

## United States Senate

# 1021

October 1, 2015

WCB-  
Public Safety  
Next  
Generation

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

Dear Chairman Wheeler:

As you know, the ongoing transition from copper wire based telephone networks to fiber based networks is an exciting new frontier that will modernize U.S. communications infrastructure and help communications companies to provide enhanced services to consumers. I fully support this transition; however, several constituents have outlined concerns surrounding the transition in New Jersey and across the country.

I applaud the Federal Communications Commission's (FCC) recent efforts to expand protections for consumers during the technology transition and agree it is absolutely critical consumers be informed about what shifts means for their existing telephone service (including its cost). The Commission's new rules requiring service providers to notify customers about these transitions will go a long way to help inform the public and provide the tools necessary for a smooth and affordable transition.

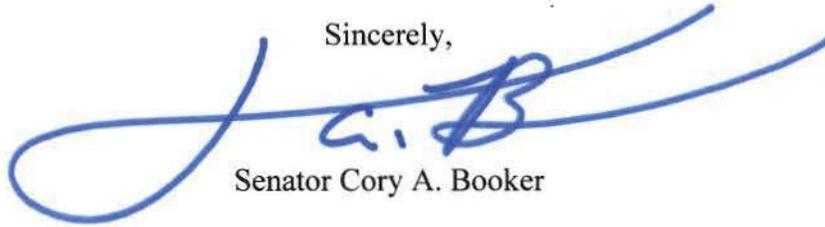
While the increased transparency and oversight are excellent steps towards a successful transition, I remain concerned about emergency preparedness during the transition. Unlike the older copper networks, fiber networks will require the use of emergency backup battery power during an outage. Telephone service providers have already begun outreach and education to consumers about this change, and I appreciate the work the FCC has done on this issue as well. I believe, however, more can be done to ensure individuals are prepared when a storm or disaster strikes. New Jersey has been ravaged by severe weather incidents in the past, which have often included major power outages. While the backup battery power will aid individuals in the event of a storm, they come at a cost to consumers. For low income individuals in communities in my state and across the country, this could mean deciding between paying for everyday essentials and investing in protective measures to preserve their vital communications links in the event of a storm or other natural disaster.

The United States has successfully undergone technology transitions in the past, such as the switch from analog to digital television, known as the DTV transition, which took place nearly a decade ago. During the DTV transition, vouchers were provided to ensure individuals of all economic backgrounds could participate in the new and advanced television services without losing services they had come to rely upon. With this in mind, I request that the FCC examine

the consequences of power outages through the IP transition and make recommendations to Congress on how the public and private sectors can support emergency backup batteries to ensure individuals with new fiber connections have emergency power in the event of a storm or outage. Such connectivity will allow individuals and families to access critical services such as 911 if and when disaster strikes.

Thank you for your immediate attention to this matter, and I look forward to reviewing the FCC's recommendations.

Sincerely,

A handwritten signature in blue ink, appearing to read 'C. A. B.', is written over the word 'Sincerely,'. The signature is fluid and cursive, with a large initial 'C' and a long horizontal stroke.

Senator Cory A. Booker

CC: Commissioners Clyburn, Rosenworcel, Pai, O'Rielly



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

October 26, 2015

The Honorable Cory Booker  
United States Senate  
141 Hart Senate Office Building  
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter expressing your support for the ongoing national transition from legacy phone networks to modern, IP-based communications networks. As you rightly observe in your letter, the transition offers the exciting, near-term promise of high-speed voice, video and data services to our nation's consumers and businesses. That said, we also share your concern regarding the need to ensure that the promises of this "tech transition" are realized by *all* Americans, including our nation's most vulnerable populations. The Commission shares your commitment in this regard and appreciates your inquiry into how we might collaborate on achieving our mutual aims.

Specifically, your letter requests that the Commission examine the consequences of power outages through the IP transition and make recommendations to Congress on how the public and private sectors can ensure continuity of broadband services in emergency conditions that involve commercial power outages (*e.g.*, through emergency backup batteries).

It is critical, as you suggest, that all stakeholders understand their respective roles in lessening any potential negative impact of the IP transition on essential services. This includes proactive efforts by our nation's communications service providers to ensure adequate consumer awareness of the impact of emergency conditions and power outages on their IP-enabled services, as well as how consumers might best be able to maintain service continuity under those conditions. In that vein, I would like to discuss one example of our efforts to meet those challenges below.

As you recognize in your letter, one of the benefits of legacy telecommunications is the provision of backup power to ensure continuous dial tone access in event of commercial power outages. Consumers have a long history of expecting of such backup power for their residential landline phones. In August, we adopted rules to ensure the continuity of most 911 home voice service (that is, facilities-based, fixed, voice residential service that is not line powered) during power outages.<sup>1</sup> Under these rules, providers of modern voice home services must offer consumers the option to purchase a backup solution capable of eight hours of standby power and, within three years, an additional solution capable of 24 hours of standby power.<sup>2</sup> Providers must also inform customers about service limitations during electric outages and the steps they can take to address these risks. Recognizing the importance of consumer choice, the *Ensuring Continuity of 911 Communications R&O* directs the provision of backup power for modern home voice services only if the subscriber so chooses and agrees to pay for it.

We especially look forward to working with Congress in crafting workable solutions for the nation's most vulnerable citizens and in recommending how public and private sectors can support emergency backup power options. We recognize that for most Americans, continuity of communications can be achieved through a number of consumer options. We further recognize, however, that for Americans with limited means, there may not be a credible consumer-oriented choice that is also

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<sup>1</sup> *Ensuring Continuity of Communications, et al.*, PS Docket Nos. 14-174 *et al.* Report and Order, 30 FCC Rcd 8677 (2015) (*Report and Order*).

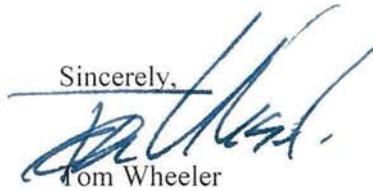
<sup>2</sup> *Report and Order*, 30 FCC Rcd at 8687-88, para. 31.

affordable. Thus far, we have been encouraged by proactive industry efforts in this regard. We will continue to explore how we can incentivize private industry support of backup power, including working together with our sister agencies to promote innovation and development of technical solutions.

There is more we can do. There is room for additional public/private partnerships, further research, and innovation by all stakeholders to ensure that the technology transition does not negatively impact access to critical services. We recognize the need to address the challenges faced by our nation's most vulnerable citizens. We would welcome additional Congressional measures that would offer assistance with the cost of backup power for vulnerable populations, among other similar efforts and actions.

We will continue to explore the options and would look forward to working together with you and your staff on this matter in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", written over a horizontal line.

Tom Wheeler