

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

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

FCC 14-5

**COMMENTS OF THE STATE MEMBERS OF THE FEDERAL-STATE JOINT  
CONFERENCE ON ADVANCED TELECOMMUNICATIONS SERVICES**

The State Members of the Federal-State Joint Conference on Advanced Telecommunications Services<sup>1</sup> (State Members), after consultation with the federal members, respectfully submit these comments in response to the Order, Report and Orders, Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative (*IP Transition Order*) released by the Federal Communications Commission (FCC) on January 31, 2014.<sup>2</sup> The State Members agree with the March 14, 2014, comments filed by the California Public Utilities Commission: the FCC should work collaboratively with State, local, and tribal governments on data collection issues during the IP trials.<sup>3</sup>

In the *IP Transition Order*, the FCC seeks input from the Joint Conference on developing best practices for gathering and evaluating consumer complaints about technology transitions.<sup>4</sup> The State Members appreciate this referral and the FCC's acknowledgement that State

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<sup>1</sup> *Fed.-State Joint Conference on Advanced Telecomms. Servs.*, Order, CC Docket No. 99-294, 14 FCC Rcd 17622 (1999). See generally, <http://www.fcc.gov/jointconference/>. The State Members of Joint Conference are California, the District of Columbia, Massachusetts, New York, and Ohio.

<sup>2</sup> *In the Matter of Technology Transitions*, GN Docket No. 13-5, Order, Report and Order, Further Notices of Proposed Rulemaking, and Proposal for Ongoing Data Initiative (rel. Jan. 31, 2014) (*IP Transition Order*) at § 182.

<sup>3</sup> *In the Matter of Technology Transitions*, GN Docket No. 13-5, Comments of the Calif. Pub. Utilities Comm'n & the People of the State of Calif. at 5-7 (March 14, 2014).

<sup>4</sup> *IP Transition Order* at §§ 97, 182.

commissions can help improve the IP trials by investigating State consumer complaint collection practices.<sup>5</sup> The deployment of a new technology to provide functionally equivalent services has never eliminated the need to protect consumers. Unfortunately, instances of poor service quality and subpar consumer service by carriers have continued.<sup>6</sup> States commissions are almost always the first to learn of and provide relief when new concerns emerge. As the comments already filed in this proceeding indicate, this latest ongoing transition is no exception.

State commissions have traditionally taken a lead role in performing consumer education and complaint resolution functions. The State Members urge the FCC to maintain this best practice throughout the IP trials and to partner with the State commissions, in this docket, and in any subsequent orders, to make certain that vital State and federal legal avenues for consumer redress continue.

**I. STATE COMMISSIONS HAVE UNIQUE INSIGHTS INTO LOCAL CONDITIONS AND CAPABILITIES THAT WILL BE ESSENTIAL TO THE SUCCESS OF IP TRIALS.**

The issues raised by the trials are not limited to the two small wire centers selected by AT&T. To assess the effects of the IP transition, the Commission must look beyond these two small trials, and evaluate the experiences of the States and consumers where the shift from traditional TDM service to IP based and wireless telephony and Internet access is already underway. State commissions are well situated to help meet the FCC’s goal of preserving “public safety, ubiquitous and affordable access, competition, and consumer protection” during the IP trials.<sup>7</sup>

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<sup>5</sup> *Id.* at § 182.

<sup>6</sup> *See, e.g., In the Matter of Technology Transitions*, GN Docket No. 13-5, Amended People of the State of Illinois and People of the State of New York Comments on Trials and Data Collection, (April 1, 2014).

<sup>7</sup> *Id.* at § 4.

In response to the *IP Transition Order*, the State Members conducted an informal survey on State complaint practices to which forty State commissions responded. Nearly all responding States accept consumer complaints about telecommunications services and monitor trends in such complaints.<sup>8</sup> There are basic practices that cross multiple jurisdictions that should inform the FCC's action in this proceeding:

***Leverage the States' expertise in collecting consumer complaints on telecommunications services.***

An important first step is to collect data on consumer complaints. The majority of State commissions accept and track consumer complaints about both local and long-distance wireline service.<sup>9</sup> Furthermore, States commissions are increasingly receiving inquiries and complaints about VoIP and wireless services.<sup>10</sup>

***Educate Consumers about State and Federal Avenues to provide input on the rollout.***

These avenues for consumer redress must be paired with consumer education. State commissions know their communities well and are available to consumers through a variety of intake methods, including walk-in meetings, telephone consultations, and referrals by local elected officials. They build on their relationships with local social-service organizations to reach diverse parts of their communities. The Regulatory Commission of Alaska gives presentations at military community events and at events with the Alaska Federation of Natives, and the Public Service Commission of the District of Columbia performs outreach events with Advisory Neighborhood Commissions, schools, and churches. The Massachusetts Department

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<sup>8</sup> Informal survey by the State Members (March 2014) (State Member Survey) (38 of 40 respondents accept telecommunications complaints).

<sup>9</sup> State Member Survey (36 of 40 respondents accept complaints on local wireline service; 29 of 40 respondents accept long-distance complaints).

<sup>10</sup> State Member Survey (At least 18 of respondents accept VoIP complaints; At least 20 respondents accept wireless complaints).

of Telecommunications and Cable reaches non-English speaking populations by attending events aimed at the state's Hispanic, Cambodian, Brazilian, and Chinese communities. The Public Utilities Commission of Ohio performs outreach at state fairs, community events, and at community action centers. And specialists from the Pennsylvania Public Utility Commission travel the state and educate consumers at community fairs, legislative forums, and events for senior citizens. These representative efforts demonstrate the State commissions' capacity to conduct the outreach and consumer education necessary to achieving successful IP trials.

***Work Closely with the targeted State Commissions.***

State commissions have applied their local knowledge when identifying and advising the FCC on such issues as rural call termination problems,<sup>11</sup> cramming,<sup>12</sup> and cell phone bill shock.<sup>13</sup> More recently, the New York Public Service Commission investigated and helped identify problems associated with the proposed use of Voice Link fixed wireless technology to replace copper infrastructure in areas damaged by Hurricane Sandy.<sup>14</sup> These few examples show that State commissions are well positioned to provide key insights to the FCC into local issues and concerns presented during the IP trials.

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<sup>11</sup> *Resolution Addressing Rural Call Termination Issues*, NARUC (July 20, 2011).

<sup>12</sup> *See, In the Matter of Empowering Consumers to Prevent & Detect Billing for Unauthorized Charges ("Cramming"); Consumer Information & Disclosure; Truth-in-Billing & Billing Format*, CG Docket Nos. 11-116, 09-158 & 98-170, Joint Comments of the New England Conf. of Pub. Utils. Comm'rs, FCC 11-106 (Oct. 24, 2011).

<sup>13</sup> *See, In the Matter of Empowering Consumers to Avoid Bill Shock*, CG Docket Nos. 10-207 & 09-158, Comments of New England Conf. of Pub. Utils. Comm'rs (Jan. 10, 2011).

<sup>14</sup> *Tariff filing by Verizon N.Y. Inc. to introduce language under which Verizon could discontinue its current wireline serv. offerings in a specified area & instead offer a wireless serv. as its sole serv. offering in the area*, NYPSC Case 13-C-0197, Notice Inviting Comments (Sept. 13, 2013).

## **II. STATE COMMISSIONS COMPLEMENT THE FEDERAL ROLE AND CAN FILL IMPORTANT GAPS IN THE FCC'S CAPABILITIES.**

The FCC indicated recently that it will focus its consumer resources on large-scale industry trends and aggregated issue resolution, while moving its intake process toward full automation.<sup>15</sup> State commissions, on the other hand, target their resources on resolving individual consumer complaints and engaging in both formal and informal adjudications.<sup>16</sup> State commissions keep data on the nature of these complaints and then identify local trends and areas of concern. State commissions stand ready to work with the FCC in order to fill in the gaps left by the FCC's transition to broader monitoring of national, industry-wide trends.

The FCC already holds regular State and National Action Plan (SNAP) calls with State regulators to exchange information on emerging consumer issues.<sup>17</sup> State Members recommend that further strengthening the federal-state partnership through a regular exchange of information will allow both the FCC and State commissions to concentrate on their core consumer competencies. For example, the Joint Conference could consider periodically collecting state consumer complaint data, summarizing it, and identifying trends and issues for the FCC.

## **III. FEDERAL-STATE COOPERATION HAS LONG BEEN AN IMPORTANT PART OF NATIONAL TELECOMMUNICATIONS POLICY AND SHOULD BE A KEY PART OF THE IP TRANSITION.**

Close cooperation between State commissions and the FCC and other federal agencies has long been an important part of telecommunications policy in areas such as consumer

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<sup>15</sup> Report on FCC Process Reform, FCC (Feb. 14, 2014).

<sup>16</sup> See, e.g., *Resolution on Federalism*, NARUC (Nov. 20, 2013).

<sup>17</sup> See *NARUC Resolution Supporting Coordination between the FCC and States on Telecommunications Consumer Issues* (July 18, 2001).

protection, public safety, universal service, and interconnection.<sup>18</sup> The Telecommunications Act of 1996 creates vehicles for federal-state cooperation in the form of joint boards,<sup>19</sup> including for Universal Service<sup>20</sup> and the designation of Eligible Telecommunications Carriers.<sup>21</sup> Utilizing this framework, federal agencies and state commission counterparts successfully managed a large-scale transition in the technology by which television stations transmit their broadcasts. Specifically, during the Digital Television Transition, the FCC and the National Telecommunications and Information Administration (NTIA) utilized the local knowledge and connections of state commissions to educate the public about the transition.<sup>22</sup>

#### IV. CONCLUSION

Many State commissions are prepared to build on this history of cooperation and leverage their knowledge of local conditions to help consumers by accepting inquiries and complaints on the IP transition trials. The State Members hope to engage our federal counterparts in compiling

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<sup>18</sup> See generally, Telecommunications Act of 1996, 47 U.S.C. §§ 151-621 (1996) (Telecommunications Act); IP Transition Order § 97.

<sup>19</sup> Telecommunications Act at § 410.

<sup>20</sup> *Id.* § 254.

<sup>21</sup> See, *Federalism Task Force Report* at 4, NARUC (Nov. 2013); *Legislative Task Force Report on Federalism & Telecom*, NARUC (July 2005). The FCC has frequently taken the initiative to go beyond the specific partnership vehicles Congress explicitly provided in the Act to further that cooperation. For example, in revising its “slamming” enforcement regime shortly after the 1996 law was signed, the FCC recognized that “state regulatory commissions are better equipped...and directed that those disputes be brought before state commissions” with the FCC as a backup for States that did not opt into the program. See, e.g., FCC’s Revised Telephone “Slamming” Rules Now, Over 30 States Choose to Administer New Slamming Rules (FCC Press Release November 28, 2000), available at: [http://transition.fcc.gov/Bureaus/Common\\_Carrier/News\\_Releases/2000/nrcc0058.html](http://transition.fcc.gov/Bureaus/Common_Carrier/News_Releases/2000/nrcc0058.html). (“The FCC noted that state regulatory commissions are better equipped than the industry to resolve slamming disputes and directed that those disputes be brought before state commissions. If a state has not opted in, the FCC will resolve slamming complaints filed by the consumers in that state. As of today, 31 states have formally opted in, and the Bureau expects more states to opt in by the end of the year.”)

<sup>22</sup> See, e.g., NARUC Launches Educational Webpage as DTV Transition Nears (December 3, 2007 NARUC Press Release), available at: <http://www.naruc.org/News/default.cfm?pr=64&pdf=>; NARUC Resolution calling on the FCC to Seek Congress Intervention on the National Information and Telecommunications Administration's Implementation of the Digital-to-Analog Converter Box Coupon Program (July 23, 2008); Written Statement of the Hon. Kevin J. Martin, Chairman of the FCC, Before the Committee on Energy & Commerce, Subcommittee on Telecomms. & the Internet U.S. House of Representatives at 7-9, (June 10, 2008).

and understanding a comprehensive consumer-related data set about the IP rollout for inclusion in the record when the trials end. The FCC should work closely with State commissions to ensure that the key goals of telecommunications policy are met as the IP trials, and more broadly the IP transition, move forward.

Respectfully submitted,

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