



June 18, 2015

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

**Re: 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**

Dear Ms. Dortch:

On June 18, 2015, Harold Feld, Senior Vice President; and Meredith Rose, Staff Attorney of Public Knowledge (PK) met with Travis Litman of Commissioner Rosenworcel's office.

Public Knowledge expressed its continued concern with growing reports of carriers allowing copper networks to degrade to the point of *de facto* discontinuance of service, without seeking required approval from the Commission under section 214. Three primary issues require the Commission's consideration: (1) setting appropriate technical standards by which to define "comparable" service for the purpose of copper retirement and section 214; (2) establishing a system for receiving complaints about degraded TDM service, or clarifying the availability of the Commission's existing complaint systems, in order to track instances of *de facto* retirement by maintenance neglect; and (3) clarifying when a carrier's obligations under section 214 trigger following the destruction of copper facilities following a natural disaster.

Public Knowledge supports the establishment of clear, engineering-based metrics to determine whether substitute VoIP or wireless service is indeed comparable to TDM service which a carrier proposes to retire. Carriers have not provided any suggestions as to appropriate metrics; as a result, Public Knowledge encourages the Commission to use real-time performance metrics.

Public Knowledge also expressed concern over the lack of a viable system for taking complaints and tracking allegations of *de facto* discontinuance of service. Such instances—in which the carriers have allowed their copper network to degrade past the

point of usability—have become increasingly visible and frequent in the media. However, a push toward deregulation on the state level, and the lack of a clear complaint mechanism available to consumers at the federal level, means that data on the frequency and severity of these occurrences is still anecdotal. Public Knowledge strongly encourages the adoption of a *de facto* discontinuance complaint system, or, in the alternative, a public clarification that consumers may use the Commission’s existing complaint filing mechanisms to detail their degradation problems.

Public Knowledge also expressed concern about the lack of clarity surrounding the timing of a carrier’s obligations under section 214 triggering after their TDM infrastructure is destroyed by a natural disaster. This issue came into stark relief following the loss of TDM service on Fire Island, and the 6-month delay before Verizon filed a 214 notice. Public Knowledge encourages the Commission to clarify when, chronologically, carriers should provide notice to retire or replace copper networks with new services after such catastrophic occurrences.

Additionally, Public Knowledge expressed its support for a rule requiring carriers to provide their users with backup power options by using commercially available D-cell batteries. Consumers need widely available power alternatives in the event that their VoIP or wireless home service goes down in the event of an emergency. Forcing consumers to rely upon proprietary batteries that must be obtained from (and replaced/recharged by) the carrier itself creates a substantial public safety threat. By comparison, D-cell batteries are widely available and can be stockpiled indefinitely in proper conditions, thus providing consumers with hours of backup time.

Finally, Public Knowledge expressed its concern with the ongoing non-classification of VoIP as a Title II service, and the difficulty of establishing indefinite obligations in light of its regulatory situation.

In accordance with Section 1.1206(b) of the Commission’s rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020x108.

Respectfully submitted,

/s/ Meredith Rose  
Staff Attorney  
PUBLIC KNOWLEDGE