

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of

Technology Transitions

AT&T Petition to Launch a Proceeding
Concerning the TDM-to-IP Transition

GN Docket No. 13-5

GN Docket No. 12-353

REPLY COMMENTS OF PUBLIC KNOWLEDGE

The network transition trials must be designed to collect useful information to inform the Commission’s policy decisions, and also must protect consumers throughout and after the trials. To that end, the Commission must ensure the trials’ control groups—which AT&T has yet to name—are giving feedback based on a properly maintained and promptly repaired network. Particularly in locations where state-level authorities lack the ability to ensure the traditional network continues to provide a reliable, high-quality basic service, the trials will be unable to truly reveal whether the new experimental technologies constitute a step forward for users without a control group that is using a well-maintained network.

Additionally, the Commission has made it clear that certain enduring network values, like universal service, must continue to guide the network transition.¹ AT&T’s

¹ See *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, *Connect America Fund*, WC Docket No. 10-90, *Structure and Practices of the Video Relay Service Program*, CG Docket No. 10-51, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Numbering Policies for Modern Communications*, WC Docket No. 13-97, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and

admission that it currently has no clear plan to serve 4% of Carbon's Hill's population with new network technologies puts the Commission's universal service commitment to the test. The Commission must ensure that no one is left behind during the network transition, and this includes the network transition trials.

The network transition trials present the opportunity to gather objective, useful information about the new technologies put forth by carriers as potential replacements for existing TDM-based networks. The Commission must ensure these trials are conducted carefully to protect consumers while collecting information that will help inform its policy decisions in the network transition.

I. Existing Data Only Highlights the Need to Ensure the Trials' Control Groups Have Access to a Properly Maintained TDM-Based Network.

Data submitted by various commenters demonstrate the importance of ensuring that the trials' control group consists of an area with well-maintained and reliable TDM-based service with which to compare the IP-based and wireless services AT&T intends to deploy in its trials. If the control group lacks adequate access to high quality basic service, the Commission will be left utterly unable to make meaningful comparisons between the control group and the variable group.

The comments submitted by the People of the States of Illinois and New York illustrate important issues in obtaining reliable information to compare new technologies with adequately-maintained existing facilities.² The People of the States of Illinois and

Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative at ¶¶ 23-24 (rel. Jan. 31, 2014).

² Comments on Trials and Data Collection of People of the State of Illinois and People of the State of New York, *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, *Connect America Fund*, WC Docket No. 10-90, *Structure and Practices of the Video*

New York note that TDM-based voice telephone service is being degraded,³ which can make it difficult to make an accurate comparison between properly maintained TDM-based service and new network technologies. The Commission must therefore ensure that the control groups in any trials have access to well-maintained network facilities to provide a useful baseline. This also, incidentally, means that the trials would benefit from additional locations with strong state-level protections to prevent network degradation.

State-level customer complaints indicate that at least some consumers have been moved from deteriorating TDM-based networks to IP-based services while under the impression that they do not have the option of having the infrastructure for their traditional service repaired, and those customers have subsequently been dissatisfied with the new services they were moved to.⁴ It is clear the Commission cannot simply assume the fact that more customers have moved to IP-based or wireless services necessarily means that those services are superior to traditional basic service in every respect.

And as the Michigan Public Service Commission notes, AT&T's current proposed trials are located in states with little to no state commission-level authority to address customer complaints regarding poor service quality, billing, and outages.⁵ This makes it all the more crucial that the Commission ensure the trials' control groups are

Relay Service Program, CG Docket No. 10-51, *Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities*, CG Docket No. 03-123, *Numbering Policies for Modern Communications*, WC Docket No. 13-97 (Mar. 31, 2014).

³ *Id.* at 2.

⁴ *Id.* at 13-16.

⁵ Comments of the Michigan Public Service Commission, *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, at 3-4 (Mar. 31, 2014).
⁴ *Id.* at 13-16.
⁵ Comments of the Michigan Public Service Commission, *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, at 3-4 (Mar. 31, 2014).

giving feedback on a properly maintained and repaired TDM-based network. The Commission must collect reliable, objective data in the trials' control group to obtain an accurate comparison to new services without the possibility of consumer misinformation or undue influence from carriers wishing to move customers over to new—and often more expensive—services.⁶

II. No One Should Be Left Behind in a Transition Trial.

In the network transition trials, as in the network transition itself, it is crucial that network changes do not leave anyone behind. The United States cannot be the first industrialized country to step back from the commitment to providing basic communications service to everyone, especially in the course of a transition that should, if anything, be a step forward for network users. The Commission therefore must be sure that all of the trials continue to provide for at least basic service to everyone in the trial areas.

AT&T acknowledges that its trial proposal lacks an adequate path forward for ensuring that all customers continue to receive basic service throughout the trials.⁷ While

⁶ The Commission should also investigate any allegations that some customers have been told they cannot obtain traditional basic voice service. Any misleading or confusing information that causes consumers to move to IP-based or wireless services because they wrongly believe they no longer have access to traditional voice service would obviously undermine the notion that customers simply prefer new services and so the Commission should eliminate carriers' traditional voice service obligations. Even outside of the trials, data about consumer usage of new technologies has played a prominent role in the discussion surrounding the network transition, and the Commission should ensure that data is not compromised by consumer confusion or misinformation.

⁷ AT&T Proposal for Wire Center Trials, *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, at 14 (Feb. 27, 2014) (hereinafter *AT&T Wire Center Trial Proposal*) (“Providing broadband services to the final 4 percent of the living units [in Carbon Hill] will be more difficult given the economics of deploying broadband services to those areas. AT&T recognizes that it is responsible for ensuring that these customers will have an

AT&T also rightly recognizes that this is a problem that must be fixed before it can even begin to aspire to move entire communities over to new network technologies, it falls to the Commission to confirm that no trial can deny basic service to people who rely upon existing networks for personal, business, or emergency communications. As the National Consumer Law Center notes, AT&T's plans to walk away from its universal service obligations as part of its timeline must also be firmly rejected.⁸ These trials must be designed to help the Commission make the network transition a step *forward* for all customers, not a step backward.

AT&T's proposal also fails to provide a clear plan for supporting all users who rely on network features like alarm systems,⁹ alarm monitoring, medical alert, credit card processing, and E-911 with street address.¹⁰ As commenters such as the Pennsylvania Public Utility Commission point out, the failure to support these functions is a significant failure that must be remedied, and until AT&T can support those services on its trial technology it must notify customers of the new network's limitations clearly and prominently.¹¹

alternative available to them prior to discontinuing TDM services and is, in all events, committed to working with the Commission, policymakers and other stakeholders to ensure that this happens.”).

⁸ Comments of National Consumer Law Center, on Behalf of Its Low-Income Clients on AT&T's Proposal for Wire Center Trials, *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, at 2-4 (Mar. 31, 2014).

⁹ Comments of the Alarm Industry Communications Committee, *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 (Mar. 31, 2014).

¹⁰ See AT&T Wire Center Trials Proposal Operating Plan at 14.

¹¹ See Comments of Pennsylvania Public Utility Commission, *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, at 4 (Mar. 31, 2014).

CONCLUSION

For the above-stated reasons, Public Knowledge respectfully submits that the Commission should require AT&T to submit further information about how it will protect consumers and collect thorough, objective data in its proposed transition trials before the Commission can fully consider AT&T's proposal.

Respectfully submitted,

/s/

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