

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of )  
 ) GN Docket No. 13-5  
Technology Transitions )

**COMMENTS OF CENTURYLINK**

CenturyLink submits these comments in response to the Commission’s proposal for an ongoing data initiative in the above-captioned proceeding.<sup>1</sup> In particular, CenturyLink proposes two additional principles to guide the Commission’s data collection efforts in this area, related to ensuring a balanced and objective data collection and leveraging existing data sources and expertise.<sup>2</sup>

- ***The Commission Must Ensure that Any Data Collection Is Balanced and Objective***

In the *Data Collection Proposal*, the Commission proposes to develop “a more comprehensive factual account of the technology transitions and how they are impacting network values,” and, “[i]n particular, . . . how the technology transitions are affecting consumers . . . .”<sup>3</sup> While the Commission’s proposal recognizes the need for a comprehensive approach based on a range of sources, it also appears to place significant emphasis on using data collected from consumer complaint processes.

Without a doubt, evaluating consumer experiences is paramount in assessing the success of ongoing technology transitions. And, as the Commission notes, consumer complaints may be

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<sup>1</sup> See *In the Matter of Technology Transitions*, Data Collection Proposal for Ongoing Data Initiative, GN Docket No. 13-5, FCC 14-5 ¶¶ 171-200 (rel. Jan. 31, 2014) (*Data Collection Proposal*).

<sup>2</sup> See *Data Collection Proposal* ¶ 173 (articulating four “common principles” that will guide the Commission’s data collection efforts).

<sup>3</sup> *Data Collection Proposal* ¶ 171.

helpful in identifying potential concerns and areas needing particular attention. Yet such complaints do not tell the full story. Each complaint provides just one consumer's perspective -- sometimes inaccurate and not necessarily representative -- on an issue that may or may not be important in a technology transition. By their nature, consumer complaints also focus only on perceived problems. They do not address consumers' positive experiences when embracing new technologies, such as discovering new or enhanced functionalities, enjoying more competitive choices or paying lower prices. Nor do consumer complaints address the extent to which a technology transition or experiment is going well.<sup>4</sup>

Consumer complaints also ignore the tradeoffs inherent in the migration to a new technology. In any such transition, things are lost, as well as gained. The transition from horse-drawn carriage to automobile, for example, led to more airborne pollution, traffic fatalities and congestion, as well as dependence on fossil fuels.<sup>5</sup> But, given the immense advantages of motor-driven carriage, Americans gradually accepted these disadvantages.<sup>6</sup> Today's technology transitions include tradeoffs as well. For instance, millions of Americans have accepted less consistent voice quality or the lack of system-based battery backup when they abandoned ILEC-provided voice services for wireless and cable-provided VoIP services. Thus it would be unwise

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<sup>4</sup> The Commission notes the potential for a so-called observer effect, in which experimenters may alter their behavior in a technology experiment because they are being observed. *Data Collection Proposal* ¶ 188. Of course such an effect applies to all experiment participants, rather than just incumbents, though it may manifest in different ways. For example, a participant seeking regulatory oversight may avoid negotiating a mutually satisfactory solution, in order to strengthen its argument for regulatory intervention. Given these dynamics, it is critical that the Commission also factor in real-world market information showing that consumers and providers are successfully transitioning to new technologies without regulatory intervention.

<sup>5</sup> See Andrew Nikiforuk, *The Big Shift Last Time: From Horse Dung to Car Smog*, <http://www.resilience.org/stories/2013-03-15/the-big-shift-last-time-from-horse-dung-to-car-smog> (Mar. 15, 2013) (originally published in the Tyee).

<sup>6</sup> See *id.*

for the Commission to assume that a new technology should possess all the attributes of a technology it is supplanting.<sup>7</sup>

For all these reasons, the Commission must supplement complaint data with a broad array of information gathered elsewhere, as it proposes.<sup>8</sup> In particular, the Commission should consider the extent to which consumers and providers are already successfully transitioning to new technologies without significant regulatory oversight. Once again the fact that millions of U.S. households have voluntarily replaced their ILEC-provided POTS service with VoIP or wireless service, without an apparent loss of enduring values, confirms that regulatory mandates are unnecessary in this area. Similarly, providers' current exchange of both voice and data traffic in IP format, all without regulatory oversight, signals that the Commission should avoid adopting rules for IP interconnection unless and until it concludes such rules are truly necessary.

- ***The Commission Should Leverage Existing Data Sources and Expertise***

Much of the information the Commission seeks in the data initiative could be considered market research data: the extent to which wireless-only households still use DSL for broadband; why some consumers drop their landline voice service, while others continue to use both wireless and wireline voice; the importance of specific features of landline service to different demographic groups.<sup>9</sup> To be sure, the Commission has significant experience measuring general trends in the telecommunications industry, such as the extent to which consumers subscribe to telephone service and which types (*e.g.*, POTS, VoIP, wireless). But the Commission has much

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<sup>7</sup> Of course the Commission correctly insists on certain baseline requirements related to consumer protection and public safety for all technologies.

<sup>8</sup> See *Data Collection Proposal* ¶ 189.

<sup>9</sup> *Data Collection Proposal* ¶ 198.

less experience and expertise in collecting data on more nuanced questions regarding the services that consumers use, prefer and value.

Gathering such market research information requires carefully-worded questions to avoid inaccurate survey results.<sup>10</sup> According to the Pew Research Center, even small wording differences can substantially affect the answers respondents provide.<sup>11</sup> Given these complexities, companies such as CenturyLink generally employ outside market research firms to gather such information.

Fortunately for the Commission, there are existing sources for the types of data it is seeking. As noted in the *Data Collection Proposal*, the Centers for Disease Control (CDC) and Pew Research Center collect and publish data on Americans' use of communications services, and other organizations publish similar international data.<sup>12</sup> Additional data also may be available from entities outside the government, such as industry analysts. If particular types of data do not exist, such as consumers' use of combinations of communications services, the Commission might explore working collaboratively with other government agencies, such as the

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<sup>10</sup> Even seemingly objective questions about the combinations of services that families or businesses purchase must be carefully worded, based on a well-grounded understanding of the relevant services and purchaser habits in order to yield accurate results. See *Data Collection Proposal* ¶¶ 197-198.

<sup>11</sup> See *Question Wording*, Pew Research Center for the People & the Press website, <http://www.people-press.org/methodology/questionnaire-design/question-wording/>. For example, in a 2003 Pew survey, people were asked whether they would “favor or oppose taking military action in Iraq to end Saddam Hussein’s rule,” and 68% said they favored military action. However, when asked whether they would “favor or oppose taking military action in Iraq to end Saddam Hussein’s rule *even if it meant that U.S. forces might suffer thousand of casualties*,” only 43% favored such action.

<sup>12</sup> *Data Collection Proposal* ¶ 196.

CDC, to collect those data through existing surveys. If that is not possible, the Commission should obtain outside assistance.<sup>13</sup>

In short, CenturyLink agrees with the importance of gathering appropriate data on the impacts of ongoing technology transitions and further urges the Commission to follow the principles discussed above, to create a valid basis for the data-driven decision-making it seeks.

Respectfully submitted,

CENTURYLINK

By: /s/ Craig J. Brown  
Craig J. Brown  
Timothy M. Boucher  
1099 New York Avenue, N.W.  
Suite 250  
Washington, DC 20001  
303-992-2503  
[Craig.J.Brown@CenturyLink.com](mailto:Craig.J.Brown@CenturyLink.com)

Its Attorneys

March 14, 2014

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<sup>13</sup> The Commission also should not try to collect such data from providers. As noted, communications providers generally do not collect market research data themselves, but instead rely on outside vendors. To the extent the Commission does collect any such data from providers, those reporting obligations should apply to all providers in the same way. Given that a minority of households subscribe to ILEC landline services, an ILEC-focused data collection, for example, would generate an incomplete and misleading picture regarding the consumer impacts of a technology transition.