



**INTERGOVERNMENTAL ADVISORY COMMITTEE**

**to the**

**FEDERAL COMMUNICATIONS COMMISSION**

**ADVISORY RECOMMENDATION No: 2015-5**

**In the Matter of Technology Transitions; GN Docket No. 13-5, Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, RM-11358; Special Access for Price Cap Local Exchange Carriers; WC Docket No. 05-25, AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services; RM- 10593**

The Intergovernmental Advisory Committee ("IAC") to the Federal Communications Commission ("Commission") submits this Advisory Recommendation regarding the above referenced NPRM addressing the IP transition.

1. The nation's communications networks are shifting from copper networks using legacy technologies to fiber, coaxial cable, and wireless networks using Internet Protocol (IP)-based technologies to carry voice, data and video. During this transition, we must ensure that consumers are aware of the process and that they know what to expect when legacy technologies are retired. The network investment that is leading to these technology transitions also has many benefits, *i.e.*,

- “Modernizing communications networks can dramatically reduce network costs and lead to the development of new and innovative services, devices, and applications, and can also result in improvements to existing product offerings and lower prices. To date, these new technologies generally have enabled the creation of additional choices for customers of voice, video, and broadband services.” NPRM 7.
- “Modernizing communications networks . . . catalyze further investments in innovation that both enhance existing products and unleash new services, applications and devices, thus powering economic growth. The lives of millions of Americans could be improved by the direct and spillover effects of the technology transitions, including innovations that cannot even be imagined today.” Tech Transitions Order 2.

3. The IAC recognizes the many benefits of the technology transition, some enumerated above, but also as state, local and tribal government leaders, we realize that there is virtually no awareness in our communities regarding these technology transitions and potential challenges. As we survey our communities, we are finding that feedback and anecdotal information is limited due to a lack of awareness and/or a lack of direct exposure to the changes. As with our constituents, we are unsure of the extent such transitions have already occurred or are occurring. We have heard and obtained communications in which providers have told existing customers that their telephone service will not be available. Since transition planning is well underway by communications providers, we feel it is important that the FCC be proactive in its educational efforts and in requiring providers to inform consumers of their options well before actual transition occurs.

4. Customer empowerment through education is vital. We are concerned, for example, that lack of customer engagement regarding options could result in some level of upselling as customers are migrated to fiber services. This may happen if a bundled package of services is offered as the only replacement to basic phone service. Residents whose basic phone service is converted to fiber may find that, through bundling, they are suddenly getting and paying for services they do not need, do not want and certainly do not want to pay for. Their view might be that the basic service they once relied upon has been inflated and has ended up costing them more. That service is more robust may be

irrelevant to many consumers. Moreover, if consumers desire to switch to another option or to drop a service all together, they may find that they are locked in to long term contracts and may have to pay termination fees to obtain other options. As with all issues, our constituents will turn to us to address their questions and concerns. Accordingly, education efforts must also include all levels of governments that interact with consumers. In this manner, we will be able to assist consumers make informed choices to satisfy their communications needs.

5. We are also concerned that transitions may negatively impact competitive local exchange carriers (CLECs) and CLEC customers. Competition thrived with deregulation and the sharing of DSL/copper based services. As legacy infrastructure is replaced with fiber and legacy services are transitioned to IP, will this eliminate the competitive environment and require over-build as the only way to deliver wired competitive services? Shared access provides customers real choices and minimizes the need for duplicative over-builds - in other words, stimulates competition, innovation, and lower costs. The full business impact of transitions needs careful consideration as the end result may be that customers could have fewer choices absent massive cost overlays through multiple fiber builds.

6. While the IP transition holds the potential to improve public safety and enhance the ability of first responders to do their jobs more effectively, recent 911 outages have revealed that technology changes may also introduce new vulnerabilities. For example, we understand that in April 2014, more than 11 million people in seven states lost 911 service for up to six hours because of a preventable software coding error at a call-routing facility in Colorado. To protect public safety, the transition to IP-based 911 networks must address known risk factors such as the increased geographic consolidation of critical network infrastructure and the risk of implementing new technologies on a piecemeal basis. The increased geographic consolidation may decrease the total number of outages but may increase the chances of very large outages. IP transition also offers increasing flexibility in how calls are delivered to the PSAPs. Service providers offering 911

capabilities must also work closely with state, local and tribal government leaders to ensure transparency and accountability when technology changes affect 911 service.

7. The IAC also notes that state, local and tribal governments as telecommunications customers will, in many cases, need additional time to test and transition, and cost protections in the transition process to assure that public safety providers and other providers of critical government services are fully able to smoothly transition extensive, existing customer premises-side infrastructure and operations to reflect post-copper and post-TDM technology. Many entities will be unable to budget for new infrastructure, labor and equipment necessary to implement and to utilize IP communications services when traditional networks are no longer available.

8. With this background, the IAC submits the following recommendations:

9. To get out in front of the effects of a full technology transition, the FCC should develop an educational and resource approach like that used with the DTV Transition and require providers to reach out to residential and small business legacy users. We recognize, however, that with respect to the DTV Transition Congress specifically appropriated funds to the FCC for outreach and education. Congress has not appropriated funds to the FCC to use for educating consumers with respect to the technology transition that is taking place. Accordingly, the FCC should mandate that providers notify residential and business consumers of the transition and what this means for the services they will receive in an IP world.

Included in this outreach:

- a. Providers should notify all government stakeholders, (state, local, tribal and FCC) of their plans for the transition so each can proactively plan.
- b. An educational website, like the one used for the DTV Transition, named appropriately and including simple to understand, educational, resource and interactive elements that allow anyone to adjust to the changes, ask questions, and file concerns and complaints.

- c. Public service announcements.
- d. A template local governments may use in the event they want to report issues arising with the transition. There should also be standardized forms for consumers to report issues directly to the FCC or possibly a specific link on the FCC's new consumer complaint portal. [Want to ensure we don't suggest any unfunded mandates]
- e. Materials for local government entities to effectively communicate information regarding the transitions and provide information to residents .

10. FCC studies should be expanded to the customers of CLECs to get a first-hand account of what it will mean to the CLEC customer business community to be redirected to fiber.

11. Providers undergoing the transition need to hold public safety entities harmless in terms of the costs associated with the transition. Further, providers must be required to coordinate sufficiently in advance with public safety entities to assure there is no loss of public safety communications functionality.

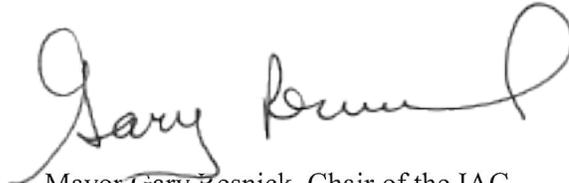
12. Providers should be required to communicate effectively and accurately the services that may no longer be available and options for consumers to obtain comparable services, including options with respect to backup power supplies.

13. Providers should have dedicated phone, website, and email contacts for consumers to contact to report issues and to obtain information. The objective of such outreach should be to provide information and answer questions, rather than market to new services to consumers.

14. Providers should be required to release business and residential consumers whose services are impacted as a result of such providers' transition from contracts without charging termination fees and to return any amounts paid in advance by such subscribers.

Thank you for this opportunity to provide these recommendations.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary Resnick". The signature is fluid and cursive, with the first name "Gary" written in a larger, more prominent script than the last name "Resnick".

Mayor Gary Resnick, Chair of the IAC

May 12, 2015