

July 25, 2013

Mignon L. Clyburn
Chairwoman
Federal Communications Commission
445 12th Street NW
Washington, DC 20554

Re: Docket Nos. WC 12-353, GN 13-5, WC 13-150, WC 13-149

Dear Chairwoman Clyburn:

Hurricane Sandy was one of the deadliest and most destructive storms in living memory. Its effects were felt through the Caribbean, in 24 states, and in Canada. New York and New Jersey were the hardest hit areas in the U.S., with many deaths, devastated communities, and much destroyed infrastructure. The undersigned write with a simple request: That the Commission not allow actions taken in the aftermath of this devastating storm to set the course of communications policy in the United States.

Sandy posed significant challenges to the infrastructure of the affected areas. But shore communities have proven resilient and much of the damage has been, or is being repaired. Unfortunately, Verizon has decided not to rebuild or upgrade damaged communications infrastructure in the communities of Mantoloking, New Jersey, and Fire Island, New York. This leaves Fire Island without any wireline communications providers and Mantoloking with a cable monopoly. The wireless Voice Link product that Verizon offers to customers in those areas is simply no substitute for the service it replaces. As it is now configured, its 911 service is less reliable; it does not allow users to receive collect calls or use calling cards; it does not work with life alert or alarm systems; and it is incompatible with fax machines, DVRs, credit card systems, and other data devices. In fact, it provides no Internet access at all, leaving DSL customers stranded.

To be sure, a product like Voice Link may be appropriate in the immediate aftermath of a disaster, to bring back some level of service to people quickly. But if Voice Link is permanent, it could represent a new chapter in our nation's telecommunications history: one where competition and universal access to adequate communications facilities are no longer even aspirational ideals. There is already some evidence that Verizon intends to build on the precedent it sets in Fire Island and Mantoloking to deploy Voice Link more widely.¹ But telecommunications providers like Verizon have certain public obligations, and they cannot simply walk

¹ Patrick McGheehan, *Fight With Verizon Over Ending Landline Service Has New Front: Catskills*, NY TIMES, Jun. 26, 2013, <http://www.nytimes.com/2013/06/27/nyregion/fight-with-verizon-over-ending-landline-service-has-new-front-catskills.html>.

away from them—especially not in the confusion of an unprecedented post-storm recovery.

Because there is currently no developed framework for post-disaster recovery, the response by Verizon and state, local, and federal policymakers has been improvised. This should not be the template for post-disaster recovery in the future, and should not serve as a model for the future of the telecommunications network. Rather the Commission should provide guidance to carriers and communities on appropriate responses when the physical network is destroyed or severely damaged and the network operator does not intend to re-build or eventually replace the network with a substantially similar network offering the same or equivalent services.

At the same time, the Commission should create a more developed framework for post-disaster recovery. Many months have passed since Sandy, and damaged communities still do not have any certainty as to the future of their communications services. This should be unacceptable going forward. Many meteorologists and climate scientists have argued that storms of Sandy's magnitude, and other destructive natural disasters such as wildfires and tornados, are likely to become more common occurrences in years to come.

By clearly delineating what responsibilities telecommunications providers have to rebuild in the aftermath of disasters, the Commission will provide both certainty to industry and reassurance to the public.

The Commission is already considering how it should update its regulations so they work better with a telecommunications network that has largely upgraded from circuit-switched to packet-switched technology. It also needs to consider how to ensure that all Americans continue to have access to basic communications services even when storms or other disasters damage wireline infrastructure.

Respectfully submitted,

Harold Feld, *Public Knowledge*



amalia deloney, *Center for Media Justice*



Sarah Morris, *New America Foundation*



Edyael Casaperalta, *Center for Rural Strategies*



Amina Fazlullah, *Benton Foundation*²



Todd O'Boyle, *Common Cause*



Connie Stewart, *California Center for Rural Policy*



Christopher Mitchell,
Telecommunications as Commons Initiative, Institute for Local Self-Reliance



² The Benton Foundation is a nonprofit organization dedicated to promoting communication in the public interest. These comments reflect the institutional view of the Foundation and, unless obvious from the text, are not intended to reflect the views of individual Foundation officers, directors, or advisors.

Cheryl Leanza, *United Church of Christ, OC Inc.*



Mark W. Toney, *TURN—The Utility Reform Network*



Stephanie Chen, *The Greenlining Institute*



Wally Bowen, *Mountain Area Information Network*



Olivia Wein, *National Consumer Law Center, on behalf of its low-income clients*



Jessica Gonzalez, *National Hispanic Media Coalition*



Bruce Kushnick, *New Networks*



Gerald Norlander, *Public Utility Law Project of New York, Inc.*



Sean McLaughlin, *Access Humboldt*



Mimi Pickering, *Appalshop*



Jay April, *Maui County Community Television*

