



July 28, 2015

1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2543
Fax 202 336-7922
maggie.m.mccready@verizon.com

EX PARTE

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

Re: 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 July 27, 2015 I spoke by phone with Daniel Kahn of the Wireline Competition Bureau to discuss the above-captioned proceedings and to respond to recent filings calling for the Commission to adopt new requirements addressing so-called “*de facto* copper retirements.”¹

I reiterated that while customers have choices in the competitive marketplace and are switching away from legacy services that ride the legacy copper network, Verizon continues to take reasonable steps to ensure our copper network remains healthy.² Since 2008 Verizon has spent more than \$200 million on its copper network. And our network-trouble-report rate of just over two reported troubles per 100 lines—well below the benchmarks generally set by states that in engage in service-quality regulation—reflects a healthy network.

While Verizon’s network-trouble-report rate shows solid network reliability, commenters like Telepacific continue to point to other metrics unrelated to network reliability. For example, Telepacific in its July 22 *ex parte* letter claims that a recent California Public Utilities Commission Alternate Proposed Decision shows Verizon failed to meet certain service-quality standards.³ But the metrics at issue there—out-of-service-repair and business-office-answer-time—do not speak to the reliability of Verizon’s network. The out-of-service-repair metric measures how quickly Verizon performs repairs for reported out-of-service conditions, not how often customers are out-of-service because of network problems. And the business-office-answer-time metric measures how fast a carrier answers a call, not the strength or reliability of

¹ See, e.g., Letter from Tamar E. Finn, Morgan, Lewis & Bockius (Counsel for TelePacific Communications), to Marlene H. Dortch, FCC, *Technology Transitions*, GN Docket No. 13-5 *et al.* (July 22, 2015) (“Telepacific July 22 Letter”).

² Letter from Maggie McCready, Verizon, to Marlene H. Dortch, FCC, *Technology Transitions*, GN Docket No. 13-5 *et al.* (July 15, 2015).

³ See Telepacific July 22 Letter at Attachment.

Marlene H. Dortch

July 28, 2015

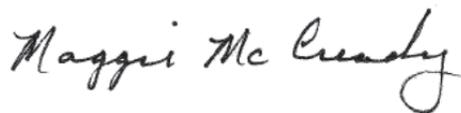
Page 2

the network. In California, the metric that best measures network reliability is the Network Trouble Reports Per Hundred Lines, and since 1995 Verizon has consistently met or exceeded the California network-trouble-report standard, with a trend showing declining network trouble rates.⁴

Under these circumstances, the Commission should not define copper retirement to include so-called “*de facto*” copper retirement. If the Commission were to expand the definition of copper retirement to include *de facto* retirement, it could result in unmanageable loop-by-loop retirement requirements and complicate a provider’s ability to move customers to fiber. This is particularly true when a move to fiber is the best and most efficient way to resolve a customer’s repair needs.

If the Commission does define copper retirement to include *de facto* retirement, however, it should establish two safe harbors. First, the Commission should create a safe harbor in which an incumbent LEC will not be considered to have engaged in *de facto* copper retirement in areas where it has deployed a fiber network and service is available to customers over fiber facilities. This will ensure that new *de facto* retirement requirements do not stand in the way of providers using fiber networks to resolve a customer’s problem with services provided over copper facilities quickly and efficiently. Second, respecting the role states long have played in overseeing carriers’ service quality and network maintenance,⁵ the Commission should create a safe harbor in which an incumbent LEC that meets a statewide Network Trouble Reports Per Hundred Lines standard will not be found to have engaged in *de facto* retirement of its copper facilities. Of course, if the Commission adopts such a safe harbor, it should make clear that it is just that—a safe harbor. If a carrier does not meet that standard, it does not necessarily mean that the network has degraded and that a carrier has “*de facto*” retired copper. It would just mean that the safe harbor is unavailable.

Sincerely,



cc: Daniel Kahn

⁴ See, e.g., *Order Instituting Rulemaking to Evaluate Telecommunications Corporations Service Quality Performance and Consider Modification to Service Quality Rules*, Assigned Commissioner’s Amended Scoping Memo and Ruling, Rulemaking 11-12-001 (Ca PUC Sept. 24, 2014).

⁵ See *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications, et al.*, Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14968 (2014) (“*NPRM*”).