

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing Retirement Of Copper Lines 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 Services)	RM-10593

**REPLY COMMENTS OF THE
ALARM INDUSTRY COMMUNICATIONS COMMITTEE**

The Alarm Industry Communications Committee (“AICC”), on behalf of its members,¹ hereby files reply comments on the Commission's Further Notice of Proposed Rulemaking (FNPRM) in the above-captioned dockets, in which it seeks comment on criteria to measure "what would constitute an adequate substitute for retail services that a carrier seeks to

¹ Central Station Alarm Association (CSAA), Electronic Security Association (ESA), Security Industry Association (SIA), Bosch Security Systems, Digital Monitoring Products, Digital Security Control, Telular Corp, Honeywell Security, Vector Security, Inc., ADT Security Services, AES-Intellinet, Alarm.com, Bay Alarm, Intertek Testing, NetOne, Inc. (formerly, Security Network of America), United Central Control, AFA Protective Systems, Vivint (formerly APX Alarm), COPS Monitoring, DGA Security, Universal Atlantic Systems, Axis Communications, Interlogix, LogicMark, Napco Security, Alarm Detection, ADS Security, Monitronics, Select Security, Inovonics, Linear Corp., Numerex, Tyco Integrated Security, FM Approvals, Underwriters Laboratories, CRN Wireless, LLC, ipDatatel, Protection One and Ackerman Security.

discontinue, reduce, or impair in connection with a technology transition (e.g., TDM to IP, wireline to wireless)."²

In its comments, AICC urged the Commission to require a substitute service, for purposes of Section 214 discontinuance, to meet reliability criteria and to be functionally equivalent to the TDM-based service to be discontinued. To this end, AICC supported the eight criteria proposed by the Commission, except that AICC urged the Commission to require a reliability standard of 99.999%; supported the development of performance-based standards that measure the entire span connection and all legs or providers in the connection, to ensure communications paths, including VoIP paths, are reliable, robust, and provide a standard of measurable quality; and proposed that substitute services meet functionality standards comparable to those contained in NFPA-72. As AICC has argued in a number of proceedings before the Commission, the transition to IP-based networks should not result in services of inferior reliability and functionality that would place consumers dependent on communications networks for life/safety services in jeopardy. The Commission's proposed criteria, as modified by AICC, will help to ensure that goal.

Contrary to the Commission's proposal, however, AICC argued that a carrier should not be able to rely on services provided by other providers as an alternative. As shown by AICC, there have been a number of issues with the reliability and functionality of IP-based services and services provided by alternative providers because, among other things, providers make changes to their networks that affect service reliability and quality - either by changing their own network parameters, for example, with respect to compression, or by using intermediary providers that do not meet the same reliability and quality standards.

² FNPRM at ¶ 202.

A carrier should not be able to rely on services provided by other providers because it is not possible for the carrier to know or demonstrate that a service provided by an alternative service provider meets the criteria. The carrier also has no control over other providers and the reliability and quality of their services.

Verizon essentially confirms this is the case and states that carriers would not be able to certify that another entity meets the proposed criteria because "some of the criteria appear to request information that is not obtainable if another provider offers a replacement service."³ Verizon, therefore, argues that "[a] provider should not have to certify to all of the criteria in those instances, since a provider may not be able to certify to another provider's capacity, reliability, service quality, interoperability, or coverage."⁴ Rather than adopt Verizon's suggestion and not require certification by the carrier, the Commission should adopt AICC's position and require a carrier seeking to discontinue a TDM-based service to offer its own substitute service that meets the Commission's criteria.

AICC also argued that the substitute service must meet all of the criteria adopted by the Commission. This requirement was echoed in comments filed by Public Knowledge, et. al., who argued that "[a]ny proposal that would allow carriers to 'split' their 214 criteria obligations for substitute service over multiple services would run directly counter to the core principal behind the checklist" and would allow providers "to balkanize services and offer sub-standard 'bare bones' services to vulnerable communities...".⁵

Some carriers argued that the Commission should not adopt reliability criteria because alternative carriers do not have to meet the criteria. AT&T, for example, states that rather than

³ Comments of Verizon at 10

⁴ Comments of Verizon at 10.

⁵ Comments of Public Knowledge, Virginia Rural Health Association, National Consumer Law Center, Center for Rural Strategies, Turn and the Benton Foundation at 1-2.

establish reliability criteria in the 214 process, the Commission should institute a rulemaking proceeding to set reliability standards that would apply to all communications providers.⁶

AICC agrees that service quality, reliability and functionality standards should apply to all communications providers and supports a rulemaking to do so. However, it is also appropriate to consider the reliability and functionality of a substitute service during the 214 process, which specifically requires the Commission to make a determination as to whether an application to discontinue, reduce or impair service will not adversely affect the present or future public convenience and necessity. Section 214 also states that a 214 certificate is not required "for any installation, replacement, or other changes in plant, operation, or equipment, other than new construction, which will not impair the adequacy or quality of service provided." Accordingly, an evaluation of the adequacy and quality of a substitute service is appropriate during the 214 process. Thus, until the Commission adopts a general rule, and since carriers are seeking to discontinue services now, the quality, reliability and functionality of substitute services should be considered in the 214 process.

The Commission should reject the argument of CenturyLink that there should be a rebuttable presumption that interconnected VoIP service, 3G/4G wireless, and CAF-qualifying fixed wireless service is a reasonable substitute for traditional TDM voice service.⁷ As demonstrated by AICC in its comments, oftentimes the entities offering these services currently do not provide the same quality, reliability and functionality as the TDM-based services on which consumers rely. Thus, the mere fact that an entity offers one of these services is no

⁶ Comments of AT&T at 3. See also, Comments of NTCA – The Rural Broadband Association, WTA – Adocates for Rural Broadband, Eastern Rural Telecom Association, and the National Exchange Carrier Association, Inc. at 10.

⁷ Comments of CenturyLink at 28.

indication that the service offered meets quality, reliability and functionality standards necessary to be a substitute for a TDM-based service that is to be discontinued.

The Commission also should reject the proposal of the United States Telecom Association (USTelecom) that the Commission adopt a presumption that any substitute service that is offered in the affected community and that has a significant number of end users subscribed to and using the service is adequate for purposes of network capacity and reliability, and service quality. USTelecom states, "if an ILEC wants to discontinue a TDM-based voice service in a community where a cable provider offers a competing voice service and has subscribers to that service (separate or in a bundle), that service would be presumed to provide adequate network capacity and reliability, and service quality. Those opposing the discontinuance would have the burden of showing, through state commission findings or other credible evidence, that these benchmarks are not being met by the existing substitute service."⁸

The presumption sought by USTelecom, however, is directly at odds with the information presented by AICC that the current services of some providers do not meet the proposed quality, reliability and functionality standards. Further, the fact that some consumers voluntarily have subscribed to various services does not demonstrate that the services meet the proposed criteria. Just as Verizon states that it does not know whether other providers meet the standards, it is unlikely that consumers would know.

The Commission also should reject Verizon's proposed "safe harbor" test whereby the Commission would automatically grant a 214 discontinuance and the carrier would be exempt from meeting the detailed criteria if discontinuing the service will not terminate the end user's ability to call 9-1-1 and other conditions concerning the number of subscribers to the service to

⁸ Comments of the United States Telecom Association at 11-12.

be discontinued are met.⁹ Verizon's safe harbor test on its face does not satisfy section 214 which requires a determination as to whether an application to discontinue, reduce or impair service will adversely affect the present or future public convenience and necessity.

Finally, USTelecom argues that customers, including customers of alarm services, "who choose to use outdated equipment and services that are not compatible with newer technologies (rather than making modest changes such as equipment upgrades or other work-arounds)" should not be allowed to delay the transition to IP.¹⁰ Verizon echoes this sentiment and states that it should not have to support obsolete equipment.

With respect to alarm services, AICC and the alarm industry are not asking the Commission to delay the IP transition because of "outdated" equipment. As AICC has said before, alarm services can function with IP-based communications services. In some cases, the equipment at the customer premise may need to be modified or replaced, and the alarm industry can make those changes with adequate notification that the customer's underlying communications service will be converted to IP technology. When it is a matter of an individual customer switching its communications service to IP technology, a short notification period is acceptable. However, when a carrier seeks to discontinue TDM-based service and replace it with an IP-based service or a wireless service in an entire exchange or service area, which could impact a large number of alarm customers, a longer notification period is necessary for the alarm

⁹ Comments of Verizon at 4. The other conditions proposed by Verizon that would allow the applicant to meet the "safe harbor test, include a showing that fewer than 5% of customers in the affected geographic area subscribe to the service, there has been no new orders for the service during the past 6 months, or the service relies on vendor equipment or inputs that have been discontinued. This last criteria actually could act as an incentive for carriers to stop investing in their networks.

¹⁰ Comments of the United States Telecom Association at 13-14.

company to make all of the premise visits that may be necessary and to acquire any new alarm equipment that may be needed.

To ensure that the alarm industry has adequate notification when copper facilities are retired, AICC, in its earlier comments in this proceeding, asked the Commission to require carriers to provide notification to the Commission on an annual basis of the areas where they intend to retire copper facilities. In addition, AICC asked the Commission to require carriers to provide notification in the general media at the time they provided section 214 notices to consumers of a copper retirement filing. The same notices should be provided when a carrier seeks to discontinue TDM-based services. Neither one of these proposed requirements would delay the transition to IP technology and AICC asks the Commission to adopt them.

It also must be noted that the problems with IP services and service providers recounted in AICC's comments did not result from outdated alarm equipment. Rather, the problems occurred because service providers did not manage their networks properly to ensure a consistent standard and/or used "least cost routers" or intermediary carriers without understanding or monitoring the impact those intermediary carriers would have on the performance of the network. The application of the reliability and functionality criteria supported by AICC should help to ensure these issues do not occur, at least where TDM-based services are discontinued.

However, for the development of a reliable nationwide communications network, AICC agrees with AT&T that the criteria should apply to all interconnected communications providers. To that end, AICC supports the rulemaking proceeding suggested by AT&T. AICC also supports the development of an IP standard for communications providers, much like there are standards for the TDM-based network. Once a standard is developed and consistently applied, any service provider or equipment manufacturer will be able to modify its services and

equipment to work with the nationwide IP network, which will benefit consumers and the nation as a whole.

Conclusion

The transition to IP-based networks should not result in services of inferior reliability and functionality that would place consumers dependent on communications networks for life/safety services in jeopardy. To this end, a substitute service, for purposes of Section 214 discontinuance, must meet reliability criteria and be functionally equivalent to the TDM-based service to be discontinued. Accordingly, the Commission should adopt its proposed eight criteria, except that the reliability standard should be 99.999%, and functionality standards comparable to those contained in NFPA-72.

Respectfully submitted,

**ALARM INDUSTRY COMMUNICATIONS
COMMITTEE**

/s/ Louis T. Fiore

Chairman

Alarm Industry Communications Committee

8150 Leesburg Pike – Suite 700

Vienna, VA 22182

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