

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

AT&T Petition to Launch a Proceeding
Concerning the TDM-to-IP Transition

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GN Docket No. 12-353

REPLY COMMENTS OF INTERISLE CONSULTING GROUP

A number of Comments submitted in this Docket have provided the Commission with useful advice. Others have muddied the waters. The key issue that needs to be stressed is that the use of IP within the PSTN does not, and should not, redefine the service as being anything other than a PSTN service. A telephone call with IP-based multiplexing in the middle is still a telephone call, a narrowband service with distinct characteristics. This applies to both retail and wholesale. The PSTN, a regulatory and business construct as much as a technical one, should be preserved even as its technology evolves.

We thus take issue with any Comment that distracts from this fact by conflating or confusing IP-enabled telephony with the Internet or with “broadband” services of any sort. Such Comments, like the Petition itself, are mere hand waving, introducing irrelevant concepts in order to create confusion. If the Commission does not recognize the key distinctions between the PSTN and the Internet, harm will be done to both. The PSTN will no longer have its universal availability and full connectivity at the just and reasonable rates required of common carriers under Section 201. And the Internet, by being drawn in to this proceeding where it really has no business even being discussed, will come under increased pressure, as regulators seek to regulate *its* activities as a surrogate for regulating PSTN services. Both of those outcomes should be avoided.

We thus take specific exception to a string of Comments filed in the names of charitable organizations, almost all associated with specific population groups, which bear a striking semblance to

one another. They cite the need for better broadband service to their specific communities of interest. LULAC, for instance, asserts, “Upgrading outdated legacy phone networks with IP-capable networks will expand consumer choice for high-speed broadband service throughout America.” But nowhere does their comment explain how that would occur; it is merely proof by vigorous assertion. The National Hispanic Medical Association makes a similar assertion: “IP-based networks and IP-enabled services can impact and improve daily life in significant ways. Broadband-enabled smartphones have become common and advanced; similarly, mobile health (or mHealth) is changing the medical care landscape.” These statements, even if true, have nothing to do with how wireline telephone calls are exchanged among carriers or delivered to consumers. They are simply not on point. Likewise, Women Impacting Public Policy devotes its Comment to the benefits of broadband data services: “The nationwide transition to IP-enabled networks, with their high bandwidth capacity capable of handling the data-intensive applications and services businesses need to remain competitive in the marketplace, will promote and encourage small business success.” But this confuses a higher-layer protocol (IP) with the bandwidth capacity of the physical layer used for transporting *non-PSTN* information services. Even when the same physical pipe is used to carry high-speed Internet services and VoIP telephone calls (e.g., PacketCable), the two *services* are managed separately.

An even more direct conflation of the PSTN and Internet is made by Precursor. Public Knowledge had previously stated, “Competing networks must continue to accept each other’s traffic and terminate each other’s calls in a manner that both preserves call quality throughout the country and actively promotes a robust and competitive environment.” This was of course a clear reference to telephone *calls*, not the Internet itself. Yet Precursor directly responds to it with a statement about the Internet *per se*: “While there is strong consensus around competition as the best communications policy, consensus is impossible, by definition, on Internet ‘interconnection.’ Interconnection is a circuit switched technology concept. The Internet is a packet-switched technology concept. Just like you can’t force a square peg into a round hole, forcing the packet-switched Internet to operate like the circuit-switched

PSTN would break the Internet.” Of course this is true, but it is totally irrelevant. Interconnection of telephone calls is certainly not a protocol-specific concept; while it is evolving to use VoIP rather than TDM, it is still interconnection. No one is seeking here to change interconnection (peering, transit and upstream) on the Internet itself. And by confusing the PSTN with the Internet as AT&T ally Precursor willfully does, the risk is increased that the Internet itself will become subject to onerous regulation *when* telephone calls fail to be delivered once the deregulation requested in the Petition is granted.

We concur with the gist of the NTCA petition and its supporters, and with NARUC, who recognize that a technological transition within the PSTN is both natural and inevitable, but does not change the fundamental nature of the PSTN. Broadband access to the Internet, and the public switched telephone network, are both critical to the nation’s economy, but they are not the same thing, even if both end up making use of IP, each in their own way.

Respectfully Submitted by the Interisle Consulting Group LLC

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