

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

In the Matter of)	
)	
Section 63.71 Application of)	WC Docket No. 13-150
Verizon New York Inc. and)	
Verizon New Jersey Inc.)	Comp. Pol. File No. 1115
)	
For Authority Pursuant to Section 214 of)	
the Communications Act of 1934,)	
As Amended, To Discontinue the)	
Provision of Service)	

**VERIZON NEW YORK INC. AND VERIZON NEW JERSEY INC.’S
OPPOSITION TO PUBLIC KNOWLEDGE’S MOTION TO REMOVE APPLICATION**

The Commission should reject Public Knowledge’s request to suspend the normal process and delay consideration of Verizon New York and Verizon New Jersey’s (collectively, “Verizon”) narrow discontinuance filing for storm damaged areas on the western side of New York’s Fire Island and parts of two central offices on New Jersey’s Barrier Islands. As an initial matter, Public Knowledge is attempting to use the limited issue presented here to advance its position on broader issues that the Commission is considering in other ongoing proceedings. But the question in this proceeding is narrow, and addresses only the unique circumstances presented by certain limited, storm damaged portions of the barrier islands at issue here.

In particular, Verizon’s filing addresses only limited areas where copper facilities were destroyed or rendered inoperable by Superstorm Sandy, and where, given their unique circumstances, Verizon’s Voice Link product provides the most sensible and reliable platform for voice services going forward. These are low-lying areas that are particularly susceptible to future storm and water damage, and where, as a result of the environment, copper-based networks have not performed well. They consist of vulnerable habitats where repair and deployment efforts are

disruptive and slow. And the residents of these areas are overwhelmingly seasonal, which made it important to find a way to provide Verizon's customers with telephone service as quickly as possible and in time for this year's tourist season.

These areas also were unique in that many of the existing facilities were substantially destroyed or rendered inoperable, and much of the area was essentially a greenfield development post-storm, with little or limited infrastructure remaining. These areas also had traditionally struggled with weather-related disruptions to the facilities. And residents in these areas already overwhelmingly rely on wireless networks for their communications needs; about 80 percent of the voice traffic over the Verizon and Verizon Wireless networks from Fire Islands was already wireless before the storm. In these circumstances, the months it would take to rebuild copper facilities which would then face continued risk from storms and water damage was not an acceptable option.

Given all these factors, Verizon has already made available to customers in these areas an alternative voice telephone service using Verizon Voice Link (customers whose copper facilities are still operable may keep using them while the copper remains working). Using the customer's existing home telephone handsets and jacks, Voice Link uses the wireless network to provide voice service that allows customers to make and receive calls just as they would over wireline, at the same or lower price as their prior wireline service. Voice Link has address-specific E-911 like traditional wireline telephone service, and offers unlimited nationwide calling, plus many popular features such as Caller ID, Call Waiting, Voice Mail, directory assistance, and the use of many calling cards, including pre-paid or 1-800 calling cards. It is compatible with telecommunications relay services. Voice Link also includes battery back-up capabilities to provide voice service during commercial power outages.

Notwithstanding Verizon's efforts to quickly provide reliable voice services on a network less likely to be damaged or destroyed by the next weather event that hits these areas, Public Knowledge now asks the Commission to suspend the normal 60 day process and instead indefinitely delay any action. In doing so, however, Public Knowledge admits that it is attempting to use the narrow issues raised here to advance its position in broader policy proceedings pending separately before the Commission, asserting that the application has "significant implications for the overall transition of the public switched telephone network."¹ But as explained above, the issue presented here is very narrow and addresses only the unique circumstances of the storm damaged areas that are the subject of the 214 filing. And Public Knowledge can and has raised its broader policy agenda in the separate policy proceedings. Its arguments do not provide a basis to suspend the normal process and indefinitely delay action on the narrow filings at issue here.

Moreover, Public Knowledge's claim that adhering to the normal process here would somehow interfere with ongoing proceedings before the New York Public Service Commission is simply wrong. As an initial matter, the filing before this Commission is limited to *interstate* telecommunications services, and does not address or limit ability of the New York PSC to consider issues related to intrastate services. In fact, the New York PSC has already done just that, when it considered and approved offering Voice Link as the sole voice telephone service offered by Verizon to customers on Fire Island, finding that any limitations or different features of Voice Link "are not sufficient to deny use of that technology in light of the unique circumstances brought on by the damage from Hurricane Sandy on the western portion of Fire Island."² While the NY PSC has

¹ Letter from Maggie Macdonald, Public Knowledge to Marlene Dortch, FCC, *Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150, *et al.*, at 2 (July 19, 2013).

² State of New York Public Service Commission, Order Conditionally Approving Tariff Amendments in Part, Revising in Part, and Directing Further Comments, *Tariff filing by Verizon*

directed Verizon to submit a report on its experience in November, nothing the Commission does here in reviewing the application before it will prejudice the NY PSC's ability to consider any issues with respect to that commission's own rules and regulations.

Moreover, the remainder of the PSC's ongoing proceeding is a broader set of questions that consider items and issues beyond Fire Island. Much like the broader IP transition issues that Public Knowledge seeks to inject into this proceeding, those questions are not before the Commission here.

For all those reasons, the Commission should reject Public Knowledge's motion to delay and adhere to the normal 60 day process.

Respectfully submitted,

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July 24, 2013

(footnote cont'd.)
New York Inc. to introduce use of wireless technology as an alternative to repairing damaged facilities, Case 13-C-0197, at 7 (May 16, 2013).