parte Letter from Geoffrey G. Why, Mintz Levin, to Marlene H. Dortch, FCC, *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174 *et al.* (May 28, 2015).

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information would be unnecessary because it would apply to third-party services or products that the customer does not use.

Second, ADT proposes that a provider offering an IP-based service in addition to or in place of a TDM-based service must provide customers with a separate communication about products or services it intends to make available over IP. Under ADT's proposal, customers whose providers start offering IP-based service will have to read two separate notices to learn of the various service options available to them. For example, a provider offering a bundled IP plus POTS service to replace a DSL plus POTS bundle would have to send two communications: one saying the existing DSL service is no longer going to be available and another describing the new IP-based service plus POTS bundle. This duplication would leave customers with a gap in understanding what their options might be. And our experience shows that sending multiple communications to a customer is ineffective, often frustrating and confusing customers.²

ADT proposes to limit the information that telecommunications carriers can provide to their customers. When the Commission wants to provide customers with more information about how technology changes will affect them and the available choices, it should not adopt a proposed rule that would limit how and when carriers may discuss these changes with customers. Further, by targeting only "telecommunications carriers" and not other voice providers, ADT's proposal draws a false line between telecommunications carriers IP based services and other providers' competing products and services. The very issue that ADT purports to be concerned about – that a provider might tell a customer about security services it offers – is not remedied by its own proposal limited to a subset of voice providers.

Given these issues, the Commission should not adopt ADT's proposal. Providers and carriers should instead be encouraged to communicate openly with their customers to provide relevant and timely information about the products and services they offer, including the effects of network transformation. Indeed, as we have noted previously, to adequately inform customers of their options in a network transition, providers need flexibility to provide customers information about alternative services, as well as the ability to guide the timing and method of communications as best fits the circumstances.³

Please let me know if you need additional information.

Very truly yours,



cc: Matt DelNero
Carol Matthey
Dan Kahn
Heather Hendrickson

² See, e.g. May 15 Letter from M. McCready, Technology Transitions, GN Docket No. 13-5. (noting issues with Proposed Rule 51.322(c)(2)(iv) and 51.322(c)(4)).

³ May 15 Letter from M. McCready, Technology Transitions, GN Docket No. 13-5.