

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

In the Matter of:)	
)	
Recommendations of the Independent Panel)	EB Docket No. 06-119
Reviewing the Impact of Hurricane Katrina on)	WC Docket No. 06-63
Communications Networks)	
)	

REPLY COMMENTS OF VERIZON¹ ON PETITIONS FOR RECONSIDERATION

The petitions for reconsideration of the backup power regulation adopted in this proceeding raise focused concerns regarding the technical and practical feasibility of certain backup power requirements imposed by the Commission. In their comments, a group of competitive carriers raise new issues regarding proposed “line powering” notifications to customers switching from copper lines to fiber networks.² The competitive carriers also again request a copper retirement rulemaking. These issues go well beyond the narrow scope of the petitions for reconsideration and cannot be considered in this proceeding.³

As they have in other unrelated dockets, the competitive carriers attempt to use this proceeding to attack Verizon’s deployment of its FiOS fiber-to-the-premises (“FTTP”) network. Some of these same competitive carriers are participants in separate petitions for a rulemaking

¹ The Verizon companies participating in this filing (“Verizon”) are the regulated, wholly-owned subsidiaries of Verizon Communications Inc.

² See Comments of BridgeCom International, Inc., et. al. (the “competitive carriers”), *Recommendations of the Independent Panel Reviewing the Impact of Hurricane Katrina on Communications Networks*, EB Docket No. 06-119, WC Docket No. 06-63 (Sept. 4, 2007).

³ See 47 C.F.R. § 1.106(f) (“No supplement or addition to a petition for reconsideration which has not been acted upon by the Commission or by the designated authority, filed after expiration of the 30 day period, will be considered. . .”)

regarding copper retirement.⁴ The important issues raised in the petitions for reconsideration of the new backup power regulation in this proceeding have nothing whatsoever to do with Verizon's FTTP deployment or copper retirement.⁵ In any event, the competitive carriers' proposals to mandate line powering disclosures to next-generation FTTP customers and for a new copper retirement rulemaking are without merit and should ultimately be rejected by the Commission.

Ignoring the many benefits of FTTP, the competitive carriers contend that "robust" customer notice requirements should be imposed on FTTP providers. The competitive carriers claim that because fiber lacks line power attributes, FTTP customers are more likely to see service interruptions than traditional copper customers during an emergency. This claim is wrong, and in any event, as discussed below, Verizon already notifies its FiOS customers regarding fiber power capabilities.

Foremost, while it is true that fiber does not and cannot transmit electricity like copper, fiber is a more robust and reliable platform than copper for a variety of reasons, including in particular the *absence* of active electronics in the field that may be affected by weather or other environmental factors. Precisely because fiber does not transmit electricity, fiber is much less likely to experience outages during weather or other homeland security events than are legacy copper facilities. The claim that copper is inherently superior to fiber facilities during an

⁴ See BridgeCom International, Inc., Broadview Networks, Inc., Cavalier Telephone LLC, et al., Petition for Rulemaking and Clarification, *Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers*, RM-11358 (Jan. 18, 2007); XO Communications, LLC, Covad Communications Group, Inc., NuVox Communications and Eschelon Telecom Inc., *Petition for Rulemaking to Amend Certain Part 51 Rules Applicable to Incumbent LEC Retirement of Copper Loops and Copper Subloops.*, RM-11358 (Jan. 18, 2007).

⁵ Other comments on the petitions for reconsideration overwhelmingly reflect the industry's commitment to maintaining resilient networks capable of functioning in emergency situations. Verizon shares that commitment.

emergency ignores the benefits of fiber in terms of resiliency, reliability, and capacity. These advantages translate into increased customer satisfaction due to significantly fewer loop maintenance issues. Moreover, much of Verizon's FTTP network equipment is co-located in Verizon central offices that serve traditional copper facilities. The same backup power sources that support Verizon's traditional network equipment support FTTP network equipment housed in central offices.

In addition, the competitive carriers ignore the important steps that Verizon has taken to provide service to customers during outages. In fact, all of Verizon's FiOS customers are provided with a battery backup that provides several hours of telephone service in the event of a power outage. Among other features, all optical network terminals currently being placed into service include a feature that reserves 7-8 hours of backup power that provides for customer service during a utility power outage and then 1-2 hours of backup power to be used on demand at the push of a button when a customer needs it. Further, Verizon informs FiOS customers of the power capabilities of its equipment and instructs those who desire additional backup power that they may purchase additional backup power sources that may extend the battery life powering Verizon's equipment.

For the significant segment of customers who only have cordless telephones in their homes, a power outage is also likely to prevent them from making wireline calls, regardless of whether they are on a copper facility or whether the FTTP provider's equipment has power. In fact, a recent Yankee Group survey indicates that nearly a third of homes do not have a corded

telephone.⁶ As a result, many customers now rely primarily on mobile telephones to make calls during power outages, rather than on their landline telephone.

As for the competitive carriers' claims that FTTP customers are being surprised by the retirement of copper facilities, notably absent from the competitive carriers' comments are current examples of copper retirement in favor of FTTP deployment. Verizon is the largest investor in FTTP loops, and Verizon is not currently retiring copper loops as a result of the deployment of its FiOS network. Instead, at this stage in Verizon's rollout of FiOS, it is focusing on deploying fiber to more areas, and to switching over those customers who order FiOS services, rather than retiring legacy facilities. And given the large embedded base of customers currently being served by Verizon's copper network, retirement of those facilities on any large scale is likely still some time away. In fact, some of the network modifications Verizon has recently undertaken are designed to deploy copper-based services such as DSL deeper into rural areas.

In some instances Verizon *does* remove the copper drop line running from a telephone pole to the side of a customer's home when it installs fiber – in part for aesthetic reasons and in part to reduce truck rolls related to drop lines that may become detached – but that does not mean that Verizon is retiring the copper loop for that customer. In fact, if the customer subsequently orders service from another provider that seeks unbundled access to Verizon's facilities, Verizon replaces the drop line at no cost to the customer or the provider. This practice in no way denies

⁶ See Yankee Group's 2006 Technologically Advanced Family Survey (The Yankee Group, 2006 *US Technologically Advanced Family (TAF) Survey*, Yankee Group Research, Inc., Boston, MA).

customers access to services provided over copper lines if they find that copper offers a particular advantage over fiber.⁷

The competitive carriers' request that the Commission establish a new copper retirement rulemaking is untimely and misplaced. In its *Triennial Review Order*,⁸ the Commission fully addressed the obligations of ILECs with respect to copper facilities that have been replaced by fiber. In the *TRO*, the Commission made a considered judgment to limit the unbundling obligations that would be applied to fiber or other ILEC broadband facilities in order to create incentives for both ILECs and other providers to invest in next-generation broadband infrastructure, thus increasing broadband deployment and encouraging true, facilities-based competition. Indeed, the Commission also expressly addressed in the *TRO* the more narrow issue regarding the retirement of legacy copper facilities that have been replaced with fiber. The competitive carriers had a full and fair opportunity to participate in that proceeding. Consistent with its broadband policies, the Commission determined that ILECs are permitted to retire copper facilities after deploying fiber – rather than incur the costs of maintaining a redundant, parallel copper network – subject only to the obligations to comply with the Commission's network disclosure rules. *TRO* ¶ 294 n. 847.

Since the *TRO* was issued, other Commission policies have appropriately been designed to encourage providers to deploy next-generation network facilities such as FTTP. Those

⁷ Nonetheless, for the reasons Verizon has explained many times in other proceedings, Verizon needs the flexibility to determine in the future when it makes good business sense to retire legacy copper facilities and switch completely to its more efficient and robust fiber network. *See, e.g.,* Comments of Verizon on Copper Retirement Petitions, *Petitions for Rulemaking and Clarification Regarding the Commission's Rules Applicable to Retirement of Copper Loops and Copper Subloops*, RM-11358 (Mar. 1, 2007), at 18-21, 26-29.

⁸ Report and Order and Order on Remand and Further Notice of Proposed Rulemaking, *Review of the Section 251 Unbundling Obligations of Incumbent Local Exchange Carriers*, 18 FCC Rcd 16,978 (Aug. 21, 2003) (“*TRO*”).

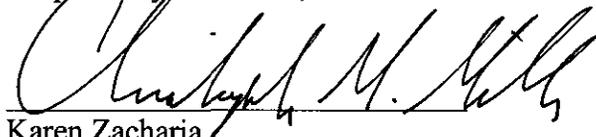
policies are working. At the end of this year Verizon alone will have passed more than nine million homes with its FiOS network, and Verizon is on its way to passing 18 million homes with FTTP by the end of 2010 at a total cost of nearly \$23 billion. At the same time, other facilities-based broadband providers are investing heavily in a variety of broadband platforms. The Commission should not now roll back the clock on new technological advances and impose new constraints on carriers investing in deployment of the most advanced communications networks in the world.

CONCLUSION

The competitive carriers' proposals for new mandatory disclosures to next-generation FTTP customers and for a new copper retirement rulemaking cannot be considered in this proceeding, and the Commission should ultimately reject these proposals.

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