

Maggie McCready
Vice President
Federal Regulatory Affairs



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1300 I Street, NW, Suite 400 West
Washington, DC 20005

Phone 202 515-2543
Fax 202 336-7922
maggie.m.mccready@verizon.com

Ex Parte

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

Re: Comment Sought on the Technological Transition of the Nation's Communications Infrastructure, GN Docket No. 12-353; Technology Transitions Policy Task Force, GN Docket No. 13-5; Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services, WC Docket No. 13-150

Dear Ms. Dortch:

Public Knowledge's January 21, 2014, ex parte in the above referenced dockets demonstrates a misunderstanding of several basic issues related to Verizon's pending discontinuance application for the post-Sandy recovery efforts on small parts of the New Jersey Barrier Islands. Among other things, Public Knowledge wrongly suggests the D.C. Circuit's recent decision on the Commission's open Internet rules has some relevance to Verizon's pending application. Public Knowledge also inaccurately describes the regulatory status of the Voice Link product, the actual services subject to Verizon New Jersey's pending 214 discontinuance application, and the implications of common carrier regulation.

First, Public Knowledge incorrectly alleges that the recent decision by the D.C. Circuit in *Verizon v. FCC* implicates Verizon's pending 214 discontinuance application, apparently based on its false assumption that Voice Link is an IP-based information service. It is not. Instead, Voice Link is a commercial mobile radio service (CMRS) purchased on a wholesale basis by the Verizon New Jersey ILEC and resold to end-user residential customers. It is subject to the same regulatory requirements as other CMRS services. Thus, whatever the relevance of the D.C. Circuit's *Verizon v. FCC* decision in other contexts, it has none with respect to Voice Link.

Second, Public Knowledge incorrectly suggests that "TDM voice service" is the service at issue in Verizon New Jersey's pending section 214 application. It is not. As explained in its application, Verizon New Jersey is seeking to discontinue only certain interstate wireline telecommunications services, including "interstate interexchange and exchange access service."

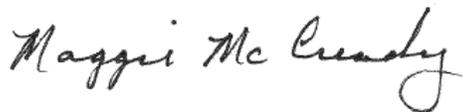
This is because the Commission has jurisdiction only over the discontinuance or impairment of *interstate* telecommunications services. Moreover, even if subject to Section 214, Verizon has *not* sought to discontinue “voice” service at all; users of Voice Link may make and receive voice telephone calls just as they did over copper facilities.

Finally, Public Knowledge confuses common carrier regulation and an obligation to serve. Public Knowledge asserts that no discontinuance of a TDM-based common carriage service can serve the public interest, because, it claims, residents would be left “without a guarantee of basic service.” But common carrier regulation does not provide a “guarantee of basic service.” Instead, common carriage regulation addresses the manner in which common carriers must offer telecommunications service, including the requirement to offer the service in an indiscriminate manner to the public, where they choose to provide service. Federal common carriage status simply does not speak to the geographic region in which a carrier offers service, voluntary or otherwise. Indeed, Section 214 specifically contemplates that common carriage services may be discontinued, and the Commission has prescribed rules to govern that process. Among other things, those rules provide that discontinuance is permissible when a “reasonable substitute” is available, whether from the provider seeking to discontinue the service or from others serving the community.¹ Here, affected customers have access to a number of such reasonable substitutes, including Voice Link, as well as service from the local cable company and competing wireless providers.

Moreover, this issue of the availability of service is entirely academic in the case of Verizon’s pending discontinuance application. In the very limited portion of the New Jersey Barrier Islands (an area encompassing approximately one thousand locations) subject to Verizon’s pending 214 application, Voice Link is offered to all affected customers. Before and after the storm, Verizon has served just a fraction of these locations (with fewer than one hundred currently served by Voice Link); the remaining households presumably have adopted other alternatives.

Please contact me with any questions.

Sincerely,



cc: Jon Sallet
Stephanie Weiner

¹ 47 C.F.R. ¶63.71(a)(5)(i).