

June 25, 2015

Chairman Tom Wheeler  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: PS Docket No. 14-17; GN Docket No. 13-5; RM-11358**

Dear Chairman Wheeler:

The undersigned 29 organizations urge you to swiftly resolve the pending rulemaking proceeding which seeks to establish rules governing the “technology transition” from traditional copper line service, establish backup power standards, and create standards governing when telephone companies have *de facto* retired their lines by failing to maintain adequate service. The impending hurricane season, ongoing deregulation at the state level, and reports of growing provider abandonment of copper lines have increasingly left consumers without the means to maintain even basic communications with 9-1-1 and other health and safety services in times of crisis.

As the Commission noted in its November 2014 *Notice of Proposed Rulemaking*,<sup>1</sup> Public Knowledge, joined by 10 other public interest and consumer advocacy organizations, filed evidence that several incumbent carriers were engaged in anti-consumer practices such as refusing to properly maintain their copper lines and requiring consumers to purchase expensive new services (“upselling”). In response, the Commission sought comment on whether to adopt rules prohibiting these practices and requiring copper maintenance sufficient to sustain a basic level of service to all Americans, thus preserving access to critical communications and public safety services.<sup>2</sup>

Recent news stories indicate that these practices continue in the absence of clear prohibitive rules from the Commission. The Communications Workers of America (CWA) have recently alleged that Verizon continues to neglect its copper lines and force migration of customers throughout its service territory.<sup>3</sup> The town of Hopewell, New Jersey has repeatedly complained that Verizon does not service its copper lines, causing

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<sup>1</sup> See *In the Matter of ... Technology Transitions, Notice of Proposed Rulemaking and Declaratory Ruling*, GN Docket No. 13-5, \_\_ FCC Rcd \_\_ at 33 (2014) (“Tech Transition NPRM”).

<sup>2</sup> *Ibid.*

<sup>3</sup> See Ryan Knutson, “Verizon’s Biggest Union Claims Carrier Isn’t Fixing Broken Landlines,” *Wall St. J.* (June 9, 2015) <http://www.wsj.com/articles/verizons-biggest-union-claims-carrier-isnt-fixing-broken-landlines-1433853524>

basic telephone service to degrade and become unreliable.<sup>4</sup> At the same time, states have begun to actively prohibit their public service commissions from receiving consumer complaints, thus making it impossible to seek redress, or even adequately document the extent of the abandonment.<sup>5</sup>

The persistence of these problems undermines the ability first responders and other providers of emergency services to receive time-sensitive calls for help, or to disseminate critical information to the public in the event of emergencies. As we enter the 2015 hurricane season, this is no longer an abstract danger, but a matter of life and death on a massive scale. The first named storm of the season has already brought deadly flooding and high winds to Texas and Oklahoma – an area still recovering from previous severe weather, and in the recurring path of deadly weather events.<sup>6</sup> Without rules ensuring backup power, consumers are left without any guarantee that they can reach first responders or other critical services once the power goes out.

To make matters worse, the fact that the Commission has not clarified the Section 214(a) process or set standards for *de facto* termination of service, residents of areas impacted by hurricanes or other natural disasters may find their existing phone network destroyed, with no certainty as to when they will be replaced – if ever. The longer the Commission delays, the more likely it becomes that consumers will find themselves deprived of phone service, and stripped of the protections promised to them by Section 214 and other provisions of the Communications Act.

The undersigned 29 organizations therefore urge you to circulate to the full Commission, with all possible speed, an Order adopting both clear standards on backup power and rules governing termination and *de facto* termination of existing phone service. Only by adopting rules that provide consumers with clear, enforceable rights can the Commission adequately protect the American people's access to critical communications services.

As you yourself have written, for over 100 years, our communications laws have reflected our fundamental values of Service to All Americans, Consumer Protection, Reliability and Public Safety, and Competition.<sup>7</sup> This Commission has reaffirmed these values repeatedly and unanimously throughout this process.<sup>8</sup> We call on you to give

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<sup>4</sup> See Spencer Kent, "Verizon Snaps Back At Cumberland County Township's Allegations Of Substandard Telephone Service," South Jersey Times (Nov. 29, 2014) [http://www.nj.com/cumberland/index.ssf/2014/11/verizon\\_snaps\\_back\\_at\\_cumberland\\_county\\_townships\\_allegations\\_of\\_substandard\\_telephone\\_service.html](http://www.nj.com/cumberland/index.ssf/2014/11/verizon_snaps_back_at_cumberland_county_townships_allegations_of_substandard_telephone_service.html); Letter to the Editor, "Problems Remain for Verizon Customers in rural Hopewell Township," South Jersey times (Dec. 10, 2014) [http://www.nj.com/opinion/index.ssf/2014/12/problems\\_remain\\_for\\_verizon\\_customers\\_in\\_rural\\_hopewell\\_township\\_letter.html](http://www.nj.com/opinion/index.ssf/2014/12/problems_remain_for_verizon_customers_in_rural_hopewell_township_letter.html)

<sup>5</sup> See, e.g., Mike Cason, "Alabama Senate Passes Bill Taking Jurisdiction Over Telephone Service Complaints From PSC," AL.com (Feb. 20, 2014)

<sup>6</sup> Bill Chappell, "Storm Pours More Rain on Drenched Texas," NPR.org (June 17, 2015), <http://www.npr.org/sections/thetwo-way/2015/06/17/415154163/tropical-storm-bill-pours-more-rain-on-drenched-texas>

<sup>7</sup> See, e.g., Remarks of Chairman Tom Wheeler at the Ohio State University (December 2, 2013); Jodie Griffin and Harold Feld, "Five Fundamentals for the Phone Network Transition," PK Thinks (July 2013).

<sup>8</sup> See, e.g., *Technology Transition Order*, GN Docket No. 13-5, \_ FCC Rcd \_¶1\_ at (January 30, 2015)

substance and meaning to these fundamental values, and move as quickly as possible to issue rules to govern the transition of our phone network for the twenty-first century.

Sincerely,

Access Humboldt  
Akaku Maui Community Media  
Appalshop, Inc.  
Benton Foundation  
The Broadband Alliance of Mendocino  
County  
California Center for Rural Policy  
Center for Media Justice  
Center for Rural Strategies  
Central Appalachia Regional Network  
Common Cause  
Communications Workers of America  
Consumers Union  
Fight for the Future  
Greenlining  
Institute for Agriculture and Trade Policy  
Institute for Local Self Reliance  
Media Alliance  
Media Literacy Project  
National Consumer Law Center, on behalf  
of its low-income clients  
National Hispanic Media Coalition  
NASUCA  
New America's Open Technology Institute  
Open Access Connections  
Public Knowledge  
Rural Broadband Policy Group  
Terzetto Creative, LLC  
TURN  
United Church of Christ, OC Inc.  
Virginia Rural Health Association

cc:

Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Mike O'Rielly