

BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

In the Matter of:

Proposal for Ongoing Data Initiative

GN Docket No. 13-5

**COMMENTS OF THE CALIFORNIA PUBLIC UTILITIES COMMISSION  
AND THE PEOPLE OF THE STATE OF CALIFORNIA**

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March 14, 2014

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The California Public Utilities Commission and the People of the State of California (California or CPUC) submit these comments in support of the Federal Communications Commission’s (FCC or Commission) proposed Ongoing Data Collection Initiative. The purpose of the FCC’s exercise is to collect information, beyond the IP experiments or trials, on the consumer experience with the Internet Protocol (IP) technology transitions occurring in the communications industry.<sup>1</sup> As the FCC notes: “Gathering data on how the technology transitions affect the enduring values of consumer protection, universal service, competition and public safety is essential to developing a common set of facts that will enable data-driven decision-making.”<sup>2</sup>

California offers its thoughts below on the FCC’s proposals; silence on any issue connotes neither agreement nor disagreement.

## **I. THE FCC’S PROPOSAL**

On January 30, 2014,<sup>3</sup> the FCC adopted Orders to begin the process for a diverse set of experiments and data collection initiatives that will allow the Commission and the public to evaluate how customers are affected by the historic technology transitions in voice communications services. That transition is from a network based on time-division multiplexed (TDM) circuit-switched voice services running on copper loops to an all-Internet Protocol (IP) network using copper, co-axial cable, wireless, and fiber as

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<sup>1</sup> *In the Matter of Technology Transitions, Part V, Data Collection Proposal for Ongoing Data Initiative*; GN Docket No. 13-5; rel. January 31, 2014. (FCC 14-5).

<sup>2</sup> *Id.*, ¶171.

<sup>3</sup> Order *In the Matter of Technology Transitions* (GN Docket No. 13-5); *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition* (GN Docket No. 12-353); rel. January 31, 2014. (FCC 14-5).

physical infrastructure.<sup>4</sup> The FCC will collect data on these experiments and trials. However, given that these experiments will be limited in scope and/or geography, the Commission also is proposing an Ongoing Data Collection Initiative to continue its data collection efforts on the IP transition beyond the experiments or trials.

The Ongoing Data Initiative is designed to explore ways to evaluate the FCC's current data gathering efforts, extend them as appropriate, and strive toward obtaining a more comprehensive factual account of the technology transitions and how they are impacting network values. In particular, data that deepen our understanding of how the technology transitions are affecting consumers will enrich the ongoing public dialogue about how we may best advance these transitions while ensuring that consumers and the enduring values set forth in the Act are protected. The data will inform the FCC and state governments on how the IP technology transitions affect the enduring values of consumer protection, universal service, competition and public safety in order to assist the proper development of a common set of facts that will enable data-driven decision-making regarding the transition to IP –based communications services.<sup>5</sup>

The FCC proposes that the diverse data collection efforts be guided by overarching basic principles and seeks comment “on three distinct ways to enhance the [FCC’s] collection data efforts related to the technological transitions:

- 1) improving [the FCC’s] consumer complaint and inquiry processes and data to better understand the technology transitions from the consumers’ perspective;
- 2) conducting structured observations of NG911 deployment; and
- 3) other ways of improving information on key questions of consumer values and decision-making in the transitioning communications world.”<sup>6</sup>

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<sup>4</sup> FCC 14-5 at ¶1.

<sup>5</sup> *Id.*, ¶171.

<sup>6</sup> *Id.*, ¶172.

The FCC notes that these efforts are not exhaustive and welcomes ideas regarding other ways it could gather information on the transitions and their impact on “enduring network values.”<sup>7</sup>

#### **A. Principles for Data Collection**

The FCC expects all of its data collection efforts regarding the transition to be guided by four common principles:<sup>8</sup>

- 1) Data should be gathered and collected through an open, transparent process.
- 2) Data should be collected from multiple sources, including outside experts and advisors; collaboration with other federal agencies, State, local, Tribal governments and leaders; automated data gathering; and crowd-sourcing;
- 3) Clear and consistent definitions and metrics are a necessary precondition to enabling the analytical comparisons and aggregation of feedback necessary to provide a comprehensive picture of the technology transitions experience; and
- 4) All data gathered by the FCC is to be made publicly available as a resource to all interested parties, while protecting privacy concerns.

The CPUC agrees with and supports these four principles. We elaborate on some specifics below.

#### **B. Gathering Data to Document Technology Transitions from the Consumer’s Perspective<sup>9</sup>**

Apart from the IP Transition Trials and Experiments, the FCC proposes to take affirmative steps to gather feedback on an ongoing basis from consumers on their

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<sup>7</sup> *Id.*

<sup>8</sup> *Id.*, ¶173.

<sup>9</sup> *Id.*, ¶174.

experiences with the change from legacy to IP services.<sup>10</sup> The FCC wants to ensure that consumers know how to give the FCC feedback on their transition experiences, to create an inclusive data-sharing environment with State, local, and Tribal governments, and to optimize its collection and analysis of consumer complaint and inquiry data.

Specifically, the FCC seeks comment on how it can (1) make better use of the it's data on consumer complaints and inquiries; (2) work with State, local, and Tribal government organizations to ensure a comprehensive and consistent data gathering and evaluation effort that reflects consumer experiences; and (3) increase the transparency and accessibility of the data it collects.

### **1. Enhancing FCC Consumer Complaints and Inquiries Data<sup>11</sup>**

The Commission intends to supplement the consumer data gleaned from the IP trials and experiments with its own consumer complaints and inquiries data. The FCC states that it agrees with commenters that specific categories for gathering and analyzing complaints are appropriate here, e.g., call quality and dropped calls, along with other service-related issues such as slamming, cramming and violations of the Telephone Consumer Protection Act (TCPA). It seeks comment on the categories the Commission could use to capture the consumer experience with the technology transitions.<sup>12</sup> For purposes of tracking the IP transition, California urges the FCC to collect data on the following measurements, among others: installation problems; telephone equipment

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<sup>10</sup> *Id.*, ¶¶177-183.

<sup>11</sup> *Id.*, ¶¶177-179.

<sup>12</sup> *Id.*, ¶177.

problems; ease of number portability; call quality; dropped calls; lack of call set up and completion; impact on 9-1-1 calls; cramming and slamming incidents; impact of transition on other devices in the home, including personal medical devices or disabled access devices/systems; and electrical power-related problems.

## **2. Working with State, Local and Tribal Governments<sup>13</sup>**

California supports the FCC's proposal to leverage existing data collection efforts across the States, localities, and Tribal Nations. The CPUC also supports the FCC proposal to allow for comparisons of consumer experience in different parts of the country and enable an aggregation of consumer data nationwide to create a more comprehensive picture of the consumer experience as networks transition. We agree that the Commission should develop common metrics, categories, and definitions for measuring the impact of the transition on consumers so that the FCC, the States, businesses, consumers, neutral parties etc., can collect and compare data in a meaningful way.

The CPUC's Consumer Affairs Branch (CAB) is responsible for assisting consumers in answering questions and resolving informal complaints and disputes with their utility providers. Consumers contact CAB via phone calls, letters and electronic submissions (email/web form). Contacts can consist of complaints, questions, or feedback from consumers regarding the policies and practices of specific utilities or the CPUC. CAB processes contacts according to the issue(s) involved, and the regulatory authority of the CPUC.

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<sup>13</sup> *Id.*, ¶¶180-183.

The FCC's categorization for filing of consumer complaints differs somewhat from the CPUC's categorization of informal complaints received. Attached as Appendix One is the categories and subcategories under which the CAB classifies consumer complaints and inquiries in its database.

For purposes of tracking complaints about the IP Transition, the FCC should consider how to identify consumers that are on the VoIP platform. In California's experience, it can be difficult to determine that a billing and/or service related complaint is associated with a carrier's transition to new technology. Efforts should focus on identifying which consumers are on which technology so a comparison can be made between problems with service over legacy networks and problems with service over IP networks. Comparisons should be made from a dynamic standpoint -- do consumer issues increase or decrease as a result of the technology transition and what is the rate of change as the transition progresses?

As an effective approach to developing common metrics etc., for data gathering, the CPUC supports the FCC's decision to "consult with and seek the input of the Federal-State Joint Conference on Advanced Telecommunications Services to assist [it] with developing specific best practices among the States for gathering and evaluating consumer complaints about technology transitions."<sup>14</sup>

The FCC notes that "a number of States have passed laws limiting their State commissions from exercising authority over VoIP services," and that it intends to address

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<sup>14</sup> *Id.*, ¶182.

VoIP-related complaints from those states at the federal level.<sup>15</sup> The FCC seeks comment on how it can best facilitate sharing of data about consumer complaints among the local, State, Tribal, and federal levels.

The CPUC recommends that the FCC provide to state, tribal, and local entities access to IP-related complaint data from the particular state, including the substance/nature of the complaint; the location by city, county, or tribal area of the complainant; the name of the service provider; and the resolution, if any, of the complaint. Such access will help states evaluate the adequacy of existing consumer protections in the new IP world.

### **3. Increasing the Transparency of the Consumer Data the FCC Collects<sup>16</sup>**

The CPUC agrees that the FCC should improve its consumer complaint system, by enhancing its complaint intake, analysis, and reporting functions, and improving the searchability of its consumer complaints database. The CPUC recommends that the Commission make publically available, via its website, as much information as possible on the consumer complaints while protecting the privacy of the complainants.

In particular, the FCC should make it easier to find its quarterly complaint reports by providing a direct link on the main page of its website to such reports. If feasible, it would be useful if the reports also included links to a listing of each complaint reported under the particular reporting category and more public detail about the actual complaint, while protecting the privacy of the complaining party. Such detail could include a brief

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<sup>15</sup> *Id.*, ¶183 [footnote omitted].

<sup>16</sup> *Id.*,

explanation of the nature of the complaint, the name of the service provider, and the state from which the complaint originated. It would also be helpful if the listings could be searched electronically by state and/or by service provider. Complaint information could be aggregated in various ways to facilitate analysis of the impact of the transition, to identify problem areas, and to identify problem service providers. The information could be listed by the specific category of problem, e.g., installation problems, dropped calls, etc.

We do stress, however, that maintaining consumer privacy must be the key factor when determining how the data is made public. Information that would identify the consumer should not be published, unless the consumer agrees. The FCC should at least make available regarding each complaint, a statement of specific category/subcategory of the problem, the name of the service provider and the State from which the complaint emanated. More complaint detail would also be useful to the extent that it does not violate or potentially violate the privacy of the complaining party.

The FCC also seeks comment “on how [it] can supplement its data-gathering process on the impacts of technology transitions beyond consumer complaints and inquiries.”<sup>17</sup> Specifically, the FCC states

...[i]n a data driven, open data environment, we will embrace a multi-pronged approach to data gathering, collecting information from a wide variety of sources, including social media, news reports and other public sources. We may also consider additional data gathering tools, such as consumer surveys, automated measuring tools, and a ‘boots-on-the-

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<sup>17</sup> *Id.*, ¶189.

ground' approach. We welcome ideas on the most efficient and effective ways to obtain consumer feedback.<sup>18</sup>

In addition to gathering data on consumers' experience from the service providers, state, local, and tribal government entities, and consumer-initiated complaints, the CPUC urges the FCC to gather consumer data on the IP transition experience via private surveys conducted by neutral professional surveying entities. Surveys by neutral parties will likely result in more frank responses from consumers and more objective reporting.

## II. CONCLUSION

The CPUC supports the FCC proposal to adopt a long-term Data Collection Initiative that will help policymakers and regulators monitor the transition from the legacy networks to IP networks in a competitive environment in a manner that will preserve the values of universal service, consumer protection, public safety, and competition.

Respectfully submitted,

By /s/ HELEN M. MICKIEWICZ

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<sup>18</sup> *Id.*

## **APPENDIX ONE**

## **Definitions**

### **Consumer Affairs Branch**

The following definitions were compiled to assist with understanding consumer contacts information.

<b>Type of Contacts Definitions</b>	
Consumer Contacts	Contacts are consumers' communications received by CAB via phone calls, letters and electronic submissions (email/web form). Contacts can consist of complaints, questions, or feedback from consumers regarding the policies and practices of specific utilities or the CPUC.
Informal Complaint (IC)	ICs are written Consumer Contacts that are received by the Consumer Affairs Branch (CAB) which are related to issues regulated through tariffs, rules, orders, or any other form of authority that originates from the Commission. This type of contact requires expanded processing and direct interaction with the appropriate utility company for investigation and response.

<b>Category Definitions</b>	
<b>Category</b>	<b>Definition</b>
Billing	Consumer contacts related to disputed items appearing on a consumer's utility bill, the appearance of the bill, or other utility charges.
LifeLine (Billing & Appeals)	Consumer contacts related to the Lifeline Program, which assists low income telecommunications customers. It includes items related to Lifeline Appeals or Lifeline Billing disputes.
Not Regulated - No Jurisdiction	Consumer contacts related to concerns, disputes, and issues over things where the CPUC has no jurisdiction.
Policy and Practices	Consumer contacts related to utility and/or CPUC policies and practices.
Public Purpose Programs	Consumer contacts related to programs that assist utility consumers, including low income and deaf and disabled programs.
Rates	Consumer contacts related to rate design, rate protests and baseline rates.
Service	Consumer contacts related to the service provided to the consumer by the utility.
Unknown	Category not identified due to lack of information from consumer.

<b>Sub-Category Definitions</b>	
<b><i>Sub-Category</i></b>	<b><i>Definition</i></b>
Abusive Marketing	Refers to the practice of misleading a utility customer by not providing a promised service or specific price, failing to provide proper disclosures, or adding extra services/features without consent from the consumer.
Backbilling	Refers to any charges appearing on the current bill for services rendered prior to the current billing period
Balance/Level Pay Plan	Refers to an electric or gas customer who pays a fixed monthly amount to average payments over a year for their specific account.
Bill Adjustment	Refers to discount allowable by a public purpose program subsidy or other discount that does not appear on the consumer's bill. Also includes issues related to credits, refunds, or rebates.
Bundled Services	Refers to a pricing strategy that groups multiple services (phone, intranet, and cable) into a single price.
Call Quality	Refers to service conditions (wireline and/or wireless) that negatively affect the quality of service provided by a telephone company. Example issues may be static or line noise that is affecting the quality of a call.
Cramming	Refers to the placement of ANY unauthorized charges from telephone billing corporation (such as landline carriers, wireless carriers, or resellers) on a consumer's bill by the local telecommunications company as originator of the charges.
Crossed Meter Billing	Refers to a billing error that occurs when meter identification numbers assigned to a meter, are inappropriately billed to an account for another premise or customer.
Dead Zones/Dropped Calls	Applies to wireless telecommunication services. Refers to the unreliability of incoming and outgoing calls of wireless phones/devices, or that the consumer is in an area where utility does not provide a signal or signal strength is too weak.
Delayed Orders/Missed Appointments	Refers to contacts concerning field visit appointments missed by the utility company's representative. Usually caused by delayed orders or heavy workload.
Deposits	Refers to a dispute resulting from the utility requiring a deposit to establish credit before the service is activated, to reestablish credit due to termination of service for non- or late payment, and/or over the deposit amount.
Disconnected In Error	Refers to utility disconnection of customer's service in error. This includes timing errors, incorrect account information, or when payment arrangements are kept but not attributed to a specific account.
Disconnection Non Payment	Refers to a customer's utility service being shut off. This can be initiated by the consumer or by the utility for a non-payment.

<b>Sub-Category Definitions</b>	
<b><i>Sub-Category</i></b>	<b><i>Definition</i></b>
Disputed Customer of Record	Refers to a consumer being held responsible for an unpaid balance. The case will be investigated to decipher whether the current consumer derived any benefit while living with the previous account holder who was responsible for the bill.
Early Termination Fee - ETF	Refers to a fee imposed when a consumer terminates a service prior to a contractually specified end date. This is typically associated with wireless services, but can also apply to landline and/or other industries.
Electric Service Provider Contract Termination	Refers to termination of electrical service provided by an alternative Electric Service provider (ESP). Residential and small commercial customers of ESPs have the right to cancel a contract for electric service until midnight of the third business day after the day on which the buyer signs an agreement or offer to purchase. The consumer must give written notice of cancellation to the ESP.
Energy Diversion	Refers to the unauthorized use of energy due to, but not limited to, meter tampering, unauthorized connection/reconnection, theft, fraud, and/or intentional/unintentional use of energy. Also known as "energy theft".
High Bill	Refers to complaints regarding bills that are higher than normal, and consumers cannot account for the level of use as stated on the bill. This also includes duplicate billing issues.
Late Payment Charge - LPC	Refers to a penalty amount the utility charges if the consumer fails to pay a bill by the specified due date. Usually a percentage of the past due amount.
LLB Address Error	Refers to consumer claims that they provided the utility with their correct address on the LifeLine application; however, the address transmitted to the LifeLine Administrator is not correct causing the consumer to not get the LL forms which in turn prohibited the consumer from getting the LL discount.
LLB Application Request	Refers to consumer claims that he/she has attempted to request a new LifeLine application from their carrier but has not received it.
LLB Approved for Discount	Refers to consumer claims that they are not receiving the LifeLine discount but the LifeLine Administrator confirms that they are approved to receive it for a specific telephone number.
LLB Discount Switched to Other Carrier	Refers to consumer claims that their LifeLine discount on one phone service has been applied to another phone service without consent.
LLB Federal Program/Equipment	Refers to consumer claims of attempting to secure a free or discounted phone through their Federal Lifeline program, but has not received the equipment or received a defective handset.
LLB New Phone Service Not LL Eligible	Refers to consumer claims about loss of the LifeLine discount now that he/she has another service.

<b>Sub-Category Definitions</b>	
<b>Sub-Category</b>	<b>Definition</b>
Master/Sub Meters	Refers to issues with the billing system by which multi-unit building sub meters are connected to a single master meter. The master-meter holder receives a single bill from the utility and collects from tenants individually.
Master/Sub Meters (Mobile Homes)	Refers to issues with the system by which mobile home park home sub meters are connected to a single master meter and are billed directly by the utility to the account holder.
Meter Reading Issue	Refers to consumer concerns about the accuracy of meter reads, or the functioning of the meter.
Net Energy Metering (NEM)	Refers to the program that allows consumers who generate electricity via solar panels or wind turbines to be compensated if they generate more energy than they use.
Number Portability - Wireless or Landline	Refers to complaint of a problem encountered, or loss of service, when attempting to "port" (transfer) a telephone number from one carrier to another.
Other Charges	Refers to roaming, 411, returned check charges, transfer charges, activation fee, and charges accrued after account has been closed.
Out of Service Credit - OOS	Refers to reimbursements of credits due to outages and other disruptions of the utility services. Applies only to telecommunications providers.
Outage	Refers to any disruption in service not related to non-payment.
Payment Arrangements	Refers to a form of utility assistance that allows customers to repay a past due bill amount over a period of time.
Payment Error	Refers to misapplied payment and auto-pay errors, as well as wrong payment amount credited to account.
Prepaid Phone Cards	Refers to any products (time, data etc.), services, disputes, etc. related to pre-paid phone cards.
Refusal To Serve	Refers to utility refusal to provide service to a customer or location because of unpaid prior bills.
Safety	Refers to gas leaks, tree trimming, dropped or downed power lines, and/or utility vehicles not being coned off.
Slamming	Refers to any change in phone service without that customer's informed consent.
Smartmeter	Refers to contacts regarding automated digital meter reading devices for any energy and/or water utility company.
Toll Dispute	Refers to toll-related contacts, such as toll charges billed at a higher rate than quoted and toll charges generated on consumer's monthly phone bills due to their Internet Service Provider dialing a non-local number in its dial-up services.
Voltage Levels	Refers to voltage level being too high or too low and affecting the quality of energy service.