

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing retirements 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 Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates For Interstate Special Access Services)	RM-10593
)	

COMMENTS OF THE APPALACHIAN REGIONAL COMMISSION

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The Appalachian Regional Commission (ARC) is a joint Federal/State partnership organization representing 420 counties in a thirteen state area which defines the Appalachian region. Our region is 205,000 square miles that extend from lower up-state New York to northern Mississippi. Forty-two percent of our Region's population is classified as rural, compared with twenty percent of the national population. Appalachian poverty rates exceed the national average and we have many high-poverty counties which we classify as "distressed". These are usually very rural counties that have been negatively impacted by the loss of major industries. Examples would include coal mining areas where mines have closed or the closing of textile/furniture companies. In rural settings, it is very hard to replace the jobs lost when a major employer leaves the area.

ARC filed earlier comments in this proceeding expressing concern that rural areas can easily be negatively impacted by the IP Transition shift. The recent Report and Order addresses many of the concerns raised by numerous parties in earlier filings while the FNPRM asks for input regarding what would constitute an adequate substitute for a retail service that a carrier seeks to discontinue.

ARC believes that rural areas should have comparable services at comparable prices to urban and suburban counterparts. Much of the Order and FNPRM address issues dealing with wholesale service and competition and there is much discussion on fiber replacing copper infrastructure. While these are very important issues, there is not as much discussion regarding areas where copper will be replaced by wireless services.

In rural areas where it is not economically viable to "string new fiber" and where the existing copper network is being replaced, wireless becomes the only viable substitute to landline based services. While we believe the wireless network can provide a reliable substitute for voice communication (provided the rural area has adequate wireless coverage), we continue to have concerns regarding wireless rural broadband as the only broadband choice. Unless all broadband becomes usage based, forcing rural subscribers off of DSL service (or by removing the copper landline, ensuring that DSL service will never be available), many rural subscribers will be forced to mobile broadband that, for the most part, is priced on a usage sensitive basis. Depending on usage, this can be considerably more costly than wireline based DSL service. Also, in many rural settings, the wireless broadband service is below the minimum definition of broadband established by the FCC. This is not comparable service at comparable prices. It can easily result in inferior service at higher prices. Given that incomes are

usually lower in rural areas, this can create a significant hardship for rural broadband subscribers.

ARC recognizes the difficulties in providing rural broadband service and has provided grant assistance to many rural communities. As more cities adopt “gigabit networks”, it becomes increasingly difficult for rural communities to provide adequate service levels to keep existing businesses and attract new businesses. Education and telehealth applications continue to push up bandwidth requirements. Removing copper facilities without fiber replacements will not help rural areas increase available bandwidth. The FCC needs to balance the needs of rural communities as it sets the rules and regulations regarding the retirement of copper facilities on the march toward an all IP network. It may be necessary to consider the elimination of data caps or other usage based pricing in situations where subscribers have no other broadband options available.

The FCC also needs to consider the reliability of wireless substitutions. Many rural areas still have no cell service available. We have had rural subscribers tell us they have no wireless signal at all or only in a certain upstairs bedroom near the window. To be considered an adequate substitution, the wireless service need to be reliable throughout the rural community. This might be particularly problematic in states where the state commissions have little to no oversight ability because of state deregulation.

ARC will continue to work with our communities as the IP Transition moves forward. We are happy to assist communities and providers in any way we can to facilitate the IP Transition migration while at the same time, trying to mitigate any downside effects it may have on our rural Appalachian communities.