

Communications
Workers of America
AFL-CIO, CLC

501 Third Street, N.W.
Washington, D.C. 20001-2797
202/434-1100



July 27, 2015

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

Dear Ms. Dortch:

RE: Ex Parte Notice. In the Matter of Technology Transitions, GN Docket No. 13-5; Ensuring Customer Premises Equipment Power for Continuity of Communications, PS Docket No. 14-174; 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, RM-10593.

On July 23, 2015, Debbie Goldman, Telecommunications Policy Director of the Communications Workers of America (CWA), met with Travis Litman, Legal Advisor to Commissioner Jessica Rosenworcel, and, in a separate meeting accompanied by Andrew Jay Schwartzman, met with Rebekah Goodheart, Legal Advisor to Commissioner Mignon Clyburn, regarding the above-captioned proceeding.

Ms. Goldman expressed her support for Commission action to update its rules regarding back-up power, copper retirement, and service discontinuance.¹ CWA emphasized that clear rules will facilitate the transition to high-speed networks, consistent with Commission policy to protect consumers, universal service, public safety and national security, and competition.²

Ms. Goldman discussed CWA policy recommendations, previously provided in comments to the Commission, regarding copper retirement, service discontinuance, “de facto”

¹ *Notice of Proposed Rulemaking*, PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593, Nov. 25, 2014 (rel).

² *Technology Transitions*, et al., Order, Report and Order, 29 FCC Rcd 1435-36 (2014).

discontinuance/retirement, and back-up power.³ She provided the attached hand-outs that were previously entered into the record in this proceeding.⁴ The discussion focused on a discussion of “de facto” service discontinuance/retirement policies.

De facto service discontinuance/retirement. Ms. Goldman emphasized the importance of clear Commission rules to block “de facto” service discontinuance/retirement of copper plant in locations in which the incumbent local exchange carrier has not upgraded the network to fiber. CWA has been clear throughout this proceeding: where a carrier has upgraded its network to fiber, it should not be required to maintain a parallel copper network indefinitely. The Commission should establish a clear procedure of advance written notice to retail and wholesale customers in which the carrier explains exactly what will change, particularly in regard to back-up power. But where carriers have not upgraded their networks to fiber, the Commission’s rules must define copper retirement/abandonment to include failure to maintain the network in a manner that is the functional equivalent of removal or disabling of service.

CWA has provided extensive evidence to the Commission regarding Verizon Communications Inc. (“Verizon”) policies and practices that have led to “de facto” copper retirement/discontinuance in multiple locations in its incumbent local exchange territories where it has not deployed its fiber-to-the-home (FiOS) network. Contrary to Verizon’s suggestions, “de facto” copper retirement/discontinuance is not a myth. In fact, Verizon itself provides the most incriminating evidence of its longstanding policy of copper network neglect in its July 15, 2015 letter to the Commission. In that letter, Verizon writes:

“Since 2008, Verizon has spent more than \$200 million on its copper network.”⁵

By Verizon’s own admission, the company has spent only \$200 million over the past seven years – from 2008 to mid-year 2015 – to maintain a copper network covering tens of millions of lines in Massachusetts, Rhode Island, New Jersey, Delaware, Pennsylvania, Maryland, Virginia, Washington DC, California, Texas, and Florida. (Before the 2010 sale to Frontier, Verizon had an additional 4.8 million lines in 14 additional states.) The \$200 million figure represents a paltry 0.39 percent of Verizon’s total *wireline* capital expenditures of \$50.7 billion from 2008 to 2014.⁶ There can be no more powerful evidence of Verizon’s neglect of its copper network

³ CWA Comments, PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593, Feb. 2015 and CWA Reply Comments, same dockets, March 9, 2015 (“CWA Comments” and “CWA Reply Comments”).

⁴ Letter from Debbie Goldman, Telecommunications Policy Director, Communications Workers of America to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 13-5, PS Docket No. 14-174, RM-11358, WC Docket No. 05-25, RM-10593, June 24, 2015 (“CWA 6/24/15 Ex Parte Letter”).

⁵ Letter from Maggie McCready, Vice President, Federal Regulatory Affairs, Verizon to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 13-5, PS Docket No. 14-174, RM-11358, WC Docket No. 05-25, RM-10593, July 15, 2015. (“Verizon 7/15, 2015 Ex Parte Letter”).

⁶ Verizon Communications, SEC Form 10-K, various years.

than the fact that it has spent virtually nothing on that network for more than seven years.

As CWA indicated in our initial comments in this proceeding, the evidence is overwhelming that Verizon does not adequately maintain the copper plant. When cable fails and customers report service outages or service-affecting troubles, Verizon does not provide prompt restoration and repair of service to its copper customers, frequently setting up service appointments seven to 10 days after the trouble or out-of-service reports. When technicians report that the source of the problem is faulty cable, Verizon does not allocate resources to repair the cable. Rather, Verizon instructs technicians to “jerry rig” a solution using buried service or cross-connect wire, resulting in repeated trouble and out-of-service reports. Verizon often steers customers towards accepting Voice Link service in a number of ways, including making the inferior, fixed-wireless Voice Link option immediately available while delaying the scheduling of copper line repair service.⁷

CWA supplemented the evidence in our initial comments with further documentation collected from Verizon’s online peer-to-peer forum. Verizon describes the forum as an online site “where customers help other customers” with problems. We provided 21 pages of consumer complaints as evidence that Verizon is systematically letting its copper network deteriorate, does not adequately repair service to customers, does not provide prompt service, does not provide reliable systems so that customers can report service outages or noise on the line, does not replace faulty facilities, transfers customer to Voice Link without their approval, does not address dangerous pole, cable or wiring conditions, among other problems.⁸ (See Attachment, “Public Complaints from Verizon’s Home Phone Forum.”)

There are three dominant themes in these complaints.

1. Every time it rains, the phone goes out of service. But when the customer reports the trouble, Verizon tests the line (after the weather has dried out), says the line is OK, and doesn’t dispatch a technician. Next time it rains, the line goes out again.

Explanation: First, Verizon’s automated systems “scrub” the trouble report, finding no trouble when the weather dries out. The automated system drops the trouble report from the system, so there is no dispatch. Second, Verizon doesn’t replace the faulty cable, so next time it rains, there is another trouble on the line. Third, Verizon no longer does preventive maintenance to repair defective facilities before trouble on the line occurs.

2. The customer can’t reach a live human being to report a trouble or no dial tone.

Explanation: Verizon encourages customers to report troubles using an online system.

⁷ See CWA Comments, pp. 22-31.

⁸ CWA Ex Parte Letter, June 24, 2015. This document is also attached to this Ex Parte Letter.

The system frequently doesn't work. The system drops customers' trouble reports. Due to insufficient staffing, the customer can't reach a live human being to report a trouble or find out when a dispatch will occur.

3. Long delays in restoration of service.

Explanation: Verizon prioritizes service on its fiber/FIOS lines, and pushes back dispatch appointments to copper customers.

In light of the overwhelming evidence, including Verizon's own admission that it has spent virtually nothing to maintain its copper plant over the past seven years, the Commission should adopt a clear definition of copper retirement/discontinuance that would protect consumers in locations in which the incumbent carrier has not upgraded the network to fiber. The definition of copper retirement/discontinuance should be broad enough to encompass a carrier's failure to maintain copper loops, subloops, and feeder in a manner that is the functional equivalent of removing or disabling those facilities.

Back-Up Power. Ms. Goldman expressed support for Commission policies that would require carriers to make available equipment that would provide a minimum of eight-hour back-up power for periods of power outages, increasing to a minimum 24-hour back-up power standard over a reasonable time period. Ms. Goldman emphasized that carriers should be required to inform consumers of this option at the point of sale, at the time of installation, and in all marketing and informational material.⁹

Sincerely,



Debbie Goldman
Telecommunications Policy Director
Communications Workers of America

cc: Travis Litman, Rebekah Goodheart

Attachments
Public Complaints from Verizon's "Home Phone Forum"
Wall Street Journal articles

⁹ Letter from Debbie Goldman, Telecommunications Policy Director, Communications Workers of America to Ms. Marlene H. Dortch, Secretary, Federal Communications Commission, GN Docket No. 13-5, PS Docket No. 14-174, RM-11358, WC Docket No. 05-25, RM-10593, July 9, 2015.