In the Matter of
Technology Transitions Task Force Trials

GN Docket No. 13-5

COMMENTS OF THE CITY OF NEW YORK

The City of New York ("the City") encourages state of the art, innovative and resilient technology developments and enjoys a robust fiber infrastructure and competitive environment. Verizon, the City’s phone provider for over a hundred years, is in the process of building its FiOS network past every household in New York City.\(^1\) While FiOS infrastructure is bringing entertainment and communications options to customers, Verizon is also discontinuing or planning to discontinue a number of services, including plain old telephone service and digital subscriber lines, and is decommissioning copper lines. The loss of these affordable options impacts some residents and businesses in New York City and also impacts City government in its provision of telecommunications infrastructure. As a large scale customer of legacy telecom products and services and as a consumer standards advocate, the City, in both of these capacities, respectfully submits

\(^1\) This is required by Verizon’s cable television franchise agreement with the City.
these comments to the Federal Communications Commission (“FCC” or “the Commission”).

Technology transitions or discontinuances of service of the type and scale considered by long standing providers of vital telecommunications services raise a series of consumer concerns.² Partly due to Hurricane Sandy’s destruction of legacy infrastructure in certain discrete areas of the City, transitions from legacy copper networks to IP Services and products are underway in New York City without the benefit of appropriate (and critical) consumer education. Additionally, the City just learned that Verizon has deployed Voice Link in New York City. Any transition, including trial transitions, must be planned well in advance and must have triggers in place to preserve pricing and to preserve or improve services currently relied upon by consumers. Otherwise, the transition may impact public safety, economic development and consumer affordability of relied upon services.

The City’s own use of and current reliance upon the legacy provider, Verizon, is extensive. This is because, although there are competitive providers in New York City regarding communications products and infrastructure, Verizon’s historical presence and century long status as the phone provider in New York City has resulted in a massive build. The City has relied upon a good amount of copper infrastructure to provide a variety of services. The City has, to date, found it cost effective to retain, through competitive bidding processes, some reliance on Verizon’s copper infrastructure.

² The City has concerns and is closely monitoring the State’s proceeding on this matter. Receiving especially close attention are the New York State Attorney General’s petitions and comments to the State on behalf of consumers.
Although it might not be so in the near future, legacy copper services have been, in many cases, sufficient for some City needs and for the City’s budget.

Service replacement options will require large scale strategic planning and plenty of time for responsible transition. Local transition management will not be without significant cost to the City. Measured steps should be taken by the companies with oversight by the FCC, New York State and by localities, in every instance of transition, to ensure that services are not discontinued without proper notification and that all transitions include education, options, preserved pricing and preserved services for customers. Furthermore, companies should not be permitted to take advantage of natural or manmade disasters to impose new technologies with lesser services on an unprepared population.

1. Preservation of Services and Affordability

The City’s primary concern with any major technology transition is to assure that each and every user of a system that is shifted from an existing service to IP services delivered by cable or fiber (“IP Services”) has the right and the option to continue to receive, if the user chooses, service comparable to that which the user has been receiving at a comparable price to what the user has been paying. To put it another way, an improvement in technology should not result in any user losing the option to maintain, at current rates, at least that level of service currently being purchased. For example, no user of plain-old-telephone-service (POTS) via copper at X dollars a month should lose the option to purchase an IP Services equivalent of that service, at no more than the same ________________

3 Except, on a temporary basis, for emergency restoration.
X dollars a month. Similarly, no purchaser of copper-based DSL service at Y dollars a month or T-1 service at Z dollars per month should lose the option of receiving, for a rate comparable to what such user is paying today, at least a comparable level of service to what the user is currently receiving. In short, no user should be forced, by the technological advance to IP Services, to pay a higher rate than the user is currently paying to receive improved levels of service for which the user prefers not to pay. Service/pricing models need to be “backwards-compatible” to assure that no one who chooses to opt out of the new benefits of improved technology is forced to pay for such undesired new benefits. Users should not be forced off an existing lower priced technology for a more expensive one that meets the user’s same base needs. If the user does not have the option of maintaining the existing lower priced service anymore then the newer service should be provided at an equivalent price.

2. Readiness for Trials

Transitioning should require enough time to completely prepare a locality--through education and outreach-- for all elements of transition so that the experience is seamless and safe. The FCC should develop a methodology for determining trial sites based on a well-demonstrated consumer readiness, locality willingness, and the feasibility of educating all consumers and potential consumers. Particular emphasis should be given on readying senior citizens and those with disabilities. In no event should a trial or a transition endanger any population, especially vulnerable ones (e.g., senior citizens, the disabled) and those charged with public care (e.g., hospitals) and safety. Careful planning and fault/outage tolerant technology solutions are required to mitigate risk. The
Commission should also seek local government consent to ensure municipal participation in consumer outreach efforts. Additionally, trials may have contractual implications, so any potential trial plans and directives would need to take into account contractual obligations with the trial provider, as well as those with existing providers.

3. Public Safety and Network Reliability

All new technologies must maintain system resiliency, especially in respect to the system’s ability to operate in the event of a power outage. One of the chief concerns with the removal of the copper legacy networks is that they have historically been extremely resistant to power outages. Typically, one can, in the event of a blackout, call for emergency services on a copper line. This is not necessarily the case with newer technologies served over cable and fiber, as many are inoperable once the user loses power, and for those that are equipped with a battery backup, when the battery backup has been expended then the service is no longer functional. The ability of IP Services to maintain contact with emergency services in the event of power outages must be dealt with in the interests of public safety. Aside from appropriate power and backup battery supply, a potential consideration is a limited copper element next to fiber in areas where copper is primarily decommissioned.

Conclusion

The City respectfully requests that the FCC design and permit transition of legacy services whereby the result will not negatively impacts customers as to service quality and affordability. The City currently relies upon some legacy infrastructure to affordably
provide some services to New Yorkers. Some New Yorkers may rely upon those same or similar services to affordably communicate with the City.\footnote{Via plain old telephone (POTS) service and Digital Subscriber Lines (DSL),} There should be no transition away from these services absent notice, education, oversight, research, planning and testing.

Thank you for this opportunity to comment.

Respectfully submitted,

/s/ _______________________

THE CITY OF NEW YORK

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