



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

October 26, 2015

The Honorable Cory Booker
United States Senate
141 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Booker:

Thank you for your letter expressing your support for the ongoing national transition from legacy phone networks to modern, IP-based communications networks. As you rightly observe in your letter, the transition offers the exciting, near-term promise of high-speed voice, video and data services to our nation's consumers and businesses. That said, we also share your concern regarding the need to ensure that the promises of this "tech transition" are realized by *all* Americans, including our nation's most vulnerable populations. The Commission shares your commitment in this regard and appreciates your inquiry into how we might collaborate on achieving our mutual aims.

Specifically, your letter requests that the Commission examine the consequences of power outages through the IP transition and make recommendations to Congress on how the public and private sectors can ensure continuity of broadband services in emergency conditions that involve commercial power outages (*e.g.*, through emergency backup batteries).

It is critical, as you suggest, that all stakeholders understand their respective roles in lessening any potential negative impact of the IP transition on essential services. This includes proactive efforts by our nation's communications service providers to ensure adequate consumer awareness of the impact of emergency conditions and power outages on their IP-enabled services, as well as how consumers might best be able to maintain service continuity under those conditions. In that vein, I would like to discuss one example of our efforts to meet those challenges below.

As you recognize in your letter, one of the benefits of legacy telecommunications is the provision of backup power to ensure continuous dial tone access in event of commercial power outages. Consumers have a long history of expecting of such backup power for their residential landline phones. In August, we adopted rules to ensure the continuity of most 911 home voice service (that is, facilities-based, fixed, voice residential service that is not line powered) during power outages.¹ Under these rules, providers of modern voice home services must offer consumers the option to purchase a backup solution capable of eight hours of standby power and, within three years, an additional solution capable of 24 hours of standby power.² Providers must also inform customers about service limitations during electric outages and the steps they can take to address these risks. Recognizing the importance of consumer choice, the *Ensuring Continuity of 911 Communications R&O* directs the provision of backup power for modern home voice services only if the subscriber so chooses and agrees to pay for it.

We especially look forward to working with Congress in crafting workable solutions for the nation's most vulnerable citizens and in recommending how public and private sectors can support emergency backup power options. We recognize that for most Americans, continuity of communications can be achieved through a number of consumer options. We further recognize, however, that for Americans with limited means, there may not be a credible consumer-oriented choice that is also

¹ *Ensuring Continuity of Communications, et al.*, PS Docket Nos. 14-174 *et al.* Report and Order, 30 FCC Rcd 8677 (2015) (*Report and Order*).

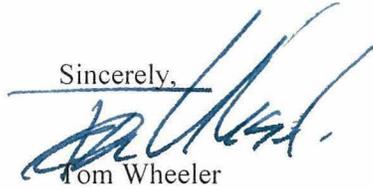
² *Report and Order*, 30 FCC Rcd at 8687-88, para. 31.

affordable. Thus far, we have been encouraged by proactive industry efforts in this regard. We will continue to explore how we can incentivize private industry support of backup power, including working together with our sister agencies to promote innovation and development of technical solutions.

There is more we can do. There is room for additional public/private partnerships, further research, and innovation by all stakeholders to ensure that the technology transition does not negatively impact access to critical services. We recognize the need to address the challenges faced by our nation's most vulnerable citizens. We would welcome additional Congressional measures that would offer assistance with the cost of backup power for vulnerable populations, among other similar efforts and actions.

We will continue to explore the options and would look forward to working together with you and your staff on this matter in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Wheeler", is written over a horizontal line.

Tom Wheeler