

June 10, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; GN Docket No. 13-5, Technology Transitions Policy Task Force Notice of *Ex Parte* Meeting

Dear Ms. Dortch:

On June 6, 2013, Harold Feld, Senior Vice President, Jodie Griffin, Staff Attorney, and Margaret MacDonald and Girard Kelly, Legal Interns, of Public Knowledge (PK) met with Nicholas Degani, Wireline Legal Advisor to Commissioner Pai.

Public Knowledge expressed concern about Verizon's build-out of Voice Link service in areas where copper infrastructure was damaged during Hurricane Sandy. Following their May filing with the New York Public Service Commission, PK understands Verizon has declared an intent to file the required § 214(a) request for permission to discontinue its landline telephone service.¹ The factual circumstances for Verizon's Voice Link deployment are unprecedented and have far ranging implications for the public switched telephone network (PSTN) transition.

Public Knowledge asked the Commission to begin an inquiry or issue a rulemaking to provide guidance for procedures in the event that a natural disaster destroys infrastructure and carriers wish to rebuild their networks with VoIP or fixed wireless networks. While we hope we will not see destruction like that left by Hurricane Sandy on a regular basis, unfortunately hurricanes, tornadoes, earthquakes, winter storms, strong thunderstorms, and other natural disasters occur all too frequently to ignore their impact on our communications infrastructure when it is needed most.

That is why the Commission should create a process guiding carriers' responses to damaged copper infrastructure after disasters. It now seems likely that carriers whose infrastructure is damaged by natural disasters may prefer to rebuild their networks with fixed wireless or VoIP services. In that case, the Commission should have a process by which carriers can inform regulators and the public about what their proposed new services will be and show how those services are actually equivalent to the basic service customers have come to expect. In this inquiry, the Commission should look for continued support for features like international calling, collect calls, medical alert device support, and credit card processing and faxes for businesses in particular. In its inquiry, the Commission should solicit comment on other types of

¹ See 47 U.S.C. § 214(a). Verizon since filed its application under section 214(a) on June 7, 2013.

services affected by a transition from copper to fixed wireless, and on the methods of outreach necessary to locate and keep consumers informed during the response to a disaster.

While this post-disaster process is ongoing, the relevant carriers should continue to be treated as if they are operating a Title II telecommunications service. Natural disasters should not be used as opportunities for deregulation, nor should they become a path to short-circuit the Commission's ongoing deliberations over the broad policy issues raised by the phone network transition. If anything, the Commission must maintain additional vigilance to ensure that communications services are available for communities when they are most vulnerable.

Although PK does not contend that carriers must necessarily be required to maintain their copper networks, the Commission must ensure that the transition to new services constitutes an actual step forward for consumers, and that providers are mindfully transitioning customers who rely on the capabilities of their copper-based service. Unfortunately, natural disasters will continue to periodically destroy infrastructure, and if carriers subsequently replace their networks with service that is more limited than what customers have come to expect, those shortcomings will hit the most vulnerable users the hardest. A rulemaking specifically addressing post-disaster service change procedures will ensure that consumers continue to be protected and will encourage recovery and rebuilding.

Respectfully submitted,
/s/ Jodie Griffin
Staff Attorney
Public Knowledge

/s/ Margaret MacDonald
Legal Intern
Public Knowledge