June 22, 2015

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554


Dear Ms. Dortch:

On June 18, 2015, Harold Feld, Senior Vice President; and Meredith Rose, Staff Attorney of Public Knowledge (PK) met with Daniel Kahn, Carol Mattey, Heather Hendrickson, Ann Collins, and Matthew DelNero of the Wireline Competition Bureau.

Public Knowledge expressed its continued concern with growing reports of carriers allowing copper networks to degrade to the point of de facto discontinuance of service, without seeking required approval from the Commission under section 214. Three primary issues require the Commission’s consideration: (1) setting appropriate technical standards by which to define “comparable” service for the purpose of copper retirement and section 214; (2) establishing a system for receiving complaints about degraded TDM service, or clarifying the availability of the Commission’s existing complaint systems, in order to track instances of de facto retirement by maintenance neglect; and (3) clarifying when a carrier’s obligations under section 214 trigger following the destruction of copper facilities due to a natural disaster.

Public Knowledge supports the establishment of clear, engineering-based metrics to determine whether substitute VoIP or wireless service is indeed comparable to TDM service that a carrier proposes to retire. Public Knowledge suggested that the Commission to reach out to technical and industry groups for examples of applicable standards. Wholesale contracts for large scale users may provide a starting point in determining useful quality standards.
Because carriers have not provided any suggestions as to appropriate evaluation criteria, Public Knowledge encourages the Commission to use real-time performance metrics in the interim.

Public Knowledge also expressed concern over the lack of a viable system for taking complaints and tracking instances of *de facto* discontinuance of service. Such instances—in which the carriers have allowed their copper network to degrade past the point of usability—have become increasingly visible and frequent in the media. However, a push toward deregulation on the state level, and the lack of a clear complaint mechanism available to consumers at the federal level, means that data on the frequency and severity of these occurrences is still anecdotal. Public Knowledge strongly encourages the adoption of a *de facto* discontinuance complaint system, or, in the alternative, a public clarification that consumers may use the Commission’s existing complaint filing mechanisms to detail their degradation problems.

Public Knowledge also expressed concern about the lack of clarity surrounding the timing of a carrier’s obligations under section 214 triggering after their TDM infrastructure is destroyed by a natural disaster. Verizon filed its 214 notice six months after the loss of TDM service on Fire Island, a timeframe which created substantial problems for consumers. Public Knowledge encourages the Commission to clarify (a) that carriers must file a 214 notice when they plan to replace destroyed networks with new technologies, and (b) when, chronologically, these obligations trigger after a catastrophe.

Additionally, Public Knowledge expressed its support for a rule requiring carriers to provide their users with backup power options by using commercially available D-cell batteries. Consumers need widely available power alternatives in the event that their VoIP or wireless home service goes down in the event of an emergency. Forcing consumers to rely upon proprietary batteries that must be obtained from (and replaced/recharged by) the carrier itself creates a substantial public safety threat. By comparison, D-cell batteries are widely available and can be stockpiled indefinitely in proper conditions, thus providing consumers with hours of backup time.

Finally, Public Knowledge expressed its concern with the ongoing non-classification of VoIP as a Title II service, and the difficulty of establishing indefinite obligations in light of its regulatory situation.

In accordance with Section 1.1206(b) of the Commission’s rules, this letter is being filed with your office. If you have any further questions, please contact me at (202) 861-0020x108.

Respectfully submitted,

/s/ Meredith Rose  
Staff Attorney  
PUBLIC KNOWLEDGE