

JUL 29 2013

Rodney McDonald

Federal Communications Commission
Office of the Secretary

From: Jim Rosenthal
Sent: Friday, June 28, 2013 6:04 PM
To: Rodney McDonald
Subject: Docket #WC 13-150: Verizon's Application Under Section § 63.71 to Discontinue Interstate Wireline Telecommunications Services on Fire Island
Attachments: Rodney McDonald.pdf
Follow Up Flag: Follow up
Due By: Monday, July 01, 2013 11:00 AM
Flag Status: Flagged

Rodney McDonald
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 Competition Policy Division
 Wireline Competition Bureau
 FCC
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Re: Verizon's Application Under Section § 63.71 to Discontinue Interstate Wireline Telecommunications Services on Fire Island

Hi Rodney:

I am having **extreme difficulty** filing this Comment on the FCC website, and request that you place the attached file, above, into Public Comments On Application Of Verizon New Jersey Inc. And Verizon New York Inc. To Discontinue Domestic Telecommunications Services, as detailed in the PUBLIC NOTICE, referenced as follows:

 Wireline Competition Bureau - PUBLIC NOTICE

06/28/2013

WC 13-  **Wireline Competition Bureau Public Input Sought on**
150 Verizon Services Affected by Hurricane Sandy

FCC 06/28/2013 06/28/2013 No PUBLIC NOTICE

Please file the attachment, above, pursuant to:

Bureau Name: Wireline Competition Bureau
 Subject: Comments Invited On Application Of Verizon New Jersey Inc. And Verizon New York Inc. To Discontinue Domestic Telecommunications Services
 Prepared By: Rodney.McDonald

Please confirm receipt.

Sincerely,

Jim Rosenthal
 Community of Dunewood, Fire Island, Town of Islip, New York.

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Re: Verizon's Application Under Section § 63.71 to Discontinue Interstate Wireline Telecommunications Services on Fire Island

Hi Rodney:

Attached above, which I just discovered, is an FCC's proceeding for review of Verizon's Application to discontinue interstate wireline telecommunications services on Fire Island (and also in areas of New Jersey similarly affected by Superstorm Sandy). The proceeding relates to an Application filed with the FCC on June 7 that will be placed on Public Notice for comment, and that could be granted 60 days following the Public Notice if no opposition is presented.

Please know that it is the position of the thousands of residents and businesses of Fire Island, and many other elected officials including the NYS Attorney General, that an FCC grant to Verizon of a discontinuance authorization would pose an unreasonable degree of customer hardship, and must be rejected – or at the very least delayed pending further investigation.

As you might know, there has been a great deal of controversy in the wake of Verizon of New York's decision to terminate land line telephone service to the residents and businesses of Fire Island. Since initial news reports in the Spring, the issue has significantly heated up, and is now pending before the NYS PSC, as CASE- 13-C-0197 – Tariff filing by Verizon New York Inc. to introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer a wireless service, called VoiceLink, as its sole service offering in the area.

For a review of all the public record filings and the status currently before the NYS PSC, please see the NYS PSC DMM on Case 13-C-0197 at: (<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=42688>). There you will see more than 200 Interested Party Comments (submission deadline July 2, 2013), many from Fire Island residents and businesses, and many from concerned State elected officials (including Comments of The State of New York Office of The Attorney General) and others interested not to permit Verizon to be granted a tariff exemption by the NYS PSC to "kill the copper" and be permitted to "up sell" more expensive and unregulated broadband products to an underserved, captive, geography. In a filing before the NYS PSC, the NYS Attorney general specifically identified Verizon's corporate strategy, as stated by Verizon's Chairman and CEO before an investors conference, to kill the copper and transition rural and hard-to-serve customers toward more expensive wireless services, as evidence of Verizon of New York's clear lack of commitment to maintaining its landline services as mandated under law. (See OAG submits supplemental evidence)

I believe this is the first time a telecommunications provider has sought such an exemption from a regulatory body – so it is a test case of sorts for a much larger Corporate roll-out effort by Verizon with tremendous implications for both customers -- and in setting regulatory precedent.

While this letter is from an individual resident from the community of Dunewood on Fire Island, the letter also represents the sentiments of many of the residents in our community -- The Dunewood Property Owners' Association, ("DPOA") -- a membership corporation, organized under the laws of the State of New York, representing and governing the affairs of one hundred (100) families who own residential improved properties in the community of Dunewood, Fire Island, Town of Islip, New York.

The FCC's review and investigation is essential for many reasons, among which are the following:

- Voice Link creates numerous new threats to public safety, which, in turn, would hamper Fire Island municipalities' ability to protect their communities.
- Voice Link creates an incentive for Verizon to allow its copper network to deteriorate and for it to abandon its copper outside plant prematurely on Fire Island. When outside plant is inadequately maintained, consumers' safety is jeopardized because their dial tones may not function when they need to reach emergency services.
- Voice Link does not support broadband access to the Internet to residents and businesses on Fire Island, and, therefore, Verizon's new service undermines Fire Island municipalities' efforts to spur economic development.
- Voice Link does not support point-of-sale transactions for Fire Island businesses, and, therefore, would harm small businesses and municipalities' economy on the barrier island.
- Voice Link does not support LifeAlert or other monitoring services used by Fire Island residents, potentially endangering members of the public who rely on these services.
- Voice Link is not available to Lifeline telephone service customers on Fire Island. Affordable traditional telephone service would become unavailable in any area served only by Voice Link.
- Voice Link service is not as reliable as telephone service delivered over a properly-maintained copper or fiber-optic network, since wireless signal is often weak, spotty, or overburdened by other network traffic.

The FCC should also require Verizon to satisfy as its burden of proof that:

- (1) cost to repair or replace the Sandy damaged copper wired lines on Fire Island, to insure that service going forward, will be equivalent or better than the scope, level of quality, and at the pre-Sandy rates;
- (2) That Verizon will not be able to earn just and reasonable compensation, and a reasonable rate of return on equity on its prudent investment if required to repair or replaced copper wired lines;
- (3) That Verizon and the FCC will employ the Telric method of analysis mandated by the FCC, and upheld in *Verizon Communications, Inc. v FCC*, 219 F. 3d 744 (2002), affirmed by the Supreme Court.
- (4) The FCC should consider, in arriving at its determination of a reasonable rate of return, the \$7 billion dividend distributed in May 2013 by Verizon Wireless, a subsidiary, to its parent Verizon Communications, which has a 55% ownership interest in Verizon Wireless;
- (5) That Verizon's abandonment of its copper wired lines, and Voice Link proposal do not violate the franchise agreement between Verizon and the Town of Islip; New York.
- (6) The FCC should consider, in determining whether the Verizon proposal violates 47 U.S.C. Secs. 151, 201, 202, 254(b)(2)(3) and (4), its Carrier of Last Resort (COLR) and Universal Service obligations, and anti-trust requirements,
- (7) The Verizon proposal constitutes unjust enrichment given the fact that, in return for its commitments to provide universal service as the carrier of last resort, which included the installation and continuance of its copper wired facilities, it received significant public benefits,

including deregulation of some services, increased rates, public investment in networks, and Broadband Grant programs

According to the NYS PSC:

“Core customers are those in need of regulatory protection (i.e., residential and business customers who lack competitive wireline alternatives, are on Lifeline, or have special needs (e.g., those with medical conditions, or elderly, blind, or disabled customers).”

The residents and businesses of Fire Island meet the definition of Core Customers. And according to the NYS PSC, Verizon defines Voice Link as a wireless service to replace a wireline service. (See [Verizon New York Inc., Order Conditionally Approving Tariff Amendments In Part, Revising In Part, and Directing Further Comments.](#)

On Fire Island, there are no competitive wireline alternatives to Verizon of New York, Inc's copper landline service.

On December 17, 2010, the NYS PSC adopted a revised Service Quality Improvement Plan (SQIP) for Verizon New York Inc.. Among other things, the SQIP Order directed Verizon to focus its service quality efforts on core customers, (Case 10-C-0202, Verizon Service Quality Improvement Plan, Order Adopting Verizon New York Inc.'s Revised Service Quality Improvement Plan with Modifications (issued December 17, 2010), (SQIP Order). finding that those customers had limited recourse available to them, other than regulatory protections. The SQIP Order, in Case 10-C-0202, directed Verizon to ensure that its revised SQIP met the NYS PSC's revised timeliness-of-repair out-of-service over 24 hours or service affecting over 48 hours (OOS>24 or SA>48) performance standards (e.g., 20% threshold) for its core customers by the end of 2010.

Fire Island residents and businesses are “residential and business customers who lack competitive WIRELINE alternatives” and meet the standard set in NYS PSC Case 10-C-0202 – Verizon Service Quality Improvement Plan. ORDER TO SHOW CAUSE. (Issued and Effective November 28, 2012, at: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BBB5EE03B-6CFE-4383-8D84-A00CE773B76C%7D>, and See CASE 10-C-0202 – Verizon Service Quality Improvement Plan. ORDER TO SHOW CAUSE (Issued and Effective February 17, 2012) at <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7B27A3ABB1-DD8A-4194-AB22-E7635C219D79%7D>

As of December 31, 2012, Verizon served approximately 298,346 core customers, or about 7.7% of Verizon's 3,877,247 total customers. The SQIP defines core customers as Lifeline customers; special needs customers, that is, elderly, blind, or the disabled; and business and residential customers living in areas lacking competitive wireline alternatives to Verizon service. Approximately 129,830 core customers are located in New York City, 15,824 in Long Island, and 15,653 in Midstate. The average percentage of core customers in Verizon's service territory has ranged between 7.7% and 8%, since the initiation of its SQIP in March 2011.

The NYS PSC's focus on core customers relieved Verizon from significant timeliness-of-repair service reporting requirements on about 90% of its access lines. Although affording Verizon additional flexibility to address events that can cause service disruptions, the NYS PSC continued its expectation that Verizon would provide sufficient administrative focus and resources in every one of its service areas to ensure that Verizon would meet the NYS PSC's 20% threshold for both OOS>24 and SA>48 metrics during such periods. Verizon's violation in Fire Island from October 2012 to the present demonstrates that it knowingly failed or neglected to comply with the timeliness-of-repair performance requirements in the Commission's SQIP Order.

The service quality improvement plan (SQIP) requires Verizon's repair efforts to focus on what we have termed core customers; That is the approximately 8 percent of Verizon customers who either have no

competitive wireline alternative, or who are lifeline customers, or who have special needs, such as the elderly or people with medical issues.

Finally, while I welcome Verizon's stated efforts to enhance its wireless capabilities on Fire Island and throughout New York, I do have several concerns with Verizon's seeming attempt to force consumers to migrate to wireless broadband offerings. First, the FCC and the NYS PSC do not oversee the rates for wireless Internet access services, yet the industry is highly concentrated, meaning that municipalities cannot rely on market forces to yield affordable rates. Wireless alternatives are more expensive than wireline services, and there is negligible competitive pressure to cause Verizon Wireless to offer reasonable rates for wireless service. Second, unlike DSL, FiOS, and cable-based broadband alternatives, the usage for wireless broadband service is metered, and when consumers exceed a usage cap, they must pay high rates for the above-cap usage (and this is in addition to monthly rates that are already high). Where Verizon exits the wireline broadband market, residents and business of Fire Island will have no wireline broadband option – since there is no cable company offering. Our residents and businesses should not be subjected to monopoly pricing and service quality for broadband service. For the residents of Fire Island, there is no cable company offering broadband through a cable modem– and DSL historically has been the only reliable broadband service, making our residents and businesses especially dependent on the traditional telephone network.

Cutting the copper, as Verizon's CEO put it in a recent investor conference call, may make economic sense for Verizon's shareholders because it reduces labor costs and by terminating the DSL service, Verizon can then "up sell" more expensive broadband services. But satisfying a corporation's economic objectives is not the role or mandate of a federal or state regulator, such as the FCC and NYS PSC. Serving the public interest, while at the same time balancing the needs for corporate profit to spur innovation, is the core mission of the FCC and the NYS PSC.

Just yesterday, I submitted to the NYS PSC the following Interested Party Comment, under the heading "CASE- 13-C-0197, FCC Rule § 63.71 and NYS PSC Order Adopting Revised Mass Migration Guidelines – Did Verizon Violate FCC and NYS PSC Guidelines for Fire Island? (See: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={136592B9-8CB1-4BDB-BAA3-6D1CF6E4A7CD> and see below), which asks whether Verizon followed proper disclosure protocol in both NYS and with the FCC.

Please note that 47 U.S.C. § 214(a) of the Act states that "[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby." The primary purpose of this requirement is to reduce the harm to consumers caused by discontinuances of service.

The FCC's Part 63 domestic discontinuance rules hold that before a provider may discontinue, reduce, or impair service, it must provide all affected customers with written notice that includes the provider's name and address; the date of the planned service discontinuance, reduction, or impairment; the geographic areas where service will be affected; a brief description of the affected service; and the statement found in section 63.71(a)(5)(i) of the Commission's rules. Typically, written notice by postal mail to the customer's billing address satisfies the Commission's notice requirements under section 63.71 of the Commission's rules. The Commission may authorize in advance another form of notice for good cause shown. (See 47 C.F.R. § 63.71(a).)

To my knowledge, few if any, Fire Island residents or businesses have received written notice to their billing addresses, and Verizon has not requested another form of notice using a good cause provision.

It is also worth noting the FCC's stated position on service discontinuation: "(W)e have retained the right to delay grant of a discontinuance authorization if we believe an unreasonable degree of customer hardship would result." (First Report and Order, CC Docket No. 79-252, 85 FCC 2d 1, 49 (1980) (*Competitive Carrier First Report and Order*). And the FCC has done so at least twice with Verizon: (See

APPLICATION OF MCI COMMUNICATIONS SERVICES, INC. D/B/A VERIZON BUSINESS SERVICES AND VERIZON ENTERPRISE SOLUTIONS LLC / TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED. WC Docket No. 12-297. Comp. Pol. File No. 1054 (<http://www.fcc.gov/document/discontinuance-application-verizon-not-automatically-granted>). And APPLICATION OF VERIZON SELECT SERVICES INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED. WC Docket No. 12-298. Comp. Pol. File No. 1055 (<http://www.fcc.gov/document/discontinuance-application-verizon-not-automatically-granted-0>)

It is worth highlighting that Verizon never shared this June 7, 2013 application (attached above) filing with the FCC with any member of Fire Island, the affected party, obviously hoping to stay under the radar and to thereby prevent the Public from exercising its right to offer Comment to the FCC in the time allocated for such Comment.

Now that we are made aware, the residents of Fire Island, and other interested parties, will be addressing Comments to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, referencing § 63.71 with specific information about the impact of this proposed discontinuance (or reduction or impairment) upon Fire Island businesses and residents, including our inability to acquire reasonable substitute service.

Thank you in advance for your consideration of this important matter.

Sincerely,

Jim Rosenthal
Community of Dunewood, Fire Island, Town of Islip, New York.

Hon. Jeffrey C. Cohen
Acting Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350
secretary@dps.ny.gov

CASE- 13-C-0197– Tariff filing by Verizon New York Inc. to introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer a wireless service as its sole service offering in the area.
(<http://documents.dps.ny.gov/public/MatterManagement/CaseMaster.aspx?MatterSeq=42688>)

Dear Secretary Cohen:

Please include this letter among the interested parties commenting on the important issues raised by the introduction of Verizon's Voice Link on Fire Island, now before the NYS PSC as CASE- 13-C-0197 – Tariff filing by Verizon New York Inc. to introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer a wireless service as its sole service offering in the area.

Section 63.71 of the FCC's rules are intended to strike a good balance between the Commission's dual objectives of permitting ease of exit from competitive markets and ensuring that the public will be given a reasonable period of time to make other service arrangements. (See *Competitive Carrier First Report and Order*, 85 FCC 2d at 34, para. 147.)

The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected. Where there is question as to whether a service has reasonable substitutes or whether the present or future public convenience and necessity will be adversely affected, the Commission will scrutinize the discontinuance application, consistent with its statutory obligations. See 47 U.S.C. § 214(a); 47 C.F.R. § 63.71; see also *Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor*, First Report and Order, CC Docket No. 79-252, 85 FCC 2d 1, 49 (1980) (*Competitive Carrier First Report and Order*) ("we have retained the right to delay grant of a discontinuance authorization if we believe an unreasonable degree of customer hardship would result."); *Federal Communications Comm'n v. RCA Communications, Inc.*, 346 U.S. 86, 90 (1953). See, e.g., *AT&T Application to Discontinue Interstate Sent-Paid Coin Service Not Automatically Granted*, Public Notice, NSD File No. W-P-D-497 (Aug. 3, 2001) See also: APPLICATION OF MCI COMMUNICATIONS SERVICES, INC. D/B/A VERIZON BUSINESS SERVICES AND VERIZON ENTERPRISE SOLUTIONS LLC / TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED. WC Docket No. 12-297. Comp. Pol. File No. 1054 (<http://www.fcc.gov/document/discontinuance-application-verizon-not-automatically-granted>). And APPLICATION OF VERIZON SELECT SERVICES INC. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES NOT AUTOMATICALLY GRANTED. WC Docket No. 12-298. Comp. Pol. File No. 1055 (<http://www.fcc.gov/document/discontinuance-application-verizon-not-automatically-granted-0>)

The FCC's Part 63 domestic discontinuance rules hold that before a provider may discontinue, reduce, or impair service, it must provide all affected customers with written notice that includes the provider's name and address; the date of the planned service discontinuance, reduction, or impairment; the geographic areas where service will be affected; a brief description of the affected service; and the statement found in section 63.71(a)(5)(i) of the Commission's rules. Typically, written notice by postal mail to the customer's billing address satisfies the Commission's notice requirements under section 63.71 of the Commission's rules. The Commission may authorize in advance another form of notice for good cause shown. (See 47 C.F.R. § 63.71(a).)

In addition to providing existing customers with direct notice of a proposed discontinuance, providers seeking to discontinue, reduce or impair service to a community should copy the state public utility commissions and governors' offices in the states where they no longer plan to offer services regardless of whether customers are currently subscribing to their service at the time of the application. See 47 U.S.C. § 214(b) (regarding notice to the states where a carrier's discontinuance, reduction, or impairment of service is proposed).

Section 214(a) of the Act states that "[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall first have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby." The primary purpose of this requirement is to reduce the harm to consumers caused by discontinuances of service.

The FCC is also guided by section 706 of the 1996 Act, which, among other things, directs the Commission to encourage the deployment of advanced telecommunications capability to all Americans by using measures that "promote competition in the local telecommunications market." The assurance that service providers are subject to service-discontinuance procedures are intended to spur consumer

demand for those services, in turn driving demand for broadband connections, and consequently encouraging more broadband investment and deployment consistent with the goals of section 706.

These provisions and requirements serve the public interest by, among other things, better enabling states to play an active role in customer notification efforts where circumstances warrant such involvement. This requirement is not unduly burdensome: In particular, notice to the states pursuant to section 63.71(a) only requires providing state officials with a copy of the discontinuance application. This simple notice should adequately inform states of the impending loss of previously available services to their communities in a minimally burdensome manner – using the same procedures that apply to other non-dominant providers that plan to discontinue nationwide offerings. *See, e.g., Comments Invited on Application of MCI Communications Services, Inc. (Verizon) to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 08-64, 23 FCC Rcd 7691 (2008) (discontinuing prepaid calling card service and providing an easily updated service list for copies to all 50 states, the District of Columbia and Puerto Rico.)

FCC Rule § 63.71 – Procedures for discontinuance, reduction or impairment of service by domestic carriers – states that:

If the carrier is dominant with respect to the service being discontinued, reduced or **impaired**, the notice shall state: The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) **unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected.** If you wish to object, you should file your comments as soon as possible, but no later than 30 days after the Commission releases public notice of the proposed discontinuance.

Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

Finally in the New York Public Service Commission, Order Adopting Revised Mass Migration Guidelines, Case 00-C-0188 (January 2, 2003) (see: <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId=%7BA9FAAA12-223A-409D-BD47-80452CA7B16B%7D>), the NYS PSC states:

Criteria for Approval of Termination of Service

A notable change proposed in the Revised Guidelines is the addition of a completely new section X, "Criteria for Commission Approval of a Carrier's Termination of Service."

This new section incorporates both the procedural steps and the suggested criteria for decision that were previously set forth in the Notice Clarifying Exit Requirements and Reconvening Collaborative Sessions issued in this proceeding on May 10, 2002.

First, this section outlines the procedural requirements for exiting the local exchange market. In addition to filing an Exit Plan, a carrier must file a tariff cancellation supplement, which serves as the vehicle for Commission consideration of the request to exit. For termination of basic local service, that supplement must be filed on at least 30 days' notice. The Commission will approve a request to exit the local exchange market by allowing such a cancellation supplement to go into effect. In contrast, if the Commission has concerns about a termination of service, it can suspend the cancellation supplement. Alternatively, where it is clear that the Commission will likely have concerns, a carrier may elect to voluntarily postpone its cancellation supplement.

The section then goes on to establish criteria for ruling on such a cancellation supplement. The proposed Revised Guidelines note that the Commission is unlikely to grant authority to terminate service to a carrier that has not filed an effective Exit Plan or has not executed its plan properly.

The proposed Revised Guidelines state generally that the Commission's decision will be guided by its view of what is in the public interest. The Revised Guidelines also propose four specific criteria that we should consider in ruling upon a carrier's request to terminate local service. These are:

1. **Progress of Customer Migrations.** Under this criterion, we would consider the number of customers who have not yet migrated and/or are in jeopardy of suffering an interruption in service. We might also take into account the carrier's attempts to notify customers of an impending loss of service.
2. **Availability of Alternatives.** Under this criterion, we would consider whether customers have easy access to other facilities and other carriers.
3. **Nature of the Customer Base.** Under this criterion, we would consider the nature of the customers in jeopardy of suffering a service interruption. This factor might include whether customers are business or residential or whether they are likely to have access to alternatives such as cell phones. This criterion in the Guidelines also establishes a class of "priority/essential" customers that should never lose service:

In particular, the Commission will not ordinarily approve the exit from the market by any carrier where the result will be loss of local service to the following types of end users: a) national security or civil defense authorities, b) hospitals, c) police, d) fire departments, e) ambulance and rescue corps, and f) any customer who has obtained TSP [Telecommunications Service Priority] authorization under FCC Regulations from the federal government.

4. **Ability to Continue Service.** Under this criterion, we would consider the exiting carrier's ability to continue to provide local service in light of the carrier's resources. "Resources" would include a carrier's financial, personnel, equipment, or other tangible or intangible resources necessary to continue to provide service.

In short:

- **Does the NYS PSC follow Federal guidelines?**
- **Do the New York Public Service Commission, Order Adopting Revised Mass Migration Guidelines, Case 00-C-0188 (January 2, 2003) rules apply to the current situation? .**
- **Was proper Written Notice given to Verizon's Fire Island customers?**
- **If in the case of Fire Island, it is proven that the dominant carrier's VoiceLink product delivers reduced or impaired service, and if it is "shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected" what is the Public recourse and the NYS PSC's obligation to insure the public interests are served?**

Sincerely,

Jim Rosenthal
Community of Dunewood, Fire Island, Town of Islip, New York.