

JARED HUFFMAN
2ND DISTRICT, CALIFORNIA

COMMITTEE ON
NATURAL RESOURCES
WATER, POWER, AND OCEANS – RANKING MEMBER
FEDERAL LANDS

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE
HIGHWAYS AND TRANSIT
WATER RESOURCES AND ENVIRONMENT

806

Congress of the United States
House of Representatives
Washington, DC 20515-0502

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August 3, 2015

Hon. Tom Wheeler
Chairman
Federal Communications Commission
445 12th St., SW
Washington, DC 20554

Dear Chairman Wheeler:

I write in strong support of your proposal to ensure consumers are protected as copper networks are retired and replaced by next-generation networks. I also urge your colleagues to support this important proposal, which will provide a backstop for my constituents, who have had their health, safety, and livelihood compromised by the neglect of copper networks.

The retirement of copper networks by neglect—often referred to as *de facto* retirement—can have devastating impacts on communities, particularly those in rural America. Telecommunications providers that fail to properly maintain copper networks put the health and safety of consumers at great risk, which can be compounded in the event of natural disasters or severe weather. I submit for your review examples shared with me from the Broadband Alliance of Mendocino, which, like other consortiums in Northern California, have carefully documented the long-term neglect of copper networks and are therefore supportive of strong consumer safeguards moving forward.

In implementing your proposal, I ask that the FCC be responsive to consumers that find their service has been discontinued, reduced, or impaired with the installation of next-generation networks. I also ask that you proactively ensure telecommunications providers replacing copper networks offer rates, terms, and conditions that are comparable to legacy service. Notification alone is not a sufficient safeguard. Consumers must have proper recourse to ensure these critical lifelines are well-maintained and accessible.

Thank you for your work in expanding high-speed connectivity to rural America, and in protecting consumers as next-generation networks are deployed. I look forward to the FCC's continued attention to this important matter.

Sincerely,



Jared Huffman

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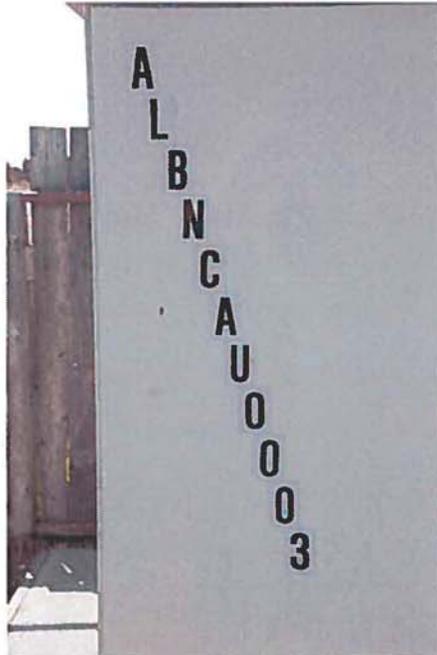
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***Example of neglected copper landline network in
Mendocino County, California***

AT&T twisted pairs still swinging in the breeze, Albion, CA. Corner Albion Ridge Road
and CA Hwy 1 just north of AT&T Remote Terminal ALBNCAU0003



Top Photo dated 7/26/15.



Bottom photos dated 6/26/11

7/27/15 Jim Moorehead

No Copper Landline Pay Phones in Mendocino, CA

Landline pay phones outside Mendocino Post Office (95460) when they still existed.



Photo Date: 12/31/07

Subsequently, ALL pay phones in Mendocino Village have been removed.

After the AT&T 2014 fiber cut, Congressman Huffman convened a meeting on August 18 to review the impacts of the outage to the community. Sheriff Tom Allman reported that 911 service was cut for 45 hours to a large part of the population and that there were no landline pay phones available for 911 emergency calls in Mendocino.

The ATT rep attending the meeting said that ATT had previously sold all of their pay phones to another company. Allman was forced to deploy four satellite phones.

Steering Committee Meeting Notes

Friday, January 9th 10:00 am - 12:00 am

EDFC (temporary location)

631 South Orchard Ave, Ukiah 95482

Dial In # (760) 569-7225, Participant Access Code: 108 1131#

1. Call to Order: 10:00 am

- a. Attendees: Brian Churm, Jim Moorehead, Mike Nicholls, Howard Egan, Supervisor John McCowen, Supervisor Dan Hamburg, Steve Dunicliff, Katie Gibbs, Brooke Clark, Richard Lampken, Jim Persky
- b. Call-in: Regina Costa, Sage Statham
- c. Guests: Supervisor Tom Woodhouse, Craig Schlatter (Mendocino County Community Development Commission)
- d. Changes to the agenda: addition of Sherwood Road update, under 4d

2. Items of interest

- a. ATT copper wireline outages from around the county
 - i. There have been copper wireline outages around the county, and the Alliance has been contacted by at least five individuals about it. Jim had begun inquiring about it and found that the outage has affected quite a few people.
 - ii. Jim Persky from Pacific Internet has been particularly affected, and was interviewed for an article by the Ukiah Daily Journal (UDJ) which ran in this morning's paper:
http://www.ukiahdailyjournal.com/news/ci_27286113/mendocino-county-facing-more-broadband-issues
 - iii. Regina Costa, the Telecommunications Director from The Utility Reform Network (TURN) was on the conference line, and provided some background information about this issue.
 - (1) The issue of ATT and Verizon not maintaining the copper networks has been ongoing for awhile now; their long-term "game plan" is to get out of the wireline business altogether, with ATT's plan to stop about 25% of their wireline customers by 2020. They do this in two ways: They push at the FCC that none of this should be declared a public utility anymore, and at the state level try to deregulate, and in practice they don't put enough resources into maintaining the networks. There is a reason that we are having these problems.

Broadband Alliance of Mendocino County

c/o Economic Development & Financing Corp.

631 S. Orchard Ave ♦ Ukiah, CA 95482

MendocinoBroadband.org ♦ 707-354-3224

- (2) This lack of resources includes not enough staff, loss of experienced staff, and not re-placing the copper plant that was due for replacement a long time ago, even though by law they are required to do so. There is a service-quality proceeding before the CPUC where the issues have been put on the table. Companies are also declaring "States of Emergency" which they then use as a reason for not having to meet their requirements for how quickly they repair lines. Normally they have 48 hours to have an "estimated time of repair (ETR)", but when they self-declare a state of emergency, then normal boundaries do not hold.
- (3) There is also no consistency between companies as to when they make a call for being in a "state of emergency." Recently the CPUC has been focused on Energy issues (think of the recent gas explosion) and until recently, didn't have a single telecom engineer on the staff for 10 years.
- (4) Their service quality reports are also self-reported, and Regina said that they have strategies to make it *look* like they are meeting the reporting requirements, and that it is a huge "bone of contention" with TURN.
- (5) TURN has been documenting these issues in the form of customer complaints, and providing this documentation to the CPUC.
- (6) The commissioner in this proceeding said that there had to be an "independent" investigation, and TURN is also very much in favor of this. Unfortunately, that commissioner got sick and was replaced by someone who is not pushing for this independent investigation.
- (7) Regina suggested that it is crucial that the Alliance continue to document this information also, and to put the information into a letter to Ryan Dulin, the Director of the Communications Division of the CPUC, with a cc to CPUC Commission President Michael Picker, and TURN.
- (8) To file an "ex parte" notice to the CPUC is more involved than to file such a report to the FCC, where anyone can enter such a filing at anytime. In contrast, to file a document with the CPUC, you have to be a party to the proceeding, which makes it more formal and involved. But someone already a party (like TURN) can bring issues up, so that is why it's important that TURN is receives documentation of any complaints.
- (9) In summary: TURN can document these issues at the CPUC, but they have to have the information. She suggested that we encourage people with service-related issues to file complaints

though the TURN website, so that they receive a copy too. If it only goes to the CPUC, the companies can downplay the complaint with the CPUC; it's important that TURN see the information directly to put the data into the record.

- (10) If an issue is *not* in the record, it gives a company grounds for appeal if a decision is made.
 - (11) Instructions to file a complaint through the TURN website:
Go to www.turn.org, and in the upper right corner click "File a Complaint."
 - (12) This provides the information to TURN for documentation and also directly takes you to the CPUC form for the official complaint.
 - (13) The Alliance can then get this information from TURN for any documentation that we need.
- iv. Jim of Pacific Internet said that more education is needed also, as some of the complaints put "Pacific Internet" down instead of "ATT". It's frustrating for Jim because Pacific Internet is a victim of this outage as well. They have lost business and have had complaints filed against them as a result of this outage, when they can't do anything about the lack of repair of the ATT lines.
 - v. Jim also said that they have done their own informal investigative work, and he thinks that about 20% of the time when ATT claims to have been to the site and found no problem with the line, that ATT actually did not even show up.
 - vi. Regina said that the local technicians have to take direction from Corporate Headquarters in Texas, which sets the work parameters. The technicians want to fix the lines, but the reality is that the copper plant should have been replaced 20 years ago. Technicians are also required to clear the problem within a certain amount of time, so they can find themselves in a difficult situation.
 - vii. It has also been extremely difficult to get ATT to provide answers to people as to an estimated time of repair. One woman resorted to blocking the entrances to ATT offices with her vehicle to force them to talk to her.
 - viii. Regina said that the work that the Alliance is doing is incredibly important, and that no other community organization is doing this.
 - ix. Supervisor McCowen suggested that the Alliance and/or the Board could send a letter to the CPUC after this important data has been collected. Regina said that TURN can review the draft and make suggestions to strengthen it, and that Brian Churm should also review for input. The next BoS meeting is Jan 20th.

- x. Such a letter should be addressed to CPUC Commission President Michael Picker and Communications Division Director Ryan Dulin, with a CC to the other commissioners and TURN.
- xi. Katie thought that many people do not know that they can file a complaint about their telephone with the CPUC; Trish will make sure that people know this and will send out the TURN “file a complaint” link with the meeting notes.
- xii. Sage wondered if people’s phone is working, *but not internet*, if they can still file a complaint since the CPUC doesn’t regulate internet.
- xiii. Regina said that the CPUC *does* have authority under the “706 decision” last year, which said that the state commission does have authority over broadband, and so yes, they should also file a complaint.
- xiv. We can also talk to Tom West about the North Bay-North Coast Broadband Consortium also sending a letter.

b. County update

- i. Steve Dunicliff reported that the county has already committed to funding of the Alliance Chair position to replace Jim who is retiring; they talked about bringing in a new employee, but realized that there is a candidate who has been working with Jim for three years now - Trish. They would like to hire her for this work, and are hoping to have a contract in place with her soon.
- ii. The plan is to for Steve Dunicliff to be the County Manager of the NBNCBC, and Trish to work as the active Deputy County Manager.
- iii. We also have a valuable local resource in Ukiah with the county cartographer-planner, and we hope to get him involved in this effort so that some of the maps that are currently produced by Chico state can be produced locally.
- iv. The Alliance will be looking for someone to replace Trish as the Administrative Coordinator, so please send the name of any potential candidates to her or have them contact us. We have a job description available upon request.

c. Other updates

- i. Newly elected Senator Mike McGuire was appointed to the Senate Energy, Utilities, & Communications Committee.
- ii. EDFC updates - no updates were given as John Kuhry was not present.

3. North Bay/North Coast Broadband Consortium -Jim, Mike, Trish

- a. The 2nd Quarter Report was submitted to CASF recently, and the Oversight Committee also had their 2nd Quarter meeting.

- b. The first NBNCBC newsletter is scheduled to be published in late January; everyone on the distribution list will receive it.
- c. Phase 2 Ground Truth testing, analysis, and results are finished, and a report was submitted to CASF.
- d. The county fiber backbone planning map is in progress (the planning map was sent out with the agenda). This is a high-level, “conceptual framework” from which to start planning efforts.
- e. Adoption information
 - i. Part of our first year work plan is to compile information about adoption programs in the county. We have not really started this yet, and we will be looking for input in the next few months.
 - ii. Several years ago, the Alliance created a document about the “Components of the Digital Divide”. We will be identifying existing programs, and assessing which component of the digital divide the program addresses. Then we can determine where the gaps exist and what programs would be needed in the future.
 - iii. Jim Persky said that he sees the language barrier as a big part of the problem - people can’t utilize the internet because they don’t speak English.

4. CASF Grant Program

- a. The CPUC wants all Broadband Infrastructure Grant funds encumbered by Dec. 31, 2015. The application window is now open, and applications are being accepted on a “first-come, first-serve” basis. There are six applications that have been submitted to the CASF program so far.
- b. Because of a recent change in the applicant eligibility rules, “non-CLEC” entities are now eligible to apply for the first time.
- c. The next six months the NBNCBC will focus on areas in each county where we would like to see a application submission for a CASF grant. We are pushing for some provider to submit applications for these five areas: Sherwood Road, Rancho Navarro, Ukiah, Road 408-409, and Albion.
- d. Some of these areas may be waiting for the new Administrative Permit Process, which is currently going through the CEQA process at the county Building and Planning Department.
- e. On Thursday, 1/8/15 Trish met with some folks including a fixed wireless provider, a community representative, and Sherwood Rancheria representatives to physically drive in the Sherwood Road area and discuss possibilities for broadband deployment.
- f. From the California Broadband map, it looks like there may be up to 139 Households in the Sherwood Road/Willowbrook area, and about 100 more in the surrounding census blocks, and 11 at the Rancheria. These households do not

have broadband service unless they subscribe to satellite, or can receive a strong cellular signal. Some may be able to receive fixed wireless, but the geography makes it unlikely that this would be very many.

- g. It seemed from the drive that there could be some reason for optimism, as possible antenna sites were identified, and everyone was thinking about ideas. In addition, everyone was also committed to helping in whatever way they could to make this happen. One big question is whether there would be enough potential subscribers to make a viable business case for the project.
- h. At the meeting, Supervisor elect Tom Woodhouse said that he knew the area well, as in his work in real estate he sold many of those properties. He is also willing to help with the work in finding potential customers through his contacts, and we will stay in touch.

5. Access Sonoma Broadband - Mike

- a. Access Sonoma Broadband held its last meeting on Wednesday, December 17th in Santa Rosa. Their next meeting will be held on Wednesday, January 21st.
- b. At this next meeting, ASB will be discussing what will happen when the CASF grant program “ends” on Dec. 31st, 2015 and there are no more available funds for deployment projects.
- c. They will be looking at Public-Private Partnerships (PPPs) and a number of other things.
- d. The consortium has hired a contractor to go into the Joy Road area for a fiber project design, which could then go out to bid. This contractor is a former executive with Frontier Telephone and has experience doing these sorts of networks.
- e. If the consortium likes his work, then he may be hired for network design for other areas in the four-county region.
- f. For more information, please see their website: <http://sonomacounty.ca.gov/projects/access-sonoma-broadband/>

6. Final thoughts and comments

- a. It was reported that the de Novo group held a meeting in Gualala for potential customers, but that it's too early to know what their long range plan for operations may be when their grant runs out.

7. Meeting Adjourned 12:00

Next meeting: Friday February 6th

Printed in the Anderson Valley Advertiser
April 21, 2015

AT&T, A LAMENT

Editor,

This story definitely belongs in the theater of the absurd.

We had been waiting, waiting — not for Godot, but for AT&T to repair our line and restore communication. For a month and a week we waited...

Here is how the story goes:

Our phone went out on the 24th of January before 11am. We informed MCN since we are their fusion customers and have been nothing but satisfied with them.

MCN sent someone the next day to check if the problem came from their end and ascertained that everything was in order from their side. So the line problem fell under the jurisdiction of AT&T. They told us they would contact AT&T to let them know.

After that we remained pretty much in the dark, especially after the big storm that left us without electricity for three days. We were pretty sure that the problem came from our neighbors' side: they had accidentally cut through our phone line doing work on their road in November. At that time AT&T had taken 5 days to do the repair even though it was entirely their fault since our neighbors had actually called them before doing the digging to check where the lines were (this because a similar incident has occurred a few month earlier, and at the time they had been told of the protocol to follow).

Anyway, a few days after MCN checked with us an AT&T truck driver came once to our side of the land and told us we should expect repairs within a few days. We told him about the incident in November and added that workers had come since to fill the hole: it might have been the reason for the problem. Our story didn't seem to make a big impression, it appeared that AT&T didn't need our help: obviously they had equipment that would detect the breaks in their lines in no time.

At one point we heard some digging on our neighbors' land and went to check. Indeed a new hole had been dug and the line pulled out. But obviously that was not where the break was. And we heard nothing more from then on.

In the dark again.

It is only much later, we were in the fourth week without a phone or internet, that I learned more from my neighbor. I was making a very important medical phone call, perched on my rooftop leaning over a 15 foot drop in order to get reception on my track phone (the only cell phone that works at all in our neck of the woods) wondering about the wisdom of being up there at my age when she showed up. She suspected that I knew nothing about what had been going on and wanted to inform me.

She said that a big truck, equipped with a big ladder, and one or two big men would show up at her place every week or so. They would ask her to tell them what the problem was. They wanted the whole story. Apparently they hadn't talked to any previous AT&T worker and didn't know the first thing about what might have happened. They would use their equipment to locate the break, put a few red flags up, and then leave saying that diggers will follow in a few days, and repairmen after that.

No digger ever showed up! But after a week or so another big truck with the big ladder and the big men would roll in. The men also questioned her about the problem and didn't seem to have any knowledge of what had been done previously. They would leave telling her that they were just locaters and that the diggers would follow in a few days.

And again, and again, same replay, 3 or 4 times. It seemed like we were dealing with zombies who had no contact with each other or with a main office. They all said they were only locaters and that the diggers would come.

Finally on February 25, my husband ran into a repairman in a truck on our road and asked him if he had come to repair our line. It was the first intelligent, responsible person we had dealt with, but mostly the first real contact we had had with AT&T servicemen. The man realized, after answering that no repair had been done yet, that it had been more than a month since we had telephone or internet and he took it upon himself to run a temporary surface line so we could have phone and internet, temporarily.

This could have been done the very first day. It didn't even take an hour.

Talk about efficiency! And now MCN was told that the final repair would be done by the 15th of March. Maybe the temporary line will hold until then! Cross our fingers!

An Update On April 14

We are now in the middle of April and finally some men were sent to fill the hole that had been sitting there since January, they didn't seem to look at the lines that had been uncovered, then went on to dig another bigger hole not far from it.

As the story goes a splicer should come very soon to ascertain if that is where the damage is, and repair it.

As of today April 20, I have heard nothing. I do not know if it has been done. And there are other cases like ours!

Lydia Rand
Mendocino



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 2, 2015

The Honorable Jared Huffman
U.S. House of Representatives
1630 Longworth House Office Building
Washington, D.C. 20515

Dear Congressman Huffman:

Thank you for your letter regarding the Commission's efforts associated with the transition from copper-based, analog services to more efficient fiber- and IP-based networks and services. In your letter, you express your constituents' concerns about the negative impact that *de facto* retirement of networks by neglect can have on rural communities. You also request the Commission ensure telecommunications providers replacing copper networks offer rates, terms, and conditions that are comparable to legacy services. Your views are very important and will be included in the record of the proceeding and considered as part of the Commission's review.

The Commission is committed to promoting the opportunities of the technology transitions and unleashing new waves of innovation and consumer benefits. Last month, we adopted a Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (FNPRM) that establishes clear rules of the road to give providers the certainty they need to invest, while protecting consumers, competition, and public safety in this time of change.

A key finding that the Commission made last month is that in order to encourage these technology transitions, consumers must know they are protected in a manner similar to what they knew in the analog era. That is why the Report and Order requires providers to directly notify residential consumers of plans to retire copper networks at least three months in advance and non-residential retail customers at least six months in advance. And it increases the notice period for interconnecting carriers from three months to at least six months. We want to encourage the transition to fiber- and IP-based networks, not hamper it, which is why, consistent with longstanding policy, our new rules would not require FCC approval before carriers retire their copper network in favor of fiber, as long as no service is discontinued, reduced, or impaired.

With respect to your concerns related to "*de facto*" retirement, I agree that carriers should not let their legacy networks deteriorate to the extent that such networks are no longer reliable. To prevent the kind of situation highlighted by the materials you provided in your letter from happening as the country moves forward through the technology transitions, the Commission made clear that carriers must comply with the Commission's copper retirement procedures and provide appropriate notice to customers, interconnected carriers, and others when they do not intend to continue maintaining their copper networks.

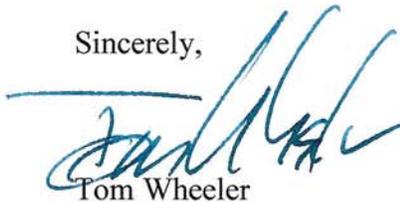
Our actions also preserve competitive choices as technology transitions move forward. Access to legacy voice and data services purchased at wholesale from incumbent telephone providers has been a mainstay of competitive services provided to schools, health care facilities, businesses, and other small- and medium-sized institutions across the nation. Competitive providers rely on these inputs to serve hundreds of thousands of businesses and other enterprise customers at competitive rates, often offering customized services not offered by incumbents. Consumers win when these businesses and organizations have choice for communications services because these entities are able to provide more and better services and products at lower cost. Competitive carriers and the customers who depend on them should not lose access to such connectivity because of a change in technology.

To preserve competition that exists in the marketplace today, the rules the Commission adopted require that many IP replacement services be offered to competitive providers at rates, terms, and conditions that are reasonably comparable to those of the legacy services. This is an interim measure, pending the completion of the Commission's special access proceeding in which these issues are being examined more broadly. The Report and Order also clarifies that a carrier that plans to discontinue a service that has only carrier customers must still follow the statutory process for discontinuance if the action would constitute a discontinuance to the retail users served by those carrier customers.

In addition, Congress has mandated in section 214 of the Communications Act that a carrier may not discontinue service until the Commission determines that doing so will not adversely affect the public interest. Just as we want to arm consumers with information, we believe in providing greater clarity for providers, and the fact is that the Commission has not codified the criteria used to evaluate and compare replacement and legacy services. The FNPRM sets us on a path to fix this problem by proposing standards we would use as part of our review, and we seek more focused comment on the specific criteria to be used.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line. The signature is fluid and cursive.

Tom Wheeler