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May 5, 2016

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street – Filing Room (2 North)
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Neil & Gilda Altman v. Verizon Pennsylvania LLC;
Docket No. C-2015-2515583; **MAIN BRIEF OF VERIZON PENNSYLVANIA LLC**

Dear Secretary Chiavetta:

Enclosed please find Verizon Pennsylvania LLC's Main Brief in connection with the above-referenced case, which was electronically filed today.

If you have any questions with regard to this filing, please direct them to me. Thank you for your attention to this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Suzan D. Paiva/san".

Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/slb
Enclosures

Via Fedex
cc: Darlene Heep, Administrative Law Judge
Certificate of Service

CERTIFICATE OF SERVICE

I, Suzan D. Paiva, hereby certify that I have this day served a copy of the Main Brief Answer of Verizon Pennsylvania LLC, upon the participants listed below.

Dated at Philadelphia, Pennsylvania, this 5th day of May, 2016.

VIA USPS FIRST CLASS MAIL

Neil and Gilda Altman
819 Hampshire Rd.
Drexel Hill, PA 19026

A handwritten signature in blue ink that reads "Suzan D. Paiva/san". The signature is written in a cursive style and is positioned above a horizontal line.

Suzan D. Paiva
Verizon Pennsylvania LLC
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Philadelphia, PA 19103

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

NEIL AND GILDA ALTMAN,

Complainants

v.

VERIZON PENNSYLVANIA LLC

Respondent

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Docket No. C-2015-2515583

**MAIN BRIEF OF
VERIZON PENNSYLVANIA LLC**

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INTRODUCTION

Neil and Gilda Altman are former Verizon Pennsylvania LLC (“Verizon”) customers who live in Drexel Hill, Pennsylvania, the area served by Verizon’s Kirklyn wire center.¹ The vast majority of customers in the Kirklyn wire center have abandoned older copper landline technology in favor of getting service from competitors (wireless or cable) or Verizon’s own state-of-the-art fiber-optic facilities. Given the tiny and shrinking number of customers still on copper facilities, Verizon has implemented a Network Transformation project within the Kirklyn wire center to migrate the remaining copper customers to fiber facilities. Verizon’s Network Transformation projects follow the Federal Communications Commission’s (“FCC”) established copper retirement rules for migrating customers to fiber facilities and retiring the copper facilities.

Customers’ regulated services do not change when they migrate to fiber facilities. Verizon offers customers the same regulated voice service at the same rates, terms, and conditions, over more resilient and reliable fiber-optic lines. Verizon completes the migration at no cost to customers at an appointment time they select. Customer equipment such as alarms, faxes or medical equipment works the same over fiber as it did over copper. And Verizon offers a robust battery back-up free of charge that provides more than 20 hours of voice functionality in a power outage, which can be extended indefinitely with additional D-Cell batteries.

Despite Verizon’s extensive attempts both in writing and in conversations to explain Network Transformation to the Altmans, they refused to place an order to migrate their service to fiber facilities. Eventually they ported their service to another provider and are no

¹ A wire center is an area served by one Verizon switch, where all of the cables serving customers in that wire center extend from one central office. Transcript of March 3, 2016 Hearing (“Tr.”) at102.

longer Verizon customers. Yet the Altmans are pursuing this complaint to insist that Verizon must continue to maintain the duplicative copper network in Kirklyn to serve them indefinitely over a copper line.

HISTORY OF PROCEEDING

A. Verizon's Network Transformation Program

In recent years, customers have been rapidly moving away from service provided over legacy copper facilities and toward cable or wireless alternatives. For example, fifteen years ago, approximately 95% of the homes in the Kirklyn wire center would have had a Verizon landline provided over copper wires. Today, only 6% of the addresses in Kirklyn still use a copper landline. Most have abandoned copper and opted to use wireless phones for all their calling needs or to obtain voice service from the cable company or over Verizon's fiber optic facilities. Tr. at 127; 154.

With such a small number of remaining customers on copper, Verizon's Network Transformation Program is intended to eliminate the unnecessary costs of maintaining duplicative copper facilities by moving those customers to the more reliable and resilient fiber-optic facilities.² This is not a new program, and Verizon manages it in accordance with FCC rules and in regular coordination with the Commission. Starting in 2014, Verizon began migrating its customers off of copper and working to shut down the switch that served copper customers in Pennsylvania's Hummelstown wire center. Hummelstown is now the state's first all-fiber wire center. Thus far under this program, 5,400 customer lines in

² As Verizon's witness Mr. MacNabb explained, even though very few customers remain on copper in these wire centers, Verizon incurs the same cost of keeping the entire copper network operating. This inefficient use of resources diverts resources that could be better spent serving customers by deploying fiber facilities to more new locations or on copper facilities in the areas where fiber is not available. Tr. at 111.

Pennsylvania (including those in Kirklyn) have been migrated off copper facilities. Tr. at 200-201.

Verizon's decision to provide service over fiber facilities is good for its customers, even those who only want to purchase plain landline voice service. Fiber facilities are more reliable and resilient than copper because they do not corrode when they get wet, are less susceptible to damage from lightning, are less prone to static and outages, and are much easier to repair. Fiber is thus considered to be a superior technology because its rate of trouble is much lower than copper. Tr. at 111-113. An all-fiber network is more efficient to operate and provides environmental benefits because it requires less power to run, does not use a metal that has to be mined, and runs on lines that are smaller and lighter so that the support infrastructure is smaller and less susceptible to weight wear and tear. Tr. at 112-113. Fiber also allows for advanced broadband, television and other services for those customers who wish to purchase them.

The migration to fiber is simply a change in the underlying facilities in Verizon's network; customers are able to retain the same Verizon voice services at the same price and functionality that they received over copper and the regulatory status of the service does not change. Tr. at 114. The traditional copper "network interface device" at the home is replaced with an "optical network terminal" or "ONT," a similar box where the wires from Verizon's network and the customer's wiring meet, and the customers use their same handsets, jacks and inside wires.³ As Verizon witness Mr. MacNabb explained, "[a] fiber optic line is just the path that carries the communications," and different kinds of service can be offered over the fiber ranging from ordinarily "plain old telephone service" to the more

³ See VZ Ex. 1 (diagrams of copper and fiber voice service); VZ Ex. 2 (pictures of ONT, which can be mounted inside or outside the home or placed on a desktop, depending on what works for the customer).

sophisticated Fios branded packages of internet and television. Tr. at 103. Customer equipment such as faxes, alarms and medical devices work the same over fiber as they did over copper.⁴

Verizon also offers at no cost to the customer a state-of-the art battery back-up unit that far exceeds the FCC's and this Commission's current battery back-up requirements. This battery back-up uses widely available D Cell flashlight batteries that will provide 20 to 26 hours of functionality that can be repeatedly extended with fresh batteries.⁵

As part of its Network Transformation process, Verizon files the required network change notifications with the FCC. Here, on September 10, 2015, Verizon filed its required Notice of Network Change with the FCC under 47 C.F.R. § 51.325-335⁶, providing notice of the planned replacement of copper distribution and loop facilities with fiber optic facilities and the retirement of copper at specific addresses within the Kirklyn wire center, including the Altmans' address. VZ Ex. 4; Tr. at 124-125.

Verizon also communicates with its customers multiple times about the need to migrate facilities, and has worked and continues to work with Commission staff to adapt and refine its communications with Pennsylvania customers to make the transition as easy and seamless as possible for them. Tr. at 168. Customers receive multiple communications, including an initial letter, telephone calls explaining the migration process, automated messages, and follow-up postcards and letters.

⁴ Tr. at 131 ("We have customers every day who use fax machines"); Tr. at 157 (technician will make sure fax is hooked up and works); Tr. 132 ("We haven't found anything that we haven't been able to support on our fiber network.")

⁵ VZ Ex. 3; Tr. at 119-121.

⁶ The notice was filed pursuant to these rules as they existed at that time. Amendments to the rules took effect March 24, 2016.

Because it is not possible to do a flash-cut where all services are moved from copper to fiber immediately, Verizon proceeds in waves to contact customers and arrange for migrations after it has made the necessary FCC filings, with the goal of moving all service in the wire center to fiber at the end of the process. Once it finishes moving all the customers to fiber, Verizon will physically remove and salvage copper materials and turn down the switch that served copper customers and powering equipment, just as it already has done in the Hummelstown wire center. Tr. at 123.

B. Network Transformation Communications with the Altmans

In connection with filing the notice with the FCC on September 10, 2015, Verizon began notifying its customers served over copper facilities at the addresses listed on that notice of the need to migrate their service to fiber facilities. Tr. at 198. To balance the workload and ensure that it is able to respond quickly to customer appointment requests, Verizon typically notifies affected customers in groups. Tr. at 200. The Altmans were included in a group of 343 Kirklyn customers who received a letter about the need to migrate on October 14, 2015. The letter explained that:

This is not FiOS voice service. It is your existing voice service, only provided over fiber instead of copper, at the same price, terms, and conditions. Any devices that rely on your current voice service, such as facsimile, security alarms connected to a central station, or medical monitoring equipment, will continue to work in the same way as they did over copper.

VZ Ex. 6 (FAQs); Tr. 167.⁷ This initial letter set forth a timeline for migration, explaining that customers needed to make an appointment to migrate their services promptly.

Customers who did not respond, or who refused reasonable access to their premises to allow the work necessary for migration, could have their services suspended. The letter stated:

⁷ The Altmans' informal complaint indicated they received this letter. Tr. at 172.

Your Verizon services will be suspended on or after 45 days from the date of this letter, if you do not allow Verizon reasonable access to your premises to install, maintain, or replace equipment and facilities that will enable us to move your service to our fiber-optic network. Once your service is suspended, you will only be able to call 9-1-1 and our customer service number, which is 1.800.VERIZON (1.800.837.4966). Approximately 14 days after being suspended, Verizon service at your address will be disconnected unless you allow us to move your service to our fiber-optic network

VZ. Ex. 6 (FAQs).⁸

Under Verizon's communications plan, once a customer places an order for an appointment to migrate to fiber facilities or initiates a request to disconnect service, Verizon stops the Network Transformation communications. Tr. at 169. Since the Altmans had not scheduled an appointment, they continued to receive the pre-planned communications. The next one was an automated telephone call ("ANA") on October 22, 2015, reminding them to schedule an appointment to avoid any disruption of service. VZ Ex. 7 (transcript of ANA). Verizon records show a person (not an answering machine) answered the phone and that the entire message played. Tr. at 172.

On October 26, 2015, the Altmans filed an informal complaint with the Commission's Bureau of Consumer Services ("BCS") that ultimately was closed without a written decision, noting that the customer was not satisfied. VZ Ex. 8; Tr. at 173. In an attempt to resolve the informal complaint, Kevin Organ (Verizon's Associate Director in charge of the Network Transformation program in the Kirklyn and other wire centers, and one of the witnesses in this case) attempted to call the Altmans on November 6, but did not reach them, and then called back on November 12 and spoke with Mr. Altman. Tr. at 177. Mr. Organ explained that if the Altmans did nothing, their Verizon service would be

⁸ One of the changes Verizon has subsequently made in consultation with Commission staff is to add a specific suspension date to each individual letter and post card, rather than just saying 45 days. Tr. at 168.

suspended December 1, 2015 and (with another written notice) disconnection would follow on December 15. But he also explained that the company would work with the Altmans if they needed more time to make a decision about their service. He explained that ultimately Verizon is retiring the copper in this wire center so that they would either have to migrate their Verizon service to fiber facilities or move to another provider. Mr. Organ explained that they did not need to complete the migration by December 1; instead, they could put in an order dated as much as a couple of months in the future to provide more time to explore options, and their service would remain working on existing copper facilities during that time. Tr. at 178-179. Mr. Organ specifically explained that even if they did nothing and the service was suspended, the telephone number would not be lost. Tr. at 179-80. Mr. Organ also explained the Power Reserve battery back-up unit that uses ordinary D Cell (flashlight) batteries and provides over 20 hours of back-up in the event of a commercial power outage, and that this unit and the first set of batteries are provided free of charge. Tr. at 177-178. After a lengthy conversation, Mr. Organ gave Mr. Altman his direct cell phone number to be used if they had future questions or wanted to discuss the matter again. Mr. Altman called once a few minutes after their discussion, but never called Mr. Organ again.⁹

On November 13, 2015, as a follow-up to the conversation with Mr. Organ, Verizon mailed a letter explaining in more detail the battery back-up unit that is supplied free of charge with a fiber migration to ensure that the customer can continue to make and receive calls during a commercial power outage. The letter again supplied Mr. Organ's direct contact number. VZ Ex. 9; Tr. at 180. On November 18, 2015, Verizon mailed the Altmans a postcard that is part of Verizon's standard communications plan. VZ Ex. 10.

⁹ Tr. at 181 ("That is my direct personal cell phone. So it's not my office number, it's a phone that I have with me at all times generally, with the exception of sleeping.")

On November 25, 2015 (the Wednesday before Thanksgiving), an attorney for the Office of Consumer Advocate (“OCA”) emailed Verizon’s counsel a copy of a formal complaint that she indicated that the Altmans had filed with this Commission but that had not yet been served on Verizon by the Secretary. The OCA’s cover letter asked Verizon to refrain from suspending or terminating the Altmans’ service while the complaint was pending. One of its attachments was a letter from a doctor stating that Mr. Altman “must maintain continuous telephone access from his home” (although not specifying that it must be over copper or any specific type of facilities). VZ Ex. 11; Tr. at 184. Verizon agreed with the OCA lawyer who made contact on the Altmans’ behalf that the Altmans’ service would not be suspended on December 1, and Mr. Organ testified that he was instructed to remove them from the suspension as a result of OCA’s request and that he did so. Tr. at 185. Thursday and Friday, November 26 and 27, were Verizon and Commission holidays. On Sunday November 29, 2015 (the Sunday after Thanksgiving), Mr. Organ pulled the Altmans out of the process so their service would not be suspended on Tuesday, December 1. Tr. at 187. That was communicated to the OCA, but apparently the Altmans wanted to be reassured that Verizon was not planning to suspend the service so OCA asked Verizon to double check. As Mr. Organ testified: “We received another inquiry on [December] 1st to just reconfirm that no action was planned against the Altmans. I double checked our system WFM, to confirm that he was still in exception status. And additionally, I went to the team that has --- that compiles the list and submits it for processing, to ensure that he by accident didn't wind up on the list. And they had, in fact, confirmed that he was not on the targeted list for action on that particular day.” Tr. at 188. Verizon communicated back to OCA that it had confirmed the Altmans’ service was not to be suspended. *Id.*

Unknown to Mr. Organ at the time of these events, an order had been submitted in the system by a competitive provider, AT&T Wireless, to “port” the Altmans telephone number away from Verizon to a wireless landline replacement service and to disconnect the Verizon service. VZ Ex. 13; Tr. at 189. The order document shows that AT&T submitted it on November 27, 2015, requesting a completion date of December 1, 2015, which caused the Verizon service to be terminated and the number transferred to AT&T on that day. As Mr. Organ explained, once AT&T placed this order in the system, only AT&T could cancel it; so even if he had been aware of it (which he was not), Mr. Organ would not have been able to cancel the order. Tr. at 191. AT&T completed the port out on December 1 as scheduled. As a result of the port-out to AT&T Wireless, the Altmans do not currently have Verizon service. Verizon did not independently suspend or disconnect their service. Tr. at 191.

The Altmans are free to order Verizon service again and have their number ported back to Verizon if they wish to do so, with the new service provided over fiber facilities. Verizon confirmed as much to the Altmans in writing on January 15, 2016. VZ Ex. 14; Tr. at 199.¹⁰

Of the 343 copper-served customers included in the same communication wave as the Altmans, all but five had migrated or moved off of copper facilities by the March 3, 2016 date of the hearing, and those five were expected to be off the copper within 30 to 60 days of the hearing. Tr. at 200. Verizon’s copper retirement efforts for the remaining customers in the Kirklyn wire center continue. On March 1, 2016, Verizon filed with the FCC a copper

¹⁰ Kirklyn is one of the wire centers in which all retail services were declared competitive by the Commission’s March 4, 2015 order at Docket P-2014-2446303 (see list attached to order). Therefore, the available services are not tariffed but are set forth in Verizon online product guide. But currently the prices are the same for all services including stand-alone basic service as in the comparable wire centers that are not declared competitive.

retirement notice for all of the remaining areas in the Kirklyn wire center that were not already covered by the September 10, 2015 notice. VZ Ex. 5; Tr. at 126.

C. Service Issues

The Altmans' formal complaint also refers to a service outage that occurred in February 2015, before the initiation of Verizon's fiber migration process in Kirklyn. Mr. Organ testified that this service outage was a group outage caused by a wet copper cable. Tr. at 202. The cable is a large facility out in the field that is capable of serving a large number of lines.¹¹ This was a group outage affecting all customers still served by that copper cable and the work required to fix it could have been miles from the Altmans' house and not visible to them. Tr. at 202. Repairing a wet copper cable is a very labor intensive job that can take days to complete even when started immediately and worked diligently, because hundreds of color-coded wires have to be either dried out or individually spliced with a new section of wire to restore the electrical path, "a very tedious, time-consuming effort." Tr. at 203-204. As Mr. Organ explained, "it would not be unusual to see a progression of restoration. So it's not as though somebody flips the switch, and if a hundred customers were involved at one point all 100 would go up at the same time. It's possible that . . . customers could get restored over several days as they get through the cable, and rewire and reterminate the service." Tr. at 204-205. Once the connection is restored at the distant location, service would come back on line. The Altmans' service was restored on February 26. Tr. at 207.

Mr. Organ also explained that copper facilities are susceptible to this kind of extended outage if there is a weather-related or other accidental event that causes flooding, but that a customer served by fiber facilities would not face the same risk. This is one of the primary

¹¹ See VZ Ex. 1 for a diagram showing the F1 and F2 copper cables carrying the signal from the central office switch out into the field where they eventually connect to the serving terminal and drop wire to reach an individual customer.

reasons fiber is more reliable from a service quality perspective and experiences fewer outages. Fiber can get wet and still function. And even if a manhole were flooded and the electronic equipment powering the fiber got wet, it is still much easier and quicker to replace or repair than would be required to splice or dry a wet copper cable. Tr. at 205.

The Altmans also stated that they experienced some static on the line in November 2015. Mr. Organ explained that static is also a problem that can build up from electrical resistance in copper facilities, and also is not likely to occur on fiber facilities, and that static on the line at this time would not have been caused by the Network Transformation process. Tr. at 206. When Verizon tested the line, it was clear with no trouble. VZ Ex. 15.¹²

SUMMARY OF ARGUMENT

The FCC has had rules in place since 2003 that permit Verizon to retire copper facilities and move all services in a specific geographic area to fiber-optic facilities. Verizon followed those rules to retire copper in the Kirklyn wire center. This change benefits all concerned because it eliminates the cost of maintaining a duplicative copper network to serve a tiny number of customers and provides better service because fiber is more reliable and less susceptible to trouble and provides a more efficient and environmentally “greener” network than copper.

To make the experience as seamless as possible for the customer, Verizon offers the exact same voice service over fiber at the same rates, terms and conditions, ensures that

¹² A decision on the admission of VZ Ex. 15 was held in abeyance until Verizon submitted a more complete listing of system notes of customer calls from the Altmans. Tr. at 211. That print-out is attached to this brief as Appendix C. This document was produced informally to counsel for the OCA on April 13, 2016, who agreed to provide it to the Altmans. Please note that Appendix C does not include calls to repair (which are already included Exhibit 15) or notes from calls with the representatives handling the informal complaint (already included in Exhibit 8). It includes all other calls for which Verizon’s employees make notes in the computer databases. Verizon has no objection to the admission of this document into the record if the presiding officer or the Altmans wish.

customer equipment such as faxes, alarms and medical equipment still works over the fiber facilities, and provides free of charge the best battery-back up unit on the market to ensure service continues to work during a commercial power outage.

Verizon filed the required FCC notice in September 2015 for specific addresses in the Kirklyn wire center, including the Altmans' address. It began communicating with the small portion of Kirklyn customers still served over copper facilities about the need to make an appointment to transfer service to fiber facilities if they wish to continue Verizon service. Verizon's goal is to educate its customers and move them to the more reliable fiber facilities but if a customer refuses to migrate, ultimately Verizon will suspend and then disconnect their service following the process in this Commission's regulations that allow residential telephone service to be suspended for a number of reasons, including "[u]nreasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair." 52 Pa. Code § 63.61. Staying on a copper line indefinitely is not an option because Verizon will cease providing service over copper facilities in the Kirklyn wire center under the FCC's process.

In this case, Verizon never suspended the Altmans' service (and specifically agreed with OCA that it would not do so when this complaint was filed, to provide more time to resolve the issue). But the Altmans switched their service to AT&T Wireless, and their new provider put in an order to port their telephone number and disconnect the Verizon service. The Altmans thus terminated their Verizon service and their copper line was disconnected.

Verizon has complied with applicable law in all of its dealings with the Altmans. They are free at any time to order new Verizon service and port their number back to

Verizon; any new service order would be provided over a fiber line since the copper facilities were retired under the FCC's process.

ARGUMENT

A. Verizon's Fiber Migration Program Complies with Applicable Rules

1. Verizon Complied with the FCC's Copper Retirement Rules

The FCC has had rules in place governing copper retirement since 2003.¹³ Updated copper retirement rules took effect on March 24, 2016, so former rules were effective during the events of this case. Both the former and the new rules require a carrier retiring copper to provide certain public notices, but do not require approval by the FCC or any other entity before copper may be retired. Under the former rules, “[a]n incumbent local exchange carrier ("LEC") must provide public notice regarding any network change that . . . [w]ill result in the retirement of copper loops or copper subloops, and the replacement of such loops with fiber-to-the-home loops or fiber-to-the-curb loops.” 47 C.F.R. § 51.325 (former).¹⁴ The public notice could be accomplished by a filing with the FCC or posting on the carrier's website. 47 C.F.R. § 51.329(a)(former). The company must also file a certification with the FCC stating that certain competitive providers had been notified of the impending copper retirement, but the former rules did not require direct notice to retail customers. 47 C.F.R. § 51.333 (former).

In August 2015, the FCC issued an order updating its copper retirement rules. The FCC made clear that transition of services, including ordinary landline voice service, from copper to fiber facilities is not only permitted under the law but should be encouraged and

¹³ Technology Transition Order ¶ 13 (recognizing that at that time fiber deployment was in its “infancy” and these rules were not widely used).

¹⁴ The former rules at 47 C.F.R. §§ 51.329 and 51.333 are attached hereto as Appendix B for ease of reference.

facilitated. Recognizing “the increasing pace of copper retirement” and to “facilitate the smoothest possible transition of the Nation's legacy communications networks to newer technologies while ensuring this transition happens free from the obstacles that might arise were this transition not handled responsibly,” the FCC updated its rules to “benefit the entire ecosystem of industry and consumers by ensuring that everyone has the information they need to adapt to an evolving communications environment.”¹⁵ As the FCC explained, its rules would continue to require notice but no approval; however, it would add specific consumer notification provisions.

[W]e reaffirm our decision not to create an approval requirement for retirement of legacy facilities so long as the change of technology does not discontinue, reduce, or impair the services provided -- ensuring that incumbent local exchange carriers (LECs) can continue to transition to an all-fiber environment. However, because our current network change rules do not take account of the needs of consumers for accurate information about the consequences of retirements of copper facilities, we provide simply that incumbent carriers (i.e., incumbent LECs) must provide notice of planned copper retirements to retail customers when such retirements remove copper to the customers' premises, along with particular consumer protection measures.¹⁶

The new rules took effect March 24, 2016, following publication in the Federal Register and approval by the Office of Management and Budget.¹⁷ The new retail customer notification requirements are set forth at 47 C.F.R. § 51.332.

For the Kirklyn wire center and its communications with the Altmans in late 2015, Verizon complied with the FCC's copper retirement rules in effect at the time by filing the public notice marked as Verizon Exhibit 4. Also, although the FCC did not have specific consumer notice requirements at that time, Verizon notified customers and educated them on

¹⁵ *In the Matter of Technology Transitions; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers*, 30 FCC Rcd 9372; 2015 FCC LEXIS 2000 (Rel. August 7, 2015) (“FCC Technology Transition Order”) ¶ 12.

¹⁶ FCC Technology Transition Order ¶ 5.

¹⁷ This was announced via Federal Register publication at 81 FR 15647.

the reasons for copper retirement and their options through the communications plan that began with the form of letter marked as Verizon Exhibit 6, together with its “Frequently Asked Questions” attachment,” and the additional calls, postcards and letters. Verizon’s filings and customer communications not only complied with but exceeded the requirements of the FCC’s rules in effect at the time.

2. Verizon Complied with Pennsylvania Rules

This Commission does not have copper retirement rules. Nothing in Pennsylvania law requires that service be provided over copper or fiber or any particular facility. Regulated telephone service is not defined as being provided over any particular type of wires or facilities. The “public utility” service that this Commission regulates is defined as “[c]onveying or transmitting messages or communications . . . by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation,” (except for wireless service which is exempted). 66 Pa. C.S. § 102. The Public Utility Code requires that the messages be transmitted in an “adequate, efficient, safe, and reasonable” manner and that “[s]uch service also shall be reasonably continuous and without unreasonable interruptions or delay,” but it does not specify the type of facilities over which the messages must be transmitted. 66 Pa. C.S. § 1501. Chapter 30 of the Public Utility Code (under which Verizon is now regulated as its alternative form of regulation) defines “protected” telephone service as “[s]ervice provided to residential consumers or business consumers that is necessary to complete a local exchange call,” but does not specify what kind of facilities should provide the service. 66 Pa. C.S. § 3012. Similarly, the Commission’s regulations define “basic service” as “the transmission of messages or communications by telephone between points within a local

calling area.” 52 Pa. Code § 64.2. Nowhere in the regulations does it specify that the messages be transmitted over copper or fiber facilities.

In fact, the transition from copper to fiber technology within Verizon’s network has been happening gradually for years. As Mr. MacNabb explained, improvements in technology have been driving fiber out into the network closer to the customer as Verizon modernized its network to all-fiber interoffice transport, and moved to fiber in the feeder portion of the loop. “[O]ver the last 30, 40 years we’ve actually been deploying fiber in the network and bringing fiber closer to the customer’s location. So some customers today who are --- would think of themselves on a copper network, they’re actually only on copper for the last mile or so of the service network, and then it would be Fiber-Optic between the central office.” Tr. at 106.

With its “Network Transformation” program, Verizon now brings fiber all the way to the customer. The change to fiber is within Verizon’s network, and is no different from what Verizon has been doing for decades as it replaces copper with fiber in its network. Verizon needs access to the customer’s home to connect the fiber and switch the copper NID to the fiber ONT. But the service provided and the customer’s wiring do not change. Because Verizon will no longer provide service over copper facilities in particular locations, if the customer does not agree to the change and provide reasonable access to the home to connect the fiber line and install the ONT, Verizon will no longer provide service to the customer following appropriate notice.

Although most of the Commission’s regulations surrounding notices of suspension and disconnection of residential telephone service have been waived in wire centers like

Kirklyn that are designated competitive,¹⁸ Verizon designed its customer communications program notifying customers of the need for reasonable access and the consequences of refusal to follow applicable regulations. Under 52 Pa. Code § 63.61 (waived in competitive wire centers) “[t]elephone service to a dwelling may be suspended” for a number of reasons, including “[u]nreasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair.” Service may be suspended following 7 days’ notice. 52 Pa. Code § 64.71. After suspension, if the customer continues to refuse reasonable access, then “[w]hen at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension.” 52 Pa. Code § 64.121.

If a customer refuses to permit Verizon access to maintain its network by replacing the copper line with fiber, Verizon provides ample notice that suspension will result and it follows the two-step suspension and disconnection process set forth in the Commission’s regulations for non-payment disconnections. The initial letter provides notice that “[y]our Verizon services will be suspended on or after 45 days from the date of this letter, if you do not allow Verizon reasonable access to your premises to install, maintain, or replace equipment and facilities that will enable us to move your service to our fiber-optic network,” and informs the customers that they will still “be able to call 9-1-1.”¹⁹ This letter serves as the notice of suspension, and provides more notice than the Commission’s rules require. There are many additional communications that occur before service would be suspended, although they are not specifically required by the Commission’s rules. If service is

¹⁸ *Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services*, P-2014-2446303 (Opinion and Order entered March 4, 2015) (“Reclass Order”) at 99.

¹⁹ Today, after consultation with Commission staff, Verizon puts the exact date in the letter.

suspended, then a second written notice of termination is sent that day providing approximately 14 days' notice of impending disconnection. In this case, the Altmans never received that notice because their service was not suspended by Verizon.²⁰

Mr. Altman also raised the issue of having a medical condition and attached to the complaint a letter from a doctor stating that Mr. Altman “must maintain continuous telephone access from his home” (although not specifying that it must be over copper or any specific type of facilities). VZ Ex. 11; Tr. at 184. The Commission’s regulation at 52 Pa. Code § 64.101 provides that:

No LEC may suspend or refuse to restore service to a dwelling when an occupant in the dwelling is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a complete cessation of service except where access to emergency services by telephone is retained.

Verizon is not proposing to cease service or to refuse to restore service; it simply needs reasonable access to connect the fiber line to continue to provide service. The medical certification regulation thus does not apply. But even if it did, suspension would be allowed “where access to emergency services by telephone is retained.” 52 Pa. Code § 64.101. During any service suspension imposed in its network transformation process, Verizon employs a “soft suspend” in which the customer still has “the ability to dial 911 in the event of emergency,” so access to emergency service is retained throughout the process. Tr. at 179.

But even where the medical certification process applies, it only delays suspension temporarily: for thirty days initially and up to no more than 70 days if renewed by the doctor. 52 Pa. Code § 64.104. Following that period, if the original grounds are not remedied,

²⁰ As explained in the initial letter, “[a]pproximately 14 days after being suspended, Verizon service at your address will be disconnected unless you allow us to move your service to our fiber-optic network.” VZ Ex. 6 (FAQs).

service is suspended and terminated. As Mr. Organ testified, Verizon will provide more time for customers with medical issues to decide whether to stay with Verizon by dating the migration order weeks or months in the future. Tr. at 193. He specifically offered to do this for the Altmans. And when the Altmans filed this complaint and attached a letter from a doctor, Verizon agreed to pull them off the suspension list and did not set a new suspension date. It proved unnecessary to determine how much of an extension the doctor's letter warranted because the Altmans ported their number and disconnected their Verizon service, rendering the threat of suspension moot.

3. Verizon Offers a Robust Battery Back-Up that Complies with Current and Future Requirements

The Altmans have never articulated a clear and specific objection to fiber technology but one concern they raised is continuing to have service operating during a commercial power outage. Verizon's service over fiber facilities exceeds all applicable requirements on this issue.

Voice service, whether provided over copper or fiber facilities, requires power to operate. In the traditional copper network, service is powered at Verizon's central office by commercial power, with back-up batteries at the office to continue power in the event of a commercial power outage.²¹ So if the customer at home is using a telephone set that plugs directly into the jack (not a cordless telephone that itself requires electric power to function), the telephone would continue to work during a power outage so long as Verizon's back-up batteries at the central office are functioning. Because fiber-optic lines do not conduct electricity, they cannot be powered in the same way at the central office; they must be powered at the customer location. In this regard, service over fiber facilities is similar to

²¹ Tr. at 118.

cable telephony and wireless home telephone replacement products, which also must be powered at the home.

Since it began offering consumer voice services over fiber facilities, Verizon has provided an option for the customer to replicate the traditional copper experience by maintaining service during a power outage. Tr. at 119. Initially, Verizon offered a large brick-like battery that fit into the ONT and provided 8 hours of operation in a power outage. But Verizon has since improved its technology so that it now offers customers who migrate to fiber under its Network Transformation program a battery back-up unit called the Power Reserve, which uses standard D Cell batteries and offers much longer periods of operation, between 20 to 26 hours on a single set of batteries. Tr. at 120. And there are steps the customer can take to extend the back-up time, such as turning the unit off when not in use to conserve the battery or having a fresh set of batteries on hand. Tr. at 120-21. Because it uses standard flashlight batteries, new batteries are easier to purchase or keep on hand. Practically speaking, this means that a customer can continue to use voice service provided over fiber facilities to make and receive phone calls, even if the power is out for days, even weeks, simply by changing the D cell batteries and/or using the conservation methods.

On August 6, 2015, the FCC issued an order imposing battery back-up requirements, but the rule did not take effect until 2016.²² These requirements are not limited to Verizon services, but apply to all providers of non-line powered, facilities-based, fixed, voice service intended as a replacement for ordinary telephone service to residential customers. Companies must offer at the point of sale a technical solution that provides at least 8 hours of standby time for residential voice service, and the requirement increases to 24 hours of

²² See Report and Order, *In the Matter of Ensuring Continuity of 911 Communications*. PS Docket 14-174, FCC 15-98, released August 6, 2015 (“Battery Backup Order”) at ¶ 40.

standby time in 3 years. Customers have a choice whether they wish to use the battery back-up or not and there are annual disclosure requirements. See 47 C.F.R. § 12.5. The FCC recognized the Power Reserve as an “as innovative new solution” that meets the future requirements today.²³

The FCC rules permit the provider to charge the customer for the back-up unit.²⁴ But for Network Transformation Program customers like the Altmans, Verizon currently provides a Power Reserve unit free of charge and also provides the first set of batteries for free, which goes beyond the FCC’s requirements. Tr. at 122. To its witness’s knowledge, Verizon is the only company that provides the battery for free. Tr. at 142.

Another potentially relevant authority is the Commission’s 2013 order in *Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Opinion and Order entered April 30, 2013), holding that Verizon’s then industry standard eight hour battery back-up provided reasonable access to 911 service during a power outage. The Power Reserve unit offered to the Altmans with batteries exceeds the capabilities of the battery back-up unit reviewed by the Commission in *Floyd*, and thus is a reasonable way to provide access to 911 calling in the event of a power outage.

B. Verizon Responded Reasonably to the February 2015 Service Outage

The record shows that the service outage that the Altmans experienced in February 2015 was a group outage caused by a wet copper cable. Repairs required Verizon to send a crew to the location where the cable got wet, which could have been miles from the Altmans’ home. It is an extremely complicated and time-consuming process to dry out or splice in a

²³ Battery Back-Up Order ¶ 33; Tr. at 121.

²⁴ Battery Back-Up Order ¶ 45 (“Accordingly, we conclude that providers of covered services may charge subscribers for the backup power capabilities provided under our rules, if subscribers wish to purchase such capabilities.”)

new section of cable. Tr. at 202-204. The record shows that although it took several days to accomplish the repair, Verizon's response was reasonable under the circumstances. The Commission's regulations do not require Verizon to *restore* service within a specific amount of time. They simply require it to "respond to and take substantial action to clear out-of-service trouble." If the trouble is "of an emergency nature," Verizon must respond and take substantial action "within 3 hours of the reported outage consistent with the needs of customers and personal safety of utility personnel." And for a trouble "not requiring unusual repair," it must respond "within 24 hours of the report, except for isolated weekend outages affecting fewer than 15 customers in an exchange or where the customer agrees to another arrangement." 52 Pa. Code § 63.57. This Commission most recently explained the requirements of this rule in *Eernisse v. Verizon PA*, Docket No, C-2012-2287023 (Opinion and Order entered January 15, 2014), noting that "whether or not 'substantial action' has been taken under Section 63.57 of our Regulations will be determined by the Commission on a case-by-case basis." *Id.* at 19. "Substantial action" does not require that the service be repaired within 24 hours and does not always require the dispatch of a technician." *Id.* at 22. Here Verizon responded and took substantial action to address the wet cable promptly but the nature of the trouble was such that service could not be restored immediately even with continuous work. It was also a trouble requiring "unusual repair."²⁵

²⁵ The regulation at 52 Pa. Code § 63.24 was waived for competitive areas. It required that "each public utility shall endeavor to maintain its entire system in such condition as to make it possible to furnish continuous service, and shall take reasonable measures to prevent interruptions of service and to restore service with a minimum delay if interruptions occur." Nonetheless, Verizon's actions were reasonable in this case. Reclass Order at 80.

CONCLUSION

For the foregoing reasons, the formal complaint of Neil and Gilda Altman should be dismissed and denied.

Respectfully submitted,



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Verizon Pennsylvania LLC

Date: May 5, 2016

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

NEIL AND GILDA ALTMAN,	:	
	:	
Complainants	:	
	:	
v.	:	Docket No. C-2015-2515583
	:	
VERIZON PENNSYLVANIA LLC	:	
	:	
Respondent	:	

PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDERING PARAGRAPHS OF VERIZON PENNSYLVANIA LLC

I. PROPOSED FINDINGS OF FACT

1. Neil and Gilda Altman are former Verizon Pennsylvania LLC (“Verizon”) customers who live in Drexel Hill, Pennsylvania, the area served by Verizon’s Kirklyn wire center.

2. A wire center is an area served by one Verizon switch, where all of the cables serving customers in that wire center extend from one central office. Transcript of March 3, 2016 Hearing (“Tr.”) at 102.

3. In recent years, customers have been rapidly moving away from service provided over legacy copper facilities and toward cable or wireless alternatives. For example, fifteen years ago, approximately 95% of the homes in the Kirklyn wire center would have had a Verizon landline provided over copper wires. Today, only 6% of the addresses in Kirklyn still use a copper landline. Most have abandoned copper and opted to use wireless phones for all their calling needs or to obtain voice service from the cable company or over Verizon’s fiber optic facilities. Tr. at 127; 154.

4. Verizon's Network Transformation Program is intended to eliminate the unnecessary costs of maintaining duplicative copper facilities by moving those customers to the more reliable and resilient fiber-optic facilities. Even though very few customers remain on copper in these wire centers, Verizon incurs the same cost of keeping the entire copper network operating. This inefficient use of resources diverts resources that could be better spent serving customers by deploying fiber facilities to more new locations or on copper facilities in the areas where fiber is not available. Tr. at 111.

5. This is not a new program, and Verizon manages it in accordance with FCC rules and in regular coordination with the Commission. Starting in 2014, Verizon began migrating its customers off of copper and working to shut down the switch that served copper customers in Pennsylvania's Hummelstown wire center. Hummelstown is now the state's first all-fiber wire center. Thus far under this program, 5,400 customer lines in Pennsylvania (including those in Kirklyn) have been migrated off copper facilities. Tr. at 200-201.

6. Verizon's decision to provide service over fiber facilities is good for its customers, even those who only want to purchase plain landline voice service. Fiber facilities are more reliable and resilient than copper because they do not corrode when they get wet, are less susceptible to damage from lightning, are less prone to static and outages, and are much easier to repair. Fiber is thus considered to be a superior technology because its rate of trouble is much lower than copper. Tr. at 111-113.

7. An all-fiber network is more efficient to operate and provides environmental benefits because it requires less power to run, does not use a metal that has to be mined, and runs on lines that are smaller and lighter so that the support infrastructure is smaller and less

susceptible to weight wear and tear. Tr. at 112-113. Fiber also allows for advanced broadband, television and other services for those customers who wish to purchase them.

8. The migration to fiber in connection with Verizon's Network Transformation Program is simply a change in the underlying facilities in Verizon's network; customers are able to retain the same Verizon voice services at the same price and functionality that they received over copper and the regulatory status of the service does not change. Tr. at 114.

9. The traditional copper "network interface device" at the home is replaced with an "optical network terminal" or "ONT," a similar box where the wires from Verizon's network and the customer's wiring meet, and the customers use their same handsets, jacks and inside wires. VZ Ex. 1 (diagrams of copper and fiber voice service); VZ Ex. 2 (pictures of ONT, which can be mounted inside or outside the home or placed on a desktop, depending on what works for the customer).

10. A fiber optic line is just the path that carries the communications within Verizon's network. Different kinds of service can be offered over the fiber ranging from ordinarily "plain old telephone service" to the more sophisticated Fios branded packages of internet and television. Tr. at 103. Customer equipment such as faxes, alarms and medical devices work the same over fiber as they did over copper. Tr. at 131 ("We have customers every day who use fax machines"); Tr. at 157 (technician will make sure fax is hooked up and works); Tr. 132 ("We haven't found anything that we haven't been able to support on our fiber network.")

11. Verizon also offers at no cost to the customer in a Network Transformation migration a state-of-the art battery back-up unit that far exceeds the FCC's and this Commission's current battery back-up requirements. This battery back-up uses widely

available D Cell flashlight batteries that will provide 20 to 26 hours of functionality that can be repeatedly extended with fresh batteries. VZ Ex. 3; Tr. at 119-121.

12. As part of its Network Transformation process, Verizon files the required network change notifications with the FCC. Here, on September 10, 2015, Verizon filed its required Notice of Network Change with the FCC under 47 C.F.R. § 51.325-335, providing notice of the planned replacement of copper distribution and loop facilities with fiber optic facilities and the retirement of copper at specific addresses within the Kirklyn wire center, including the Altmans' address. VZ Ex. 4; Tr. at 124-125.

13. Verizon also communicates with its customers multiple times about the need to migrate facilities, and has worked and continues to work with Commission staff to adapt and refine its communications with Pennsylvania customers to make the transition as easy and seamless as possible for them. Tr. at 168. Customers receive multiple communications, including an initial letter, telephone calls explaining the migration process, automated messages, and follow-up postcards and letters.

14. Because it is not possible to do a flash-cut where all services are moved from copper to fiber immediately, Verizon proceeds in waves to contact customers and arrange for migrations after it has made the necessary FCC filings, with the goal of moving all service in the wire center to fiber at the end of the process. Once it finishes moving all the customers to fiber, Verizon will physically remove and salvage copper materials and turn down the switch that served copper customers and power equipment, just as it already has done in the Hummelstown wire center. Tr. at 123.

15. After filing the notice with the FCC on September 10, 2015, Verizon began notifying its customers in the Kirklyn wire center served over copper facilities at the

addresses listed on that notice of the need to migrate their service to fiber facilities. Tr. at 198.

16. To balance the workload and ensure that it is able to respond quickly to customer appointment requests, Verizon typically notifies affected customers in groups. Tr. at 200.

17. The Altmans were included in a group of 343 Kirklyn customers who received a letter about the need to migrate on October 14, 2015. The letter explained that:

This is not FiOS voice service. It is your existing voice service, only provided over fiber instead of copper, at the same price, terms, and conditions. Any devices that rely on your current voice service, such as facsimile, security alarms connected to a central station, or medical monitoring equipment, will continue to work in the same way as they did over copper.

VZ Ex. 6 (FAQs); Tr. 167.

18. This initial letter set forth a timeline for migration, explaining that customers needed to make an appointment to migrate their services promptly. Customers who did not respond, or who refused reasonable access to their premises to allow the work necessary for migration, could have their services suspended. The letter stated:

Your Verizon services will be suspended on or after 45 days from the date of this letter, if you do not allow Verizon reasonable access to your premises to install, maintain, or replace equipment and facilities that will enable us to move your service to our fiber-optic network. Once your service is suspended, you will only be able to call 9-1-1 and our customer service number, which is 1.800.VERIZON (1.800.837.4966). Approximately 14 days after being suspended, Verizon service at your address will be disconnected unless you allow us to move your service to our fiber-optic network

VZ. Ex. 6 (FAQs). The Altmans' informal complaint indicated they received this letter. Tr. at 172.

19. Voice service, whether provided over copper or fiber facilities, requires power to operate. In the traditional copper network, service is powered at Verizon's central office

by commercial power, with back-up batteries at the office to continue power in the event of a commercial power outage. Tr. at 118. So if the customer at home is using a telephone set that plugs directly into the jack (not a cordless telephone that itself requires electric power to function), the telephone would continue to work during a power outage so long as Verizon's back-up batteries at the central office are functioning. Because fiber-optic lines do not conduct electricity, they cannot be powered in the same way at the central office; they must be powered at the customer location. In this regard, service over fiber facilities is similar to cable telephony and wireless home telephone replacement products, which also must be powered at the home.

20. Since it began offering consumer voice services over fiber facilities, Verizon has provided an option for the customer to replicate the traditional copper experience by maintaining service during a power outage. Tr. at 119.

21. Initially, Verizon offered a large brick-like battery that fit into the ONT and provided 8 hours of operation in a power outage. But Verizon has since improved its technology so that it now offers customers who migrate to fiber under its Network Transformation program a battery back-up unit called the Power Reserve, which uses standard D Cell batteries and offers much longer periods of operation, between 20 to 26 hours on a single set of batteries. Tr. at 120. And there are steps the customer can take to extend the back-up time, such as turning the unit off when not in use to conserve the battery or having a fresh set of batteries on hand. Tr. at 120-21. Because it uses standard flashlight batteries, new batteries are easier to purchase or keep on hand. Practically speaking, this means that a customer can continue to use voice service provided over fiber facilities to make

and receive phone calls, even if the power is out for days, even weeks, simply by changing the D cell batteries and/or using the conservation methods.

22. Because Verizon will no longer provide service over copper facilities in particular locations, if the customer does not agree to the change and provide reasonable access to the home to connect the fiber line and install the ONT, Verizon will no longer provide service to the customer following appropriate notice.

23. Under Verizon's communications plan, once a customer places an order for an appointment to migrate to fiber facilities or initiates a request to disconnect service, Verizon stops the Network Transformation communications. Tr. at 169.

24. Since the Altmans had not scheduled an appointment, they continued to receive the pre-planned communications. They received an automated telephone call ("ANA") on October 22, 2015, reminding them to schedule an appointment to avoid any disruption of service. VZ Ex. 7 (transcript of ANA). Verizon records show a person (not an answering machine) answered the phone and that the entire message played. Tr. at 172.

25. On October 26, 2015, the Altmans filed an informal complaint with the Commission's Bureau of Consumer Services ("BCS") that ultimately was closed without a written decision, noting that the customer was not satisfied. VZ Ex. 8; Tr. at 173.

26. In an attempt to resolve the informal complaint, Kevin Organ (Verizon's Associate Director in charge of the Network Transformation program in the Kirklyn and other wire centers, and one of the witnesses in this case) attempted to call the Altmans on November 6, but did not reach them, and then called back on November 12 and spoke with Mr. Altman. Tr. at 177. Mr. Organ explained that if the Altmans did nothing, their Verizon service would be suspended December 1, 2015 and (with another written notice)

disconnection would follow on December 15. But he also explained that the company would work with the Altmans if they needed more time to make a decision about their service. He explained that ultimately Verizon is retiring the copper in this wire center so that they would either have to migrate their Verizon service to fiber facilities or move to another provider. Mr. Organ explained that they did not need to complete the migration by December 1; instead, they could put in an order dated as much as a couple of months in the future to provide more time to explore options, and their service would remain working on existing copper facilities during that time. Tr. at 178-179.

27. Mr. Organ specifically explained that even if they did nothing and the service was suspended, the telephone number would not be lost. Tr. at 179-80. Mr. Organ also explained the Power Reserve battery back-up unit that uses ordinary D Cell (flashlight) batteries and provides over 20 hours of back-up in the event of a commercial power outage, and that this unit and the first set of batteries are provided free of charge. Tr. at 177-178.

28. After a lengthy conversation, Mr. Organ gave Mr. Altman his direct cell phone number to be used if they had future questions or wanted to discuss the matter again. Mr. Altman called once a few minutes after their discussion, but never called Mr. Organ again. Tr. at 181 (“That is my direct personal cell phone. So it's not my office number, it's a phone that I have with me at all times generally, with the exception of sleeping.”)

29. On November 13, 2015, as a follow-up to the conversation with Mr. Organ, Verizon mailed a letter explaining in more detail the battery back-up unit that is supplied free of charge with a fiber migration to ensure that the customer can continue to make and receive calls during a commercial power outage. The letter again supplied Mr. Organ’s direct contact number. VZ Ex. 9; Tr. at 180.

30. On November 18, 2015, Verizon mailed the Altmans a postcard that is part of Verizon's standard communications plan. VZ Ex. 10.

31. On November 25, 2015 (the Wednesday before Thanksgiving), an attorney for the Office of Consumer Advocate ("OCA") emailed Verizon's counsel a copy of a formal complaint that she indicated that the Altmans had filed with this Commission but that had not yet been served on Verizon by the Secretary. The OCA's cover letter asked Verizon to refrain from suspending or terminating the Altmans' service while the complaint was pending. One of its attachments was a letter from a doctor stating that Mr. Altman "must maintain continuous telephone access from his home" (although not specifying that it must be over copper or any specific type of facilities). VZ Ex. 11; Tr. at 184.

32. Verizon agreed with the OCA lawyer who made contact on the Altmans' behalf that the Altmans' service would not be suspended on December 1, and Mr. Organ testified that he was instructed to remove them from the suspension as a result of OCA's request and that he did so. Tr. at 185.

33. Thursday and Friday, November 26 and 27, were Verizon and Commission holidays. On Sunday November 29, 2015 (the Sunday after Thanksgiving), Mr. Organ pulled the Altmans out of the process so their service would not be suspended on Tuesday, December 1. Tr. at 187.

34. The fact that the Altmans would not be suspended on December 1 was communicated to the OCA, but apparently the Altmans wanted to be reassured that Verizon was not planning to suspend the service so OCA asked Verizon to double check. As Mr. Organ testified: "We received another inquiry on [December] 1st to just reconfirm that no action was planned against the Altmans. I double checked our system WFM, to confirm that

he was still in exception status. And additionally, I went to the team that has --- that compiles the list and submits it for processing, to ensure that he by accident didn't wind up on the list. And they had, in fact, confirmed that he was not on the targeted list for action on that particular day.” Tr. at 188. Verizon communicated back to OCA that it had confirmed the Altmans’ service was not to be suspended. *Id.*

35. Unknown to Mr. Organ at the time of these events, an order had been submitted in the system by a competitive provider, AT&T Wireless, to “port” the Altmans telephone number away from Verizon to a wireless landline replacement service and to disconnect the Verizon service. VZ Ex. 13; Tr. at 189.

36. The order document shows that AT&T submitted it on November 27, 2015, requesting a completion date of December 1, 2015, which caused the Verizon service to be terminated and the number transferred to AT&T on that day. Once AT&T placed this order in the system, only AT&T could cancel it; so even if he had been aware of it (which he was not), Mr. Organ would not have been able to cancel the order. Tr. at 191. AT&T completed the port out on December 1 as scheduled.

37. As a result of the port-out to AT&T Wireless, the Altmans do not currently have Verizon service. Verizon did not independently suspend or disconnect their service. Tr. at 191.

38. The Altmans are free to order Verizon service again and have their number ported back to Verizon if they wish to do so, with the new service provided over fiber facilities. Verizon confirmed as much to the Altmans in writing on January 15, 2016. VZ Ex. 14; Tr. at 199.

39. As Mr. Organ testified, Verizon will provide more time for customers with medical issues to decide whether to stay with Verizon by dating the migration order weeks or months in the future. Tr. at 193. He specifically offered to do this for the Altmans. And when the Altmans filed this complaint and attached a letter from a doctor, Verizon agreed to pull them off the suspension list and did not set a new suspension date. It proved unnecessary to determine how much of an extension the doctor's letter warranted because the Altmans ported their number and disconnected their Verizon service, rendering the threat of suspension moot.

40. Of the 343 copper-served customers included in the same communication wave as the Altmans, all but five had migrated or moved off of copper facilities by the March 3, 2016 date of the hearing, and those five were expected to be off the copper within 30 to 60 days of the hearing. Tr. at 200.

41. Verizon's copper retirement efforts for the remaining customers in the Kirklyn wire center continue. On March 1, 2016, Verizon filed with the FCC a copper retirement notice for all of the remaining areas in the Kirklyn wire center that were not already covered by the September 10, 2015 notice. VZ Ex. 5; Tr. at 126.

42. The transition from copper to fiber technology within Verizon's network has been happening gradually for years. Improvements in technology have been driving fiber out into the network closer to the customer as Verizon modernized its network to all-fiber interoffice transport, and moved to fiber in the feeder portion of the loop. Tr. at 106.

43. In February 2015, before the initiation of Verizon's fiber migration process in Kirklyn, the Altmans experienced a service outage that was part of a group outage caused by a wet copper cable. Tr. at 202.

44. The cable is a large facility out in the field that is capable of serving a large number of lines. VZ Ex. 1 This was a group outage affecting all customers still served by that copper cable and the work required to fix it could have been miles from the Altmans' house and not visible to them. Tr. at 202.

45. Repairing a wet copper cable is a very labor intensive job that can take days to complete even when started immediately and worked diligently, because hundreds of color-coded wires have to be either dried out or individually spliced with a new section of wire to restore the electrical path, "a very tedious, time-consuming effort." Tr. at 203-204. Once the connection is restored at the distant location, service would come back on line. The Altmans' service was restored on February 26. Tr. at 207.

46. Copper facilities are susceptible to this kind of extended outage if there is a weather-related or other accidental event that causes flooding, but a customer served by fiber facilities would not face the same risk. This is one of the primary reasons fiber is more reliable from a service quality perspective and experiences fewer outages. Fiber can get wet and still function. And even if a manhole were flooded and the electronic equipment powering the fiber got wet, it is still much easier and quicker to replace or repair than would be required to splice or dry a wet copper cable. Tr. at 205.

47. The Altmans also stated that they experienced some static on the line in November 2015. Mr. Organ explained that static is also a problem that can build up from electrical resistance in copper facilities, and also is not likely to occur on fiber facilities, and that static on the line at this time would not have been caused by the Network Transformation process. Tr. at 206. When Verizon tested the line, it was clear with no trouble. VZ Ex. 15.

48.

II. PROPOSED CONCLUSIONS OF LAW

49. The FCC has had rules in place governing copper retirement since 2003. *In the Matter of Technology Transitions; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers*, 30 FCC Rcd 9372; 2015 FCC LEXIS 2000 (Rel. August 7, 2015) (“FCC Technology Transition Order”).

50. The FCC rules in effect during the events of this case required a carrier retiring copper to provide certain public notices, but did not require approval by the FCC or any other entity before copper may be retired. 47 C.F.R. § 51.325 (former). The public notice could be accomplished by a filing with the FCC or posting on the carrier’s website. 47 C.F.R. § 51.329(a)(former). The company also was required to file a certification with the FCC stating that certain competitive providers had been notified of the impending copper retirement, but the former rules did not require direct notice to retail customers. 47 C.F.R. § 51.333 (former).

51. The new rules issued with the FCC’s Technology Transition Order took effect March 24, 2016, following publication in the Federal Register and approval by the Office of Management and Budget. This was announced via Federal Register publication at 81 FR 15647. The new retail customer notification requirements are set forth at 47 C.F.R. § 51.332. The rules still require notice only, with no requirement for approval.

52. Verizon complied with applicable FCC copper retirement rules with respect to its notice filings for the Kirklyn wire center. VZ Ex. 4.

53. Although the FCC did not have specific consumer notice requirements at the time of the events in this case, Verizon notified customers and educated them on the reasons for copper retirement and their options through the communications plan that began with the

form of letter marked as Verizon Exhibit 6, together with its “Frequently Asked Questions” attachment, and the additional calls, postcards and letters. Verizon’s filings and customer communications not only complied with but exceeded the requirements of the FCC’s rules in effect at the time.

54. This Commission does not have copper retirement rules. Nothing in Pennsylvania law requires that service be provided over copper or fiber or any particular facility.

55. Regulated telephone service is not defined as being provided over any particular type of wires or facilities. The “public utility” service that this Commission regulates is defined as “[c]onveying or transmitting messages or communications . . . by telephone or telegraph or domestic public land mobile radio service including, but not limited to, point-to-point microwave radio service for the public for compensation,” (except for wireless service which is exempted). 66 Pa. C.S. § 102.

56. The Public Utility Code requires that the messages be transmitted in an “adequate, efficient, safe, and reasonable” manner and that “[s]uch service also shall be reasonably continuous and without unreasonable interruptions or delay,” but it does not specify the type of facilities over which the messages must be transmitted. 66 Pa. C.S. § 1501.

57. Chapter 30 of the Public Utility Code (under which Verizon is now regulated as its alternative form of regulation) defines “protected” telephone service as “[s]ervice provided to residential consumers or business consumers that is necessary to complete a local exchange call,” but does not specify what kind of facilities should provide the service. 66 Pa. C.S. § 3012.

58. The Commission’s regulations define “basic service” as “the transmission of messages or communications by telephone between points within a local calling area.” 52 Pa. Code § 64.2. Nowhere in the regulations does it specify that the messages be transmitted over copper or fiber facilities.

59. Most of the Commission’s regulations surrounding notices of suspension and disconnection of residential telephone service have been waived in wire centers like Kirklyn that are designated competitive. *Joint Petition of Verizon Pennsylvania LLC And Verizon North LLC for Competitive Classification of all Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services*, P-2014-2446303 (Opinion and Order entered March 4, 2015) (“Reclass Order”) at 99

60. Verizon customer communications program notifying customers of the need for reasonable access and the consequences of refusal to provide that access for fiber migration complies with Commission regulations on suspension and termination of service.

61. Verizon’s process complies with 52 Pa. Code § 63.61 (waived in competitive wire centers), which provides that “[t]elephone service to a dwelling may be suspended” for a number of reasons, including “[u]nreasonable refusal to permit access to service connections, equipment and other property of the LEC for maintenance or repair.” Service may be suspended following 7 days’ notice. 52 Pa. Code § 64.71.

62. After suspension, if the customer continues to refuse reasonable access, then “[w]hen at least 10 days have passed since suspension of service, the company may terminate service for failure to pay a reconnection fee and to remedy the original grounds for suspension.” 52 Pa. Code § 64.121.

63. The Commission's medical certification regulation at 52 Pa. Code § 64.101 does not apply to fiber migration because Verizon is not proposing to cease service or to refuse to restore service; it simply needs reasonable access to connect the fiber line to continue to provide service.

64. Even if the medical certification regulation applied, suspension would be allowed "where access to emergency services by telephone is retained." 52 Pa. Code § 64.101. During any service suspension imposed in its network transformation process, Verizon employs a "soft suspend" in which the customer still has "the ability to dial 911 in the event of emergency," so access to emergency service is retained throughout the process. Tr. at 179.

65. Whether the medical certification required a delay in suspension of the Altmans' service became moot when they disconnected their account and ported service to AT&T. But even where the medical certification process applies, it only delays suspension temporarily: for thirty days initially and up to no more than 70 days if renewed by the doctor. 52 Pa. Code § 64.104. Following that period, if the original grounds are not remedied, service is suspended and terminated.

66. Verizon's service over fiber facilities exceeds all applicable requirements regarding battery back-up in the event of a commercial power outage.

67. On August 6, 2015, the FCC issued an order imposing battery back-up requirements, but the rule did not take effect until 2016. See Report and Order, *In the Matter of Ensuring Continuity of 911 Communications*. PS Docket 14-174, FCC 15-98, released August 6, 2015 ("Battery Backup Order") at ¶ 40.

68. These requirements are not limited to Verizon services, but apply to all providers of non-line powered, facilities-based, fixed, voice service intended as a replacement for ordinary telephone service to residential customers. Companies must offer at the point of sale a technical solution that provides at least 8 hours of standby time for residential voice service, and the requirement increases to 24 hours of standby time in 3 years. Customers have a choice whether they wish to use the battery back-up or not and there are annual disclosure requirements. See 47 C.F.R. § 12.5. The FCC recognized the Power Reserve as an “as innovative new solution” that meets the future requirements today. Battery Back-Up Order ¶ 33; Tr. at 121.

69. The FCC rules permit the provider to charge the customer for the back-up unit. Battery Back-Up Order ¶ 45. But for Network Transformation Program customers like the Altmans, Verizon currently provides a Power Reserve unit free of charge and also provides the first set of batteries for free, which goes beyond the FCC’s requirements. Tr. at 122. To its witness’s knowledge, Verizon is the only company that provides the battery for free. Tr. at 142.

70. Another potentially relevant authority is the Commission’s 2013 order in *Floyd v. Verizon Pennsylvania LLC*, Docket No. C-2012-2333157 (Opinion and Order entered April 30, 2013), holding that Verizon’s then industry standard eight hour battery back-up provided reasonable access to 911 service during a power outage. The Power Reserve unit offered to the Altmans with batteries exceeds the capabilities of the battery back-up unit reviewed by the Commission in *Floyd*, and thus is a reasonable way to provide access to 911 calling in the event of a power outage.

71. The service outage that the Altmans experienced in February 2015 was a group outage caused by a wet copper cable. The Commission’s regulations do not require Verizon to *restore* service within a specific amount of time. They simply require it to “respond to and take substantial action to clear out-of-service trouble.” If the trouble is “of an emergency nature,” Verizon must respond and take substantial action “within 3 hours of the reported outage consistent with the needs of customers and personal safety of utility personnel.” And for a trouble “not requiring unusual repair,” it must respond “within 24 hours of the report, except for isolated weekend outages affecting fewer than 15 customers in an exchange or where the customer agrees to another arrangement.” 52 Pa. Code § 63.57.

72. This Commission most recently explained the requirements of this rule in *Eernisse v. Verizon PA*, Docket No, C-2012-2287023 (Opinion and Order entered January 15, 2014), noting that “whether or not ‘substantial action’ has been taken under Section 63.57 of our Regulations will be determined by the Commission on a case-by-case basis.” *Id.* at 19. “Substantial action” does not require that the service be repaired within 24 hours and does not always require the dispatch of a technician.” *Id.* at 22.

73. Here Verizon responded and took substantial action to address the wet cable promptly but the nature of the trouble was such that service could not be restored immediately even with continuous work. It was also a trouble requiring “unusual repair.”²⁶

²⁶ The regulation at 52 Pa. Code § 63.24 was waived for competitive areas. It required that “each public utility shall endeavor to maintain its entire system in such condition as to make it possible to furnish continuous service, and shall take reasonable measures to prevent interruptions of service and to restore service with a minimum delay if interruptions occur.” Nonetheless, Verizon’s actions were reasonable in this case. Reclass Order at 80.

74. Kirklyn is one of the wire centers in which all retail services were declared competitive by the Commission's March 4, 2015 order at Docket P-2014-2446303 (see list attached to order).

III. PROPOSED ORDERING PARAGRAPHS

75. The Formal Complaint of Neil and Gilda Altman is dismissed with prejudice.

Respectfully submitted,



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Verizon Pennsylvania LLC

Date: May 5, 2016

APPENDIX B
FCC's Former Copper Retirement Regulations
(effective until March 24, 2016)

TITLE 47 -- TELECOMMUNICATION
REVISED AS OF OCTOBER 1, 2015
CHAPTER I -- FEDERAL COMMUNICATIONS COMMISSION
SUBCHAPTER B -- COMMON CARRIER SERVICES
PART 51 -- INTERCONNECTION
SUBPART D -- ADDITIONAL OBLIGATIONS OF INCUMBENT LOCAL EXCHANGE CARRIERS

47 CFR 51.325

§ 51.325 Notice of network changes: Public notice requirement.

(a) An incumbent local exchange carrier ("LEC") must provide public notice regarding any network change that:

- (1) Will affect a competing service provider's performance or ability to provide service;
- (2) Will affect the incumbent LEC's interoperability with other service providers; or
- (3) Will affect the manner in which customer premises equipment is attached to the interstate network.
- (4) Will result in the retirement of copper loops or copper subloops, and the replacement of such loops with fiber-to-the-home loops or fiber-to-the-curb loops, as those terms are defined in § 51.319(a)(3).

(b) For purposes of this section, interoperability means the ability of two or more facilities, or networks, to be connected, to exchange information, and to use the information that has been exchanged.

(c) Until public notice has been given in accordance with §§ 51.325 through 51.335, an incumbent LEC may not disclose to separate affiliates, separated affiliates, or unaffiliated entities (including actual or potential competing service providers or competitors), information about planned network changes that are subject to this section.

(d) For the purposes of §§ 51.325 through 51.335, the term services means telecommunications services or information services.

HISTORY: [61 FR 47284, 47351, Sept. 6, 1996; 64 FR 14141, 14148, Mar. 24, 1999; 68 FR 52276, 52305, Sept. 2, 2003; 69 FR 77950, 77953, Dec. 29, 2004]

47 CFR 51.329

§ 51.329 Notice of network changes: Methods for providing notice.

(a) In providing the required notice to the public of network changes, an incumbent LEC may use one of the following methods:

- (1) Filing a public notice with the Commission; or
- (2) Providing public notice through industry fora, industry publications, or the carrier's publicly accessible Internet site. If an incumbent LEC uses any of the methods specified in paragraph (a)(2) of this section, it also must file a certification with the Commission that includes:
 - (i) A statement that identifies the proposed changes;
 - (ii) A statement that public notice has been given in compliance with §§ 51.325 through 51.335; and

(iii) A statement identifying the location of the change information and describing how this information can be obtained.

(b) Until the planned change is implemented, an incumbent LEC must keep the notice available for public inspection, and amend the notice to keep the information complete, accurate and up-to-date.

(c) Specific filing requirements. Commission filings under this section must be made as follows:

(1) The public notice or certification must be labeled with one of the following titles, as appropriate: "Public Notice of Network Change Under Rule 51.329(a)," "Certification of Public Notice of Network Change Under Rule 51.329(a)," "Short Term Public Notice Under Rule 51.333(a)," or "Certification of Short Term Public Notice Under Rule 51.333(a)."

(2) The incumbent LEC's public notice and any associated certifications shall be filed through the Commission's Electronic Comment Filing System (ECFS), using the "Submit a Non-Docketed Filing" module. All subsequent filings responsive to a notice may be filed using the Commission's ECFS under the docket number set forth in the Commission's public notice for the proceeding. Subsequent filings responsive to a notice also may be filed by sending one paper copy of the filing to "Secretary, Federal Communications Commission, Washington, DC 20554" and one paper copy of the filing to "Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554." For notices filed using the Commission's ECFS, the date on which the filing is received by that system will be considered the official filing date. For notices filed via paper copy, the date on which the filing is received by the Secretary or the FCC Mailroom is considered the official filing date. All subsequent filings responsive to a notice shall refer to the ECFS docket number assigned to the notice.

HISTORY: [61 FR 47284, 47351, Sept. 6, 1996; 67 FR 13216, 13225, Mar. 21, 2002; 71 FR 65743, 65750, Nov. 9, 2006; 80 FR 1586, 1588, Jan. 13, 2015]

47 CFR 51.333

§ 51.333 Notice of Network Changes: Short term notice, objections thereto and objections to retirement of copper loops or copper subloops.

(a) Certificate of service. If an incumbent LEC wishes to provide less than six months notice of planned network changes, the public notice or certification that it files with the Commission must include a certificate of service in addition to the information required by § 51.327(a) or § 51.329(a)(2), as applicable. The certificate of service shall include:

(1) A statement that, at least five business days in advance of its filing with the Commission, the incumbent LEC served a copy of its public notice upon each telephone exchange service provider that directly interconnects with the incumbent LEC's network; and

(2) The name and address of each such telephone exchange service provider upon which the notice was served.

(b) Implementation date. The Commission will release a public notice of filings of such short term notices or notices of replacement of copper loops or copper subloops with fiber-to-the-home loops or fiber-to-the-curb loops. The effective date of the network changes referenced in those filings shall be subject to the following requirements:

(1) Short term notice. Short term notices shall be deemed final on the tenth business day after the release of the Commission's public notice, unless an objection is filed pursuant to paragraph (c) of this section.

(2) Replacement of copper loops or copper subloops with fiber-to-the-home loops or fiber-to-the-curb loops. Notices of replacement of copper loops or copper subloops with fiber-to-the-home loops or fiber-to-the-curb loops shall be deemed approved on the 90th day after the release of the Commission's public notice of the filing, unless an objection is filed pursuant to paragraph (c) of this section. Incumbent LEC notice of intent to

retire any copper loops or copper subloops and replace such loops or subloops with fiber-to-the-home loops or fiber-to-the-curb loops shall be subject to the short term notice provisions of this section, but under no circumstances may an incumbent LEC provide less than 90 days notice of such a change.

(c) Objection procedures for short term notice and notices of replacement of copper loops or copper subloops with fiber-to-the-home loops or fiber-to-the-curb loops. An objection to an incumbent LEC's short term notice or to its notice that it intends to retire copper loops or copper subloops and replace such loops or subloops with fiber-to-the-home loops or fiber-to-the-curb loops may be filed by an information service provider or telecommunications service provider that directly interconnects with the incumbent LEC's network. Such objections must be filed with the Commission, and served on the incumbent LEC, no later than the ninth business day following the release of the Commission's public notice. All objections filed under this section must:

(1) State specific reasons why the objector cannot accommodate the incumbent LEC's changes by the date stated in the incumbent LEC's public notice and must indicate any specific technical information or other assistance required that would enable the objector to accommodate those changes;

(2) List steps the objector is taking to accommodate the incumbent LEC's changes on an expedited basis;

(3) State the earliest possible date (not to exceed six months from the date the incumbent LEC gave its original public notice under this section) by which the objector anticipates that it can accommodate the incumbent LEC's changes, assuming it receives the technical information or other assistance requested under paragraph (c)(1) of this section;

(4) Provide any other information relevant to the objection; and

(5) Provide the following affidavit, executed by the objector's president, chief executive officer, or other corporate officer or official, who has appropriate authority to bind the corporation, and knowledge of the details of the objector's inability to adjust its network on a timely basis:

"I, (name and title), under oath and subject to penalty for perjury, certify that I have read this objection, that the statements contained in it are true, that there is good ground to support the objection, and that it is not interposed for purposes of delay. I have appropriate authority to make this certification on behalf of (objector) and I agree to provide any information the Commission may request to allow the Commission to evaluate the truthfulness and validity of the statements contained in this objection."

(d) Response to objections. If an objection is filed, an incumbent LEC shall have until no later than the fourteenth business day following the release of the Commission's public notice to file with the Commission a response to the objection and to serve the response on all parties that filed objections. An incumbent LEC's response must:

(1) Provide information responsive to the allegations and concerns identified by the objectors;

(2) State whether the implementation date(s) proposed by the objector(s) are acceptable;

(3) Indicate any specific technical assistance that the incumbent LEC is willing to give to the objectors; and

(4) Provide any other relevant information.

(e) Resolution. If an objection is filed pursuant to paragraph (c) of this section, then the Chief, Wireline Competition Bureau, will issue an order determining a reasonable public notice period, provided however, that if an incumbent LEC does not file a response within the time period allotted, or if the incumbent LEC's response accepts the latest implementation date stated by an objector, then the incumbent LEC's public notice shall be deemed amended to specify the implementation date requested by the objector, without further Commission action. An incumbent LEC must amend its public notice to reflect any change in the applicable implementation date pursuant to § 51.329(b).

(f) Resolution of objections to replacement of copper loops or copper subloops with fiber-to-the-home loops or fiber-to-the-curb loops. An objection to a notice that an incumbent LEC intends to retire any copper loops or copper subloops and replace such loops or subloops with fiber-to-the-home loops or fiber-to-the-curb loops shall be deemed denied 90 days after the date on which the Commission releases public notice of the incumbent LEC filing, unless the Commission rules otherwise within that time. Until the Commission has either

ruled on an objection or the 90-day period for the Commission's consideration has expired, an incumbent LEC may not retire those copper loops or copper subloops at issue for replacement with fiber-to-the-home loops or fiber-to-the-curb loops.

HISTORY: [61 FR 47284, 47352, Sept. 6, 1996; 67 FR 13216, 13226, Mar. 21, 2002; 68 FR 52276, 52305, Sept. 2, 2003; 69 FR 77950, 77953, Dec. 29, 2004]

APPENDIX C
Altman Call Notes

VZ Confidential	610-789-7359	NEIL ALTMAN
Type	Creation Date	Text
Note	3/2/2016 4:45:00 PM	
Note	3/1/2016 3:33:00 PM	
Note	2/29/2016 2:54:05 PM	??bill \$1.27 advd csr revisd \$130 crdt frm 12/2 crdt csr claims svc was term on 12/1/16...a/c has legal action...a/c must addr issues at hearing this week...i did nt gv out legals # per atty (see below rmks)
Note	2/29/2016 2:49:27 PM	ccs chk for rep
Note	2/23/2016 2:30:00 PM	
Note	2/17/2016 3:12:26 PM	Chk
Note	2/11/2016 3:30:00 PM	
Note	2/2/2016 10:30:00 AM	
Note	1/16/2016 3:35:25 PM	maa ihd -- working flup -- unable to call cus due to laryngitis.
Note	1/12/2016 4:15:00 PM	

		<p>maa ihd takeover (V861170) -- cus question service disconnection. state he received letter stating service would not be disconnect as of 12/01 due to PUC intervention for Network Transformation. review shows service was not disconnected due to Network Transformation, but due to TN was PORT OUT TO CLEC. shows we received PORT OUT request 11/27, dated 12/01 to PORT OUT to Service Provider ID (SPID): 6214 via D1UZ04795. PORT OUT complete 12/01. cus service currently working on CLEC network. cus states when he received notice advising service would not be disconnected he didnt understand why he was no longer with VZ. cus states he had contact CLEC when he received notice stating his service would be disconnected 12/01 and if he wanted to keep his TN he would have to trnf to another provider. explained if he did not wish to be trnf to the new provider he would have needed to cancel the request to PORT OUT. cus now wants srv back with VZ, and on copper, and with FREEDOM PRICE GUARANTEE. copper n/a. PORT OUT was customer initiated. cus was not disconnected due to VZ error. options cus requesting n/a. cus service actively working with CLEC. while going over details cus had to go. asked that we call back @ home num. called @ home a few hours later, cus @ dinner. asked that we call back tomorrow.</p>
Note	1/7/2016 6:42:04 PM	
Note	1/7/2016 5:19:59 PM	advsd on svc
Note	1/6/2016 12:00:00 AM	Credit balance refund pending for \$1.30
Note	12/11/2015 2:27:39 PM	ERT/SN via sametime s.trosky. tn shows ported out by customer. freedom value guarantee would not be available
Note	12/8/2015 3:32:00 PM	None/PUC VERBAL CLOSE #3396291 DATED 11/19/15/ PERM NOTE – ADD
Note	12/7/2015 2:45:00 PM	
Note	12/7/2015 2:00:00 PM	
Note	12/7/2015 11:30:59 AM	Gilda called ? cancel of service said has puc tried to trnsfr to Nancy per notes unable to get her on line but Gilda had to get a bus will call bck
Note	12/7/2015 11:23:20 AM	Chk
Note	12/3/2015 12:21:00 AM	ACCOUNT SATISFIED OUT OF TREATMENT

Note	12/2/2015 11:06:00 AM	Miscellaneous/OTHER
Note	12/2/2015 11:06:00 AM	Miscellaneous/WORK -WORK/WORK
Note	12/2/2015 11:03:00 AM	V364768/ACCOUNT MANUALLY ADDED TO TREATMENT
Note	12/2/2015 4:33:00 AM	ACCOUNT SATISFIED OUT OF TREATMENT
Note	12/1/2015 3:22:00 PM	Requeue/RQUE- Requeue an Account/PUC FORMAL DOCKET # C-2015-2515583 DATED 12/1/15**DO NOT TREAT** ANY QUESTIONS, PLEASE CONTACT NANCY DASCHER @ 215-283-1945 (INVESTIGATOR)****
Permanent Note	12/1/2015 3:21:00 PM	PUC FORMAL DOCKET # C-2015-2515583 DATED 12/1/15 **DO NOT TREAT** ANY QUESTIONS, PLEASE CONTACT NANCY DASCHER @ 215-283-1945 (INVESTIGATOR)****
Note	12/1/2015 3:21:00 PM	None/PUC FORMAL DOCKET # C-2015-2515583 DATED 12/1/15**DO NOT TREAT** ANY QUESTIONS, PLEASE CONTACT NANCY DASCHER @ 215-283-1945 (INVESTIGATOR)****/ PERM NOTE - ADD
Note	12/1/2015 3:19:00 PM	SECURED ACCOUNT
Note	12/1/2015 3:18:00 PM	V368723/ACCOUNT MANUALLY ADDED TO TREATMENT
Note	11/30/2015 3:50:18 PM	csr has prot out of acct
Note	11/30/2015 3:34:58 PM	Account safeguarded with Account Number
Note	11/30/2015 3:32:50 PM	Account DOCC – YES
Permanent Note	11/27/2015 2:06:00 PM	RESOLD ACCOUNT - IUW, ACTIVITY = V FLOWTHRU PRCSNG PON 6214015331440496NO DA BILLING ON ACCOUNT
Note	11/27/2015 11:48:13 AM	Rep adv cus is calling regarding Network Transformation and states he has received a letter that his phone will be cancelled as of 12/01....Rep attempted to explain the process and cus upset stating he has a formal complaint with the PUC and requests a supervisor...Spoke to NEIL ALTMAN DOCC: yes cus re-explained what rep advised and states that he has a medical condition and was told he was to receive an additional 30 days of service.....Offered to place the order to migrate the customer but it seems cus believes his bill will increase and was mentioning something about deregulation in his area....

Note	11/27/2015 11:31:43 AM	neil altman vrfd act# calling because he doesnt want the migration to be done, refused to migrate wanted my supervisor,... ihd tok over the call
Note	11/27/2015 11:29:00 AM	Account safeguarded with Internal Transfer- EID Validation
Note	11/27/2015 11:28:58 AM	Account DOCC – YES
Note	11/27/2015 9:25:58 AM	neil secure acct network transformation customer refusing to change to fiber would not give reason question about procedure for disc and porting tn then hung up fast
Note	11/27/2015 9:17:36 AM	Account safeguarded with Account Number
Note	11/27/2015 9:14:25 AM	Account DOCC – NO
Note	11/24/2015 10:18:11 AM	Spoke to Neil Altman, states that his phone has been shut off due to copper lines being cut, states that he was told he would be without phone after dec 1st , wants to record call advised I cannot allow that, inquired about extension of 7 days for phone service, advised unable to extend without sending tech to convert to fiber. csr states that he does not want financial credit for days service was out he would prefer to have additional days of copper lines, advised I would document everything, no financial credit given. csr states that he has a medical condition, states that we have that documented.
Note	11/24/2015 10:07:03 AM	Account safeguarded with Account Number
Note	11/24/2015 10:04:41 AM	Account DOCC – NO
Note	11/23/2015 11:32:58 AM	Incorrect Account opened in CA
Note	11/22/2015 8:47:00 PM	ACCOUNT SATISFIED OUT OF TREATMENT
Note	11/20/2015 3:29:00 PM	Miscellaneous/OTHER
Note	11/20/2015 3:29:00 PM	Miscellaneous/WORK -WORK/WORK
Note	11/20/2015 3:14:00 PM	V373448/ACCOUNT MANUALLY ADDED TO TREATMENT
Note	11/13/2015 4:15:00 PM	
Note	11/13/2015 4:15:00 PM	

Note	11/13/2015 12:15:00 PM	
Note	11/12/2015 4:15:02 PM	Incorrect Account opened in CA
Note	11/12/2015 4:06:30 PM	Incorrect Account opened in CA
Note	11/9/2015 10:10:50 AM	CERS Review
Note	11/6/2015 12:09:57 PM	Chk
Note	11/6/2015 10:43:04 AM	**** cci said he dont want to migrate to fios because of his medical condition ask (as per sup).... cust dont have medical equipment , cust keep saying he have medical condition dont wantto switch
Note	11/6/2015 10:15:14 AM	Account safeguarded with Account Number
Note	11/6/2015 10:13:54 AM	Account DOCC – NO
Note	11/6/2015 8:30:00 AM	
Note	11/4/2015 2:27:24 PM	Chk
Note	10/28/2015 1:16:00 AM	ACCOUNT SATISFIED OUT OF TREATMENT
Note	10/27/2015 10:44:19 AM	Incorrect Account opened in CA
Note	10/27/2015 10:29:00 AM	Complaints Information has been set to PSC/PUC/Legal Complaint for the account 6107897359485
Note	10/27/2015 10:29:00 AM	Credit updated
Note	10/27/2015 10:29:00 AM	Requeue/RQUE- Requeue an Account
Note	10/27/2015 10:29:00 AM	Miscellaneous/WORK -WORK/WORK
Permanent Note	10/27/2015 10:28:00 AM	PUC APPEAL #3396291 DATED 10-26-15 APPEAL TOTAL BASIC : NA DISPUTE REASON: CSSC CHANGE OF SERVC DISPUTE AMT: NA
Note	10/27/2015 10:28:00 AM	Miscellaneous/OTHER
Note	10/27/2015 10:28:00 AM	Miscellaneous/WORK -WORK/WORK
Note	10/27/2015 10:28:00 AM	None/PUC APPEAL #3396291 DATED 10-26-15APPEAL TOTAL BASIC : NADISPUTE REASON: CSSC CHANGE OF SERVC DISPUTE AMT: NA/ PERM NOTE - ADD
Note	10/27/2015 10:26:00 AM	v326801/ACCOUNT MANUALLY ADDED TO TREATMENT

Note	10/19/2015 9:46:03 AM	Account DOCC – NO
Note	7/14/2015 9:41:29 AM	csr req vz wireless...xfd...didnt want to discuss this acct.
Permanent Note	6/19/2015 12:13:11 PM	User Authenticated in VP by Account Number
Permanent Note	5/6/2015 9:38:32 AM	RMK Lifeline application requested via Voice Portal; sent to fulfillment vendor for mailing
Note	3/12/2015 10:15:09 AM	neil verify the acct call inquired about the bal on the acct i explain the charges i offer crd for time out services 3 more days
Note	3/12/2015 10:05:46 AM	3/12/2015, Approved/766423, \$3.27, cr, 2/3/2015 1, QP, neil, time out of services
Note	3/12/2015 9:56:18 AM	Account safeguarded with Customer Account Code
Permanent Note	2/26/2015 11:10:08 AM	User Authenticated in VP by LPA
Note	2/25/2015 5:05:34 PM	working migrations - rec email req to contact cust re: migration,btn is advising that is it currently being repaired,no cbrs on acct or nsop orders,no email on file
Note	2/25/2015 4:27:40 PM	recvd mgr message to contact cust for possible migrtn/btn out of service with ndt/not finding cbr in nsop to contact cust
Note	2/25/2015 4:15:31 PM	outage review
Permanent Note	2/24/2015 8:22:30 PM	User Self Authenticated in VP by Account Number
Permanent Note	2/22/2015 4:19:25 PM	User Authenticated in VP by LPA