



July 19, 2013

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

Re: Notice of *Ex Parte* Meeting in GN Docket No. 12-353, Comment Sought on the Technological Transition of the Nation's Communications Infrastructure; Technology Transitions Policy Task Force; WC Docket No. 13-149, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services; WC Docket No. 13-150, Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services

Dear Ms. Dortch:

On July 17, 2013, Harold Feld, Senior Vice President, Public Knowledge (PK), spoke with Pricilla Delgado Argeris, Legal Advisor to Commissioner Clyburn, with regard to the above captioned proceedings.

PK requested the Commission remove Verizon's pending 214(a) from the current streamlined "fast track" consideration for the following reasons:

- 1) The New York Public Service Commission (NYPSC) has extended the public docket in its consideration Verizon's application to permanently amend its tariff for Fire Island to September 13, and will receive a report from Verizon on November 1. The Commission has previously noted the importance of the NYPSC supervision of this process in its evaluation. In addition, the NYPSC filed in the recent public notice on AT&T's Petition for trials that it regards the events on Fire Island not a "trial" for the PSTN conversion but as a matter of importance relevant to its overall supervision of telephone service in the state of New York following Superstorm Sandy.<sup>1</sup>

The data collected by the NYPSC has enormous value to the Commission's evaluation of the impact of discontinuance of copper service on Fire Island. Furthermore, the FCC should not undermine the state process by granting approval to the 214(a) by default while the NYPSC public comment period is still open. Accordingly, the FCC should take the pending 214(a) applications in Docket Nos 13-149 and 13-150 off streamlined consideration.

- 2) As the Bureau observed in the Public Notice in 13-150, the situation on Fire Island and the New Jersey Barrier Island are unique in the Commission's experience and wholly

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<sup>1</sup> See NY PSC Comments, GN Docket No. 13-5 (filed July 8, 2013) at 1-2.

unexpected. The Commission has always assumed that, when a portion of a copper network is destroyed by natural disaster, the carrier will rebuild the network at some point in the future. Because this application raises unique questions with significant implications for the overall transition of the public switched telephone network (PSTN), the Commission should take the time to fully consider the matter.

More generally, consistent with the *notice ex parte* filed by PK on June 12 in the above captioned proceedings, PK urged that the Commission open a process independent of pending 214(a) applications to provide guidance to carriers with regard to their obligations in the event a network serving a community (or portion of the community) is damaged or destroyed and the carrier wishes to replace the network with an alternative technology. As the events surrounding Fire Island and New Jersey Barrier Islands show, there is much confusion over both the process by which a carrier notifies the FCC of its intent to replace its previous network with an alternative, and what the carrier must demonstrate to show that the replacement satisfies the requirement of Section 214(a) that discontinuance of the old network does not impair service to the community or is otherwise contrary to the public convenience and necessity.

The content and the form of such guidance were discussed in detail in the June 12 *notice of ex parte*.<sup>2</sup>

In accordance with Section 1.1206(b), this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020.

Respectfully submitted,

/s/  
Harold Feld  
Senior V.P.  
PUBLIC KNOWLEDGE

cc: Priscilla Delgado Argeris

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<sup>2</sup> Available at <http://apps.fcc.gov/ecfs/document/view?id=7022425542>