

**STATE OF NEW YORK DEPARTMENT OF PUBLIC SERVICE  
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*Acting Secretary*

July 29, 2013

*Filed electronically Via ECFS*

Marlene H. Dortch  
Office of Secretary  
Federal Communications Commission  
445 Fifth Street, SW, Suite TW-A325  
Washington, DC 20554

Re: In the Matter of Section 63.71 Application of Verizon New York Inc. and  
Verizon New Jersey Inc., Proceeding No. 13-150.

Dear Ms. Dortch:

The New York State Public Service Commission (NYPSC) submits these comments in opposition to the Section 63.71 Application of Verizon New York Inc. (Verizon) to the Federal Communications Commission (FCC) (Application). The Application requests authority to discontinue the provision of its interstate wireline telecommunications services, including interstate interexchange and exchange access services, in the western part of Fire Island and New Jersey barrier islands where Superstorm Sandy destroyed copper wireline facilities.

Following Superstorm Sandy, Verizon filed tariff amendments with the NYPSC in effect requesting authority to deploy its Voice Link service on the western portion of Fire Island and other parts of New York. The NYPSC provided temporary approval for the use of the Voice Link only on the western portion of Fire Island and suspended the remainder of Verizon's tariff

amendment pending further review and public comment.<sup>1</sup> The NYPSC's temporary approval of Voice Link on the western portion of Fire Island was based on the exigent circumstances that existed in the wake of Superstorm Sandy. Verizon reported that the Storm damaged a portion of the copper wire facilities beyond repair and, without Voice Link, no wireline telecommunications services would become available prior to the beginning of the summer season when the population on Fire Island grows substantially.

The NYPSC has reached no final decision relating to Voice Link issues. As part of the proceeding to evaluate Voice Link performance, the NYPSC is seeking comments from interested parties and stakeholders on the new Voice Link technology, service adequacy and delivery functions and capabilities. The NYPSC directed Verizon to provide it with a comprehensive report evaluating the quality and reliability of Voice Link provided to Fire Island customers by November 1, 2013.

Until such time as the NYPSC makes a determination on Verizon's deployment of Voice Link and its overall performance on Fire Island, we urge the FCC to deny, or postpone its decision on, Verizon's request to discontinue interstate service on Fire Island. Allowing Verizon to discontinue service would adversely affect New York's exercise of its jurisdiction over intrastate service, including basic local service. Verizon's assertion that Voice Link is a "reliable alternative" to wireline services is not yet validated, and comments submitted to the NYPSC in its pending proceeding complain about the adequacy of service provided by Voice Link, an untested technology. The public comments submitted to the NYPSC regarding deployment of Voice Link express concerns over reliable access to emergency services during bad weather, or heavy usage, situations. Further, while Verizon asserts that Voice Link is comparable to the previous wireline service, it does not offer broadband capability at this time in conjunction with Voice Link.

In sum, the NYPSC is committed to making the benefits of new technology available to customers, provided that customers continue to receive reliable and adequate service and access to a resilient network with adequate capacity. Denying, or suspending, Verizon's Application would advance these important public interests and allow the NYPSC to complete its

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<sup>1</sup> Case 13-C-0197, Verizon New York Inc. – Substitution of a Wireless Service for Wireline Service in Certain Areas, Order Conditionally Approving Tariff Amendments in Part, Revising in Part, and Directing Further Comments (issued May 16, 2013).

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comprehensive investigation of the impacts resulting from Verizon's use of wireless technology as a substitute for wireline service.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter McGowan". The signature is written in a cursive, flowing style.

Peter McGowan  
General Counsel  
Public Service Commission  
State of New York  
Three Empire State Plaza  
Albany, NY 12223-1350