

Main Brief

Docket No.C-2015-2515583: Altman v. Verizon

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Main Brief--Docket No,C-2015-2515583 (Altman v. Verizon)

We are Neil and Gilda Altman at 819 Hampshire Rd.,Drexel Hill,PA. We are in our 70s and have had Verizon phone service for many years, including the use of our fax machine, on standard copper line service.

Our phone service suddenly deteriorated and became unreliable, with outages and poor reception. From February 22,2015 through February 26,2015, we had no phone for 5 days. Neil has a serious neurological condition that requires dependable phone service. (Reference our Complaint Exh.1)After contacting Verizon on a neighbor's phone on Sunday(Feb.22), Gilda was told that service would be restored within 24 hours, but nobody came for repair. We told Verizon on a borrowed phone of Neil's medical condition on Monday, and were told again it would be within 24 hours. By Tuesday, still without our phone, Neil experienced breathing difficulty at 5 am, but I could not call 911. We contacted Verizon later that day through a friend's phone and were told again that it would be fixed within 24 hours. By Wednesday, we used a pay phone and were told we had been removed from their queue. Finally, on Thursday(Feb.26), our phone came back on at approximately 1 pm, and we requested and received credit from Verizon for those days of outage. It was all of \$5!

By mid-October,2015, we received a Notice from Verizon that our phone would be cut off "within 30 days" unless we switched to their new fiber-optic system. Attached to the letter was a page of "Frequently Asked Questions," (Reference our Complaint Exh.3)which gave a number to call. We called and were intimidated and threatened not to have a phone if we didn't switch. Neil called the PUC and was told to ignore the letter because Verizon does not have the authority to make us switch. The PUC took an informal complaint. Within a day or so, we got a call from Verizon's "investigator" who made no effort to understand our situation, even though Neil told her he had a medical condition and was being harrassed by Verizon.

Disruptions began to occur to our phone service on November 12, 13,16,17,18, and 20,2015. During this time, Neil received a call from Kevin Organ of Verizon to persuade us to switch to fiber-optic; then he began to threaten to shut off service by November 16, at first making it a longer time into mid-December, then retracting the offer to the 16th, and shortly after, to Dec.1st.

On November 18,2015, the loud humming we were experiencing suddenly stopped. Shortly thereafter, an unscheduled repairman from Verizon came to our home and said that he was told to ask us why we don't want FIOS. The humming started again on the 20th. On the 21st, another repairman came and said he was told not to fix the phone unless we switched to fiber-optic. There was considerable confusion for us about the terms "FIOS" and "fiber-optic." At times, we were told they were the same. Even in the "Frequently Asked Questions," customers may not be able to know what FIOS is.

Then, around November 20,2015, we received a glossy postcard saying that we have only 7 days left, but there was no date when it was sent.(Reference our Complaint Exh.2)Subsequent testimony at the PUC Hearing by Mr.Organ, who was in charge of the "Network Transformation Program," revealed that Verizon began dating later mailings to customers, which didn't remedy the utter fear we had at the time.

As long-term customers of Verizon, we did not consider switching to another provider, but, given the 30-day notice, this was an emergency, so we hurried to an AT & T store on November 27,2015, and again on December 7,2015, which was the day on which Gilda fell and broke her left wrist and two front teeth on the way there. We would never have had to resort to going there, and experience the consequences of that necessity--i.e.her injuries--had it not been for Verizon's December 1st deadline of losing our phone service. We were not contacted directly that we would not have our service suspended on that day. (Reference Verizon's Exhibit #12).

We had to port our phone number to another company--in this case, AT & T, in order to retain vital contacts, like doctors,etc. We did not voluntarily port our number, as Verizon claims; in fact, we had to rush to port it to avoid losing our phone number by the deadline of December 1st. The FCC "Consumer Guide" on "local number portability" says, "You may request service from a different company at any time. When changing companies, do not terminate your service with your existing company before initiating new service with another company." (Reference our Exhibit #1). AT & T's website urges potential customers not to cancel their current service because the number must be active to be ported. (Reference our Exhibit #2)

According to the FCC, "under no circumstances may an incumbent LEC provide less than 90 days' notice of such a change" (to planned copper retirement). (Reference 30FCC Rcd 9372,2015 FCC Lexis 2000, No.28 n98 "Notice Period," p.18) Mr.Organ testified at the PUC Hearing that he told Neil that he could offer to "set a date as far as January and if really necessary, February, in an effort to afford him some additional time," regarding suspension or disconnect. (Reference Transcript, p.179) He also stated, "So your [Neil's] number was not at risk, not on November 27 and certainly, you know, would have stayed up to a year if we had ultimately disconnected your service." (Reference Transcript, p.215) Mr.Organ says he specifically explained that on the date of suspension,numbers are not lost. We strongly disagree with his statements that imply his cooperation with us was as he testified; they are inaccurate.

Furthermore, Mr.Organ, at the PUC Hearing, said, "So he [Neil] did not divulge to me at that time that he had medical equipment... some vague discussion, but then went on to explain that he had a medical condition." (Reference Transcript, p. 178)

Verizon's cavalier behavior regarding Neil's medical needs goes counter to their own published statement in "Customer Info Guide--General Information" in the Philadelphia City Edition Directory, p.4 (issued July 2015). On "Medical Emergency Procedure," it states, "suspension may be postponed...for a maximum of 30 days... and renewed for 30 days, if necessary." (Reference our Exhibit #3)

The FCC notes, "There are several possible areas of impact of the transition to fiber on people with disabilities, such as... degradation of voice service quality that may compromise the ability of users who are hard of hearing to engage in a telephone conversation...." (Reference 2015 FCC Lexis 2000, No.222, p.118) Neil is hard of hearing and has difficulty with wireless reception, as well as cell phones. His only dependable phone reception is over copper landlines, which have always worked regardless of emergencies.

Once our phone was cut-off on Dec,1st, Neil could no longer use his fax machine, and consequently, could not receive an important fax of a release form from his doctor, allowing Neil to have a test of his high white-cell count for cellulitis. As we know, doctors use fax machines also to send out referrals.

Tom McNabb, Verizon's Program Director for Network Evolution Operations, repeatedly emphasized at the PUC Hearing that their new system is more "reliable" than the copper landlines. Verizon says the vast majority of their customers in two wire centers, one of which is Kirklyn where we live, "... have already made the decision to move either to our Verizon's fiber-based service or to competitors' services, such as cable, over the top, or wireless. In fact, currently less than 6% of the addresses [such as ours] in those wire centers are still using copper facilities at all." (Reference Verizon's Exhibit #5). Of course, Verizon can claim this, because people in those areas that they refer to, in their March 1, 2016 letter to the FCC were, as of October, 2015, given the ultimatum we were given-- of 30 days or else!

However, Mr. McNabb admitted that he thinks "on one particular topic of the durability of power, there is a functionality on copper that doesn't carry over to fiber." (Reference Transcript, p.148) In fact, the fiber-optic system requires electricity to function. In lieu of that, batteries for backup power are needed. Verizon's "Power Reserve" has 20-26 hours of backup power, depending on the ONT model. (Reference Verizon's Exhibit #3) In Verizon's "Frequently Asked Questions" #12, "in the event of an extended power outage that fully depletes battery power in the backup unit, please put in new batteries in order to place telephone calls, including 911 calls, from a corded telephone handset. Or you will need to use an alternative, such as a cell phone, to dial 911." (Reference our Complaint Exh.#3)

Although the first set of 12 D batteries are free to customers, Verizon ignores the burden and enormous cost of buying 12 D batteries, as needed, by the customer; and in an extended outage of several days, the number of stored batteries may not only be inadequate, but also depleted. The fiber-optic system, thus, adds expense to our electricity, on which it operates, and also to our consumption of batteries.

In addition, batteries are not environmentally beneficial--i.e. "green;" as Mr. McNabb pointed out--they are not rechargeable, so a customer has to constantly buy new ones. (Reference Transcript, p.120) For Verizon, the cost of supplying power has been shifted to the customer. Since we do not have a cell phone or a car, we do not have the luxury of time in an emergency to go out and purchase batteries (assuming they are available). Also, it is a cumbersome, and possibly com-

plicated process to replace batteries, especially if there are no lights due to an outage and for those, like us, who are unfamiliar with this technology. (Reference our Exhibit #4)

The FCC, on the subject of "Ensuring Continuity of 911 Communications," has stated, "...many consumers remain unaware that they must take action to ensure that dial tone's availability in the event of a commercial power outage. The Commission's own consumer complaints portal reveals frustration over the failure of service providers to adequately inform subscribers about how to self provision backup power in order to access 911 services in a power outage. This period of transition has the potential to create a widespread public safety issue if unaddressed." (Reference 30 FCC Rcd 8677;2015 FCC Lexis 2001;63 Comm.Reg. (P & F)344, No.2, p.1) In addition, they further state (pg.20),"...we are persuaded that subscribers should not have to pay for backup power they do not want...." For customers with health problems, like Neil, Verizon's fiber-optic system makes it necessary--not optional--to have backup power, because their system can only function completely with battery assistance. Verizon's 30-day written notice to us did not comply with FCC ruling that "Both the toll-free number and the address for the web page should be included in the notice to the consumer, along with contact information for the Commission(including a link to the Commission's consumer complaint portal) and the relevant state PUC." (Reference 30FCC Rcd 9372, Lexis 2000;63 Comm.Reg.(P & F)199, No.50, p.31) Fortunately, we contacted the PUC, but many customers do not know where to turn.

Verizon's wilful neglect of copper wires because of "service issues" is sheer sophistry, benefitting the company, not the consumer, whose former copper landline service was known for its reliability when properly maintained.

It is Pennsylvania law that "Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to

such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay." (Reference our Exhibit #5--"Pennsylvania Statutes" annotated by Lexis Nexis, 2016, Number 1501)

Verizon has violated statutory regulations in so many ways in our case: 1.arbitrary and inadequate service, with multiple interruptions and delays that were unaccounted for

2.erratic scheduling of repair technicians without notifying us

3.unreasonable service through capricious and coercive tactics that granted Neil medical consideration contingent only on our placing an order to transfer voice service to fiber-optics no later than 30 days from the date of their Notice, as well as setting a high-bar of having medical equipment to qualify

4.inconsistencies in conveying a complete account of their phone conversations with us and, at the Hearing, not mentioning receiving Neil's doctor's letter

5.causing mental anguish by their overzealous and manipulative dealings that ignored the human factor and greatly impacted us, who are long-time customers who always paid our bills to Verizon on time.

We respectfully ask the Commission to order the following:

- Direct credit to us for outages for which we didn't get full value, on November 12,13,16,17,18,and 20,2015, as well as what we prepaid on December 1 and 2, 2015, when our phone was already cut off.
- Give Verizon notice about their obligations to us from mid-October to December 1,2015, and penalize them for their misconduct, which includes ignoring our needs for convenient and continuous access to emergency medical help and not providing adequate and uninterrupted service.
- Require Verizon to do an impact study of copper retirements on customers in the two wire centers cited (Kirklyn being one of them), to focus on the demographics of income level and education level, which can affect customers' ability to object to Verizon's new system.
- Recognize that voice over copper connections is different from fiber-optic in ways beneficial to many customers that prefer copper landlines.
- Direct Verizon, as a public utility, to remove the financial burden on customers of replacing limitless numbers of batteries, and provide a better economic alternative for the customers.
- Cease and desist wilful neglect of copper landlines, begun in 2012, for the purpose of migrating customers to fiber-optic, and permit customers, like us, to have a choice of copper or fiber-optic.
- Restore copper landlines service to us at the same rate we previously had.

*Hilda Anne Altman
Neil A. Altman*



Keeping Your Telephone Number When You Change Service Provider

Under the Federal Communications Commission's "local number portability" (LNP) rules, as long as you remain in the same geographic area you can switch telephone service providers, including interconnected Voice over Internet Protocol (VoIP) providers, and keep your existing phone number. If you are moving from one geographic area to another, however, you may not be able to take your number with you.

Initiating the process

You may request service from a different company at any time. When changing companies:

- Do not terminate your service with your existing company before initiating new service with another company.
- Contact the new company to start the process of porting your number.
- Provide the new company with your 10-digit phone number and any additional information required, which may include your customer account number and passcode, along with your five-digit zip code.

Fees and charges

- Companies may charge their customers fees to recover the costs that they incur in providing number portability. Ask the new company whether it charges any number portability fees and whether those fees can be waived.
- Companies may not refuse to port a number because a consumer has not paid for porting.
- Once you request service from a new company, your old company can't refuse to port your number, even if you owe money for an outstanding balance or termination fee; however, you are still obligated to pay any unpaid balances or fees, if applicable.

The porting period

FCC number porting rules require "simple" ports to be processed in one business day. The deadline applies to all simple ports, including "intermodal" ports such as wireline to wireless, wireless to wireline, wireline or wireless to VoIP or any other combination. Simple ports generally do not involve more than one line or more complex adjustments to telephone switching equipment.

'Mixed service' during porting

If you port from a wireline phone to a wireless phone, there may be a period of "mixed service" – when you essentially have two telephones with the same number. Ask your new wireless company whether you will be able to continue using your current wireline number during the one-day transfer process. Also, if you port from a wireline phone to a wireless phone, your wireline long distance company will not move with you. Your long distance service will generally be provided by your new wireless company, which you should verify with the new wireless company.



Emergency services

In some areas, 911 operators automatically receive the phone number or location of a wireless call, but in many areas the technology capable of providing that information – known as Enhanced 911 or "E911" – is not yet available.

During the one-day porting process - if there is a period of "mixed service" - your E911 service may be affected. Calls should go through, but 911 operators may not be able to call you back if disconnected. Before porting, ask your new company if the one-day porting process will affect a 911 call.

Filing a complaint

You have multiple options for filing a complaint with the FCC:

- File a complaint online at <https://consumercomplaints.fcc.gov>
- By phone: 1-888-CALL-FCC (1-888-225-5322); TTY: 1-888-TELL-FCC (1-888-835-5322); ASL: 1-844-432-2275
- By mail (please include your name, address, contact information and as much detail about your complaint as possible):

Federal Communications Commission
Consumer and Governmental Affairs Bureau
Consumer Inquiries and Complaints Division
445 12th Street, S.W.
Washington, DC 20554

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Learn about Transferring Your Number

It's called Local Number Portability or LNP. LNP simply means you can transfer your wireless or wireline phone number to AT&T and keep your number.

[Can I switch to AT&T but keep the phone number I already have from another carrier?](#)

[How do I know if my number is eligible to transfer?](#)

[Will checking eligibility affect my current/existing phone service?](#)

[What information do I need to transfer my number?](#)

[Where can I find this information?](#)

[How does a number transfer work?](#)

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[If I change my mind, what do I need to do to cancel the number transfer?](#)

[How will I know if there is an issue with my number transfer?](#)

(see other side)

Q. Can I switch to AT&T but keep the phone number I already have from another carrier?

A. Yes, it is possible to keep the number you already have from another wireless or wireline carrier. First, check to see if your existing number is eligible for transfer to AT&T. If it is, then all you have to do is follow the instructions to authorize the transfer. We'll do the rest.

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Q. How do I know if my number is eligible to transfer?

A. It's easy! All you need is the phone number you wish to transfer and the ZIP code for your local service area. [Check number transfer eligibility \(http://www.att.com/shop/wireless/transferyournumber.html\)](http://www.att.com/shop/wireless/transferyournumber.html) now to get started.

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Q. Will checking eligibility affect my current/existing phone service?

A. No. Checking eligibility has no effect on your current/existing phone service. Basically, nothing will happen until you authorize us to transfer your number to AT&T and the transfer is completed.

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Q. What information do I need to transfer my number?

A. You must provide the following account information as it appears on record with your current service provider:

- Account number
- Name of the account holder
- Billing address
- PIN or password (if applicable)

AT&T will contact your current service provider to complete the transfer. The information you provide must exactly match your current service provider's records. If there is a mismatch in the data, the transfer will be delayed.

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Q. Where can I find this information?

A. You can refer to a recent bill or call your current service provider to verify your information. This is especially important if you have a PIN or password on your account that you can't remember.

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Q. How does a number transfer work?

A. The transfer process varies slightly depending on how you decide to purchase and receive your new AT&T phone. You may choose to visit an AT&T retail store or you can order online and have it shipped

directly to you. The processes for both options are outlined below:

- **AT&T retail store:** AT&T will send a number transfer request to your current service provider and wait for confirmation to transfer the number. Meanwhile, your AT&T handset will be activated into mixed service. You will be able to make calls on your new AT&T handset but will continue to receive calls on your old handset until the number transfer is complete. Once AT&T receives confirmation, your activation will be complete, allowing you to make and receive calls on your AT&T handset. Your old service provider will be notified that you have activated service with AT&T and will automatically cancel your account.
- **Order online:** AT&T will send a number transfer request to your current service provider and wait for confirmation to transfer the number. Once transfer confirmation is received your AT&T phone will be shipped. Your existing phone will continue to work until you receive your AT&T phone and activate it. Once your AT&T account is activated, your old service provider will be notified of your new service with AT&T and will cancel your account.

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Q. How do I check the status of my current number transfer?

A. Visit <http://www.att.com/port> (<http://www.att.com/port>) to check your transfer status.

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Q. Do I need to cancel my current service?

A. No. The number must be in active service in order to be transferred. Your old service will be canceled automatically as part of the transfer process.

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Q. What is mixed service?

A. When obtaining your new AT&T handset at an AT&T retail store, the sales representative can immediately activate the phone for outbound calls. However, you will continue to receive calls on your old handset until the transfer is complete. For more information, see **How does a number transfer work?** listed above.

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Q. Can I use my current phone or do I have to buy a new one?

A. An AT&T SIM card is required. However, the purchase of a new AT&T handset is not required as long as you have one that is compatible with the AT&T network.

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Q. If I order a new AT&T phone, how quickly will I receive it?

A. AT&T will overnight ship your new cell phone once a "confirmed" transfer response from your current service provider has been received. For a wireless transfer, you will typically receive your equipment within 3 to 5 business days from the date the transfer process started. If you are transferring a wireline number, it will take a minimum of 5 business days.

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Q. What is a confirmed response?

A. A "confirmed" transfer response means that your current service provider has received the request and verified that all of the transfer request information matched their records. This confirmation serves as permission to transfer your number. Your number transfer cannot proceed and your AT&T handset cannot be shipped until AT&T receives a confirmed response.

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Q. How long does it take to complete a number transfer?

A. A Wireless number transfer initiated through a physical AT&T sales location typically completes within 1 to 3 business hours if there are no issues. If equipment has been ordered, the process typically takes 3 to 5 business days to allow time for shipment. Transferring a wireline number takes a minimum of 5 business days.

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Q. If I change my mind, what do I need to do to cancel the number transfer?

A. Call the Port Activation Center at 888-898-7685 for assistance.

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Q. How will I know if there is an issue with my number transfer?


A. In most cases, if there is an issue you will receive a phone call from the AT&T Port Activation Center requesting additional information. If you receive a message from AT&T, it is very important that you respond as quickly as possible. AT&T cannot continue the transfer process until the issue is resolved. If you do not hear anything within 24 hours, you can **[check your number transfer status online](#)**. If further assistance is needed, you may call 866-895-1097 to check the status of your number transfer.

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Billing Errors

If you think there is an error on your bill, call the business office. The number is listed on the third page of your telephone bill or you can find it on page 1 of this Customer Info Guide. There is no charge for calls to the business office.

If You Move

If you want to discontinue your service, call or write the business office at least five (5) days before the date you want the service disconnected. This will prevent the company from billing you for service that you do not want.

Interruption of Service**Temporary Interruptions**

When the telephone company knows in advance that they will need to interrupt service to make repairs or for safety reasons, the company must try to notify customers of the reason for the interruption and how long they expect it to last.

Refunds For Service Interruptions

If telephone service is interrupted without notice, you should contact the company about the service problem. The number to call is located on page 1 of this Customer Info Guide. If service remains off for a period of at least 24 hours after you have notified the company, you may have a right to a refund.

Suspension of Service

The company may suspend your telephone service for any of the following reasons:

- You do not pay your bill. If you dispute part of your bill, you must notify the company. The company may not suspend your service if you do not pay the part that you dispute.
- You do not pay a security deposit, provide a third-party guarantee, or give the company information to establish your credit.
- You don't allow the company access for maintenance or repair of company equipment.
- You use your telephone service to interfere with or harm other customers' service.
- You do not pay according to a payment agreement.
- You give false or misleading information to get service.
- You use your telephone to threaten the safety of any person or the ability of the company to deliver telephone service.
- You still owe the company for service furnished in your name within the past four years.

The telephone company may not suspend basic (local) telephone service because you fail to pay charges for non-basic service. Also, the company may not suspend basic (local) service because you fail to pay charges for non-basic service, unless the company is technically not able to suspend one without also suspending the other. If you are threatened with suspension of your telephone service, you may protect your basic service by paying the amount you owe for that service. The company may suspend your non-basic service but you will still be able to make local calls.

Suspension Notice

If the company is going to suspend your service, it will mail a written suspension notice to you at least 7 days before the date your service is to be suspended. The notice will tell you the reason for the proposed suspension and the date service will be suspended.

It will tell you what action you can take to avoid suspension. The notice will break down the total amount you owe into basic and non-basic charges. The charges for each type of service will be treated separately so you will know what amount must be paid to keep each service.

The company is not required to give you written notice if you do not keep a PUC payment agreement set up to avoid suspension. In this case, the company must try to contact you personally at least 24 hours before suspending your service.

Medical Emergency Procedure

If there's a medical emergency in your household which will be affected by the suspension of telephone service, the suspension may be postponed. A physician must tell the company how suspension of service will worsen the serious medical condition. The suspension will be postponed for a maximum of 30 days. (Postponement may be renewed for 30 days, if necessary.)

If the suspension is postponed, you must still pay your bill on time for all services provided after the postponement date and limit your toll calls to \$25.00 during the billing period. If you need more information, call the company's business office.

REMEMBER - To avoid having telephone service suspended, contact the company before the suspension date with any billing dispute or payment problem.

Days Suspension Is Not Allowed

The telephone company may not suspend service:

- On a Saturday or Sunday.
- On a bank holiday.
- On a holiday observed by the company (any day when the business office of the company is closed).

Getting Service Back On

The company will restore suspended telephone service if:

- You pay the overdue bill in full and a reconnection fee (the reconnection fee will be billed); or
- You pay the amount that is due according to a payment agreement and you pay the reconnection fee; or
- You make a payment agreement with the company to spread out the payments of the outstanding charges and you pay the reconnection fee; or
- You stop the unauthorized practice for which service was suspended plus make full payment of the reconnection fee; or
- You pay the amount that you owe for basic (local) service. The company will restore your local service, but your non-basic services will remain suspended until you make arrangements to pay what you owe for them.

After you have done one of the above, the company will restore your service by the end of the first full working day.

If service is suspended, you will have to pay a reconnection fee. You may pay the reconnection fee as part of a payment agreement. The company may also require that you pay a security deposit. You may make payment to have service restored at an authorized payment agency. After you make the payment, you must call the company so your service can be restored.

Third Party Notification

The Third Party Notification Program protects individuals who may be away from home for long periods of time or those who may not understand the company's billing and payment practices. This program allows you to choose a person who is willing to receive a notice if your service is subject to suspension or termination. Please remember, however, that this person does not have the responsibility of paying your telephone bills.

Termination of Service

After telephone service is suspended, the company's next step is to mail you a termination notice. The termination notice will give you ten days before your service will be terminated. The notice will inform you what you can do to restore your service. You should contact the company as soon as you receive this notice.

REMEMBER - Suspension of service is a temporary interruption of your service. Termination is a more permanent end or cessation of telephone service. If your service is terminated, you must reapply for service as if you were a new applicant. It is important to know the difference because the cost of having service reconnected after "termination" is higher than the cost of restoring service after "suspension".

Contacting the Company with a Dispute

You have the right to question or dispute any telephone problem you may have. You should file a dispute before your service is suspended or terminated.

Once you register a dispute, the company must do all of the following:

- Investigate your dispute thoroughly.
- Stop suspension or termination of service because you haven't paid the disputed amounts.
- Give you information to help you make an informed judgment about your account.
- Within thirty days give you a report of the investigation including the company's final position on the matter. You have the right to ask for the report in writing.
- Inform you of your right to contact the Pennsylvania Public Utility Commission (PUC).

While your dispute is pending, you must pay all charges on your bill that you do not dispute.

Unresolved Complaints**Do you have a billing question or a service inquiry?**

If you have a question about your bill, or have a concern or problem about your local telephone service, please call your local telephone service provider. Your telephone service provider would like to help you resolve any issue you may have.

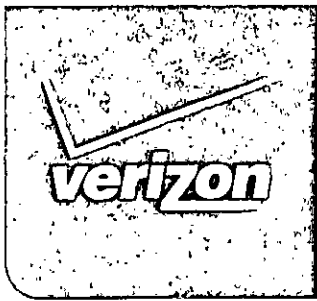
Verizon customers may call the numbers listed on page 1 of this guide

The customer service representative who answers your call will help you resolve your issue. If for any reason you are not satisfied with the solution offered, please ask to speak with a supervisor. Supervisors are highly trained and are able to resolve most issues.

If there are multiple telephone service providers in this area, and if you are attempting to reach a company other than Verizon, please see the section of this guide that lists the other local telephone companies to find the correct number.

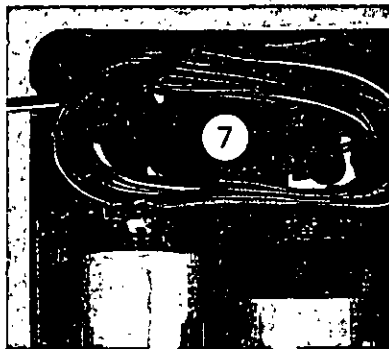
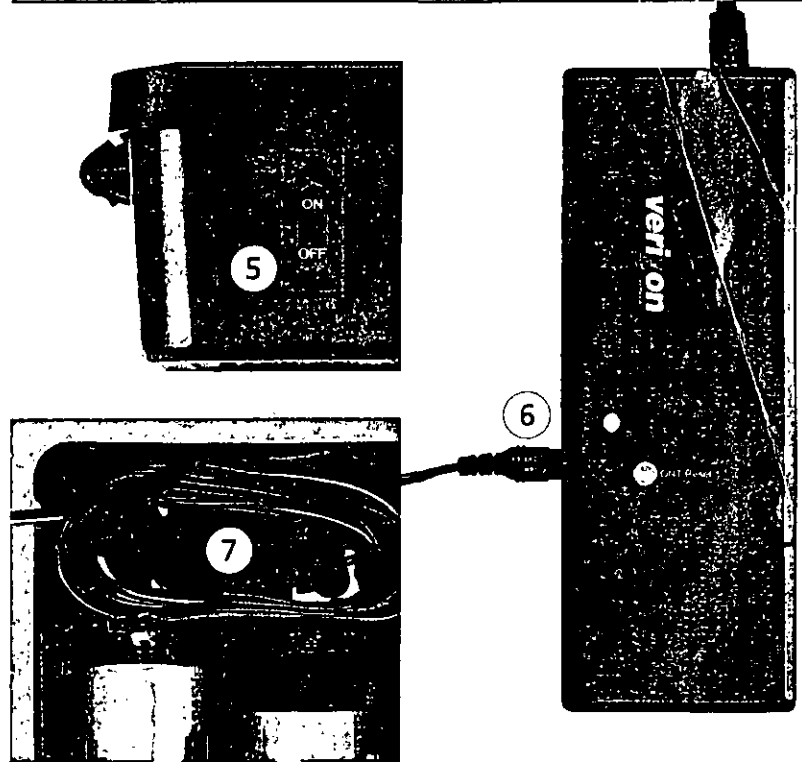
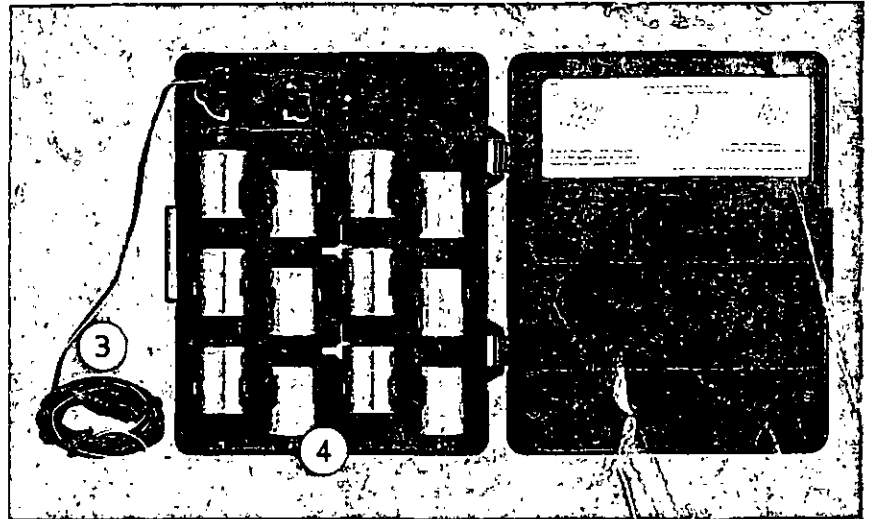
Closed Captioning Concerns or Complaints?

If you are having a concern with closed captioning on a program you are currently watching, you may contact Verizon at **1-888-553-1555**, via email at videoclosedcaption@verizon.com, or via facsimile at **1-888-806-7028**. If you have a written closed captioning complaint, you may write to us at: Verizon, PO Box 5166, Tampa, FL 33675 Attn: Cynthia Morales, Manager, fax **1-888-806-7028**, or via email at videoclosedcaption@verizon.com.



Installing the Verizon PowerReserve VOICE BACKUP DEVICE.

1. Open the PowerReserve door by pressing the latched tab toward the unit and then pushing the tab up.
2. The PowerReserve device can be laid flat or mounted to a wall.
3. Uncoil the cable located in the center of the tray.
4. Insert 12 new D-cell alkaline batteries into the device. **DO NOT use rechargeable or Lithium batteries.**
5. Place the power switch to the OFF position.
6. Plug the power cable into the power adapter.
7. Recoil the extra cable on the top left of the tray.
8. Close the PowerReserve door.
9. Leave the unit OFF until needed during a commercial power outage.



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EXHIBIT 4



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* Pa.C.S. documents are current through 2015 Regular Session Act 88 except 67, 82 *
* P.S. documents are current through 2015 Regular Session Act 50 *

Pennsylvania Consolidated Statutes
Title 66. Public Utilities
Part I. Public Utility Code
Subpart C. Regulation of Public Utilities Generally
Chapter 15. Service and Facilities
Subchapter A. General Provisions

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66 Pa.C.S. § 1501 (2016)

§ 1501. Character of service and facilities.

Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and shall make all such repairs, changes, alterations, substitutions, extensions, and improvements in or to such service and facilities as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public. Such service also shall be reasonably continuous and without unreasonable interruptions or delay. Such service and facilities shall be in conformity with the regulations and orders of the commission. Subject to the provisions of this part and the regulations or orders of the commission, every public utility may have reasonable rules and regulations governing the conditions under which it shall be required to render service. Any public utility service being furnished or rendered by a municipal corporation beyond its corporate limits shall be subject to regulation and control by the commission as to service and extensions, with the same force and in like manner as if such service were rendered by a public utility. The commission shall have sole and exclusive jurisdiction to promulgate rules and regulations for the allocation of natural or artificial gas supply by a public utility.

HISTORY: Act 1978-116 (H.B. 489), P.L. 598, § 1, approved July 1, 1978, eff. in 60 days.



9 of 60 DOCUMENTS

In the Matter of Technology Transitions; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services

GN Docket No. 13-5; RM-11358; WC Docket No. 05-25; RM-10593

FEDERAL COMMUNICATIONS COMMISSION

30 FCC Red 9372; 2015 FCC LEXIS 2000; 63 Comm. Reg. (P & F) 199

August 7, 2015, Released

August 6, 2015, Adopted

Comment Date: (30 days after date of publication in the Federal Register)

Reply Comment Date: (60 days after date of publication in the Federal Register)

ACTION:

[**1] REPORT AND ORDER, ORDER ON RECONSIDERATION, AND FURTHER NOTICE OF PROPOSED RULEMAKING

SUBSEQUENT HISTORY:

As Amended August 17, 2015. As Amended September 25, 2015.

PRIOR HISTORY:

In re Equip. Backup Power for Continuity of Communs. et al., 29 F.C.C.R. 14968, 2014 FCC LEXIS 4443 (F.C.C., 2014)

JUDGES: By the Commission: Chairman Wheeler and Commissioners Clyburn and Rosenworcel issuing separate statements; Commissioners Pai and O'Rielly dissenting and issuing separate statements.

OPINION BY: STONE

OPINION:

[*9373] 'I. INTRODUCTION

1. Communications networks are rapidly transitioning away from the historic provision of time-division multiplexed (TDM) services running on copper to new, all-Internet Protocol (IP) multimedia networks using copper, co-axial cable, wireless, and fiber as physical infrastructure. Our actions today further the technology transitions underway in our Nation's fixed communications networks that offer the prospect of innovative and improved services to consumers and businesses alike. n1 The core goals of the January 2014 *Technology Transitions Order* frame our approach here. n2 In the *Technology Transitions Order*, we emphasized the importance of speeding market-driven technological transitions and innovations while preserving the core statutory values as codified by Congress: competition, consumer protection, universal service, and public safety. n3 Furthering these core [**2] values will accelerate customer adoption of technology transitions. Today, we take the next step in advancing longstanding competition and consumer protection poli-

cies on a technologically-neutral basis in order to ensure that the deployment of innovative and improved communications services can continue without delay. n4

n1 *Technology Transitions et al.*, GN Docket No. 13-5 et al., Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14968, 14969, para. 1 (2014) (*Notice*).

n2 *See Technology Transitions et al.*, GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, 29 FCC Rcd 1433, 1435, para. 1 (2014) (*Technology Transitions Order*).

n3 *See id.*

n4 *See Notice*, 29 FCC Rcd at 14969, paras. 1-2.

2. Industry is investing aggressively in modern telecommunications networks and [**3] services. Overall, according to data supplied by USTelecom and AT&T, capital expenditures by broadband providers topped \$ 75 billion in 2013 and continue to increase. n5 AT&T recently announced that by the year 2020, 75 percent of its network will be controlled by software. n6 To do this, AT&T is undergoing a [*9374] massive effort to train about 130,000 of its employees on software-defined networking architecture and protocols. n7 AT&T has also expanded its wireline IP broadband network to 57 million customer locations, as well as extended fiber to 725,000 business locations. n8 Moreover, Verizon passes more than 19.8 million premises with its all-fiber network -- the largest such network in the country -- and it projects that soon about 70 percent of the premises in its landline territory will have access to all-fiber facilities. n9 Verizon too has announced an SDN-based strategy "to introduce new operational efficiencies and allow for the enablement of rapid and flexible service delivery to Verizon's customers." n10 And CenturyLink has announced the launch of 1 Gbps broadband service to 16 cities. n11 According to recent reports, CenturyLink's national fiber network upgrade has expanded [**4] availability of CenturyLink's gigabit broadband services to nearly 490,000 business locations. n12 These are just a few of many examples in which industry is investing heavily to bring the benefits of new networks and services to customers of all sizes.

n5 AT&T Comments at 25-26; *see also* USTelecom Reply at 4. Unless otherwise noted, all citations to comments in this item refer to comments filed in GN Docket No. 13-5, PS Docket No. 14-174, RM-11358, WC Docket No. 05-25, and RM-10593 (GN Docket No. 13-5 et al.). "Comments" or "Reply" are used to denote comments filed in response to the *Notice*, with reference to the date filed only when that date differs from February 5, 2015 for Comments and March 9, 2015 for Reply Comments, and then only in the first citation to such Comment or Reply, and commenters are referred to according to the list set forth *infra* in Appendix C.

n6 Rachael King, AT&T's Shift to DevOps and New Tech Requires a Massive Training Effort, *Wall St. J.* (June 5, 2015), <http://blogs.wsj.com/cio/2015/06/05/atts-shift-to-devops-and-new-tech-requires-a-massive-training-effort/>.

[**5]

n7 *Id.*

n8 AT&T Comments at 26.

n9 Verizon Comments at 9; *see also* Sean Buckley, Verizon Sees Value in Transforming Network to IP, Fiber, But Conversion Challenges Remain, *FierceTelecom* (May 19, 2015),

<http://www.fiercetelecom.com/story/verizon-sees-value-transforming-network-ip-fiber-conversion-challenges-re-ma/2015-05-19> ("Internally, the copper-to-fiber migration will produce a number of savings for Verizon, including real estate, power, maintenance and network dispatching. Unlike copper, fiber is also less prone to damage from water or other environmental issues, meaning it can reduce truck rolls to solve customer issues.").

n10 Press Release, Verizon, Verizon Announces Software Defined Networking Strategy, SDN Initiative Means Rapid Time-to-Market Agile Network and Operational Efficiencies (Apr. 28, 2015),

<http://www.prnewswire.com/newsreleases/verizon-announces-software-defined-networking-strategy-300073315.html>.

n11 CenturyLink Comments at 29.

n12 Tim Gallen, Speeding Up: CenturyLink Expands Gigabit Internet Service Across Arizona, *Phoenix Bus. J.* (May 18, 2015),

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n95 *See, e.g.*, Birch et al. at 38.
n96 *See, e.g.*, Cal. PUC Comments at 13.
n97 *Id.*

28. *Notice Period.* In the *Notice*, we sought comment on whether the 90-day minimum notice period for copper retirements currently required by our rules is sufficient or whether it should be extended. n98 In response, commenters propose that if we replace the existing time period, we adopt either six months, one year, or an unspecified amount of time. n99 Based on the record in this proceeding, we conclude that 180 days' advance notice of copper retirements is an appropriate time frame. We find that the ninety-days' notice of planned copper retirements currently provided for by the Commission's network change disclosure rules is insufficient. n100 The record reflects numerous instances in which competitors and their customers have suffered significantly due to the short notice period. n101 Although current rules allow for the possibility for interconnecting carriers to object and attempt to extend the retirement to six months (i.e., approximately 180 days), this procedure is [**57] rarely used, n102 likely because of the short time to file n103 and the fact that objections are deemed denied absent Commission action. n104 [*9390] Indeed, at least one competitive LEC asserts that shortcomings in the incumbent LEC's public notice precluded any meaningful opportunity to object within the permitted time period. n105

n98 *See Notice*, 29 FCC Rcd at 14996, para. 59. Verizon asserts that if an incumbent LEC gives notice more than six months in advance of a planned implementation, there is no justification for requiring it to comply with the more burdensome short-term notice rules. *See Verizon Comments* at 14. However, the Commission's short-term notice rules apply to planned copper retirements, and provide that "under no circumstances may an incumbent LEC provide less than 90 days' notice of such a change." *See* 47 C.F.R. § 51.331(b)(2).

n99 Commenters proposed a variety of time periods for notice, ranging from the existing ninety days, *see, e.g.*, NY PSC Comments at 6, to 180 days, *see, e.g.*, Cal. PUC Comments at 13; Ad Hoc Comments at 11; CCA Comments at 12, to no less than nine months, *see, e.g.*, WorldNet Comments at 9, to one year, *see, e.g.*, XO Comments at 17; Birch et al. Reply at 39-40; TelePacific Reply at 10-11, to an unspecified amount of time as is provided for in section 68.110(b) of the Commission's rules, *see CWA Comments* at 9-12.

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n100 Most competitive LECs provide service to business customers pursuant to multi-year contracts. *See, e.g.*, Birch et al. Comments at 37; *see also* Letter from Eric Einhorn et al., Windstream, to Jonathan Sallet and Julie Veach, FCC, GN Docket Nos. 13-5 and 12-353, at 7 (filed Apr. 28, 2014) (Windstream April 28, 2014 *Ex Parte* Letter). And competitive LECs assert that a ninety-day notice period "may not provide competitive carriers with sufficient lead time to make the upgrades or reconfigurations necessary to complete a seamless transition to IP-based service, or to make alternative arrangements." CCA Comments at 12; *see also* COMPTTEL Comments at 34-35; Windstream Apr. 28, 2014 *Ex Parte* Letter at 11 ("Given the importance of the competitive issues raised, wholesale customers need significant lead time so that they can both plan for the necessary changes to their products as well as prepare their customers for changes to offerings dependent upon ILEC last-mile facilities."); Letter from Thomas Jones, Willkie Farr & Gallagher LLP, to Marlene H. Dortch, Secretary, FCC, Docket Nos. 13-5 and 12-353, Attach. at 3 (dated May 14, 2014) ("CLECs know that they must plan ahead and begin buying packet-based services now in an area in which regulated DS1 and DS3 inputs might well be eliminated. Customers are far more efficiently transitioned at the beginning of a contract, rather than in the middle . . .").

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n101 *See, e.g.*, Windstream Reply at 46.
n102 *See, e.g.*, AT&T Comments at 28-29; CenturyLink Reply at 30.
n103 *See* 47 C.F.R. § 51.333(c) (requiring objections within nine business days of notice); 47 C.F.R. § 51.333(f).
n104 *See* TelePacific et al. Request to Refresh Record at 13 (noting that an incumbent LEC may retire copper regardless of an interconnecting provider's objections).

n87 *See, e.g.*, COMPTTEL Comments at 34-35 ("ILEC replacement of any portion of the copper loop necessarily requires competitive LECs providing EoC to migrate to other forms of last-mile access. If it means shifting to another transmission medium, the competitive LEC needs time to accommodate the change and invest in alternative electronics."); CCA Comments at 12 (noting that competitive LECs need "sufficient lead time to make the upgrades or reconfigurations necessary to complete a seamless transition to IP-based service, or to make alternative arrangements"); Birch et al. Comments at 39 (asserting that changes to the Commission's copper retirement rules "are necessary to ensure that competitive carriers can adjust their business broadband service offerings to account for copper retirement"); WorldNet Comments at 7 (stating that a copper retirement "could require an unplanned, very costly, disruptive . . . network, operational, and customer changes just to maintain a status quo of competitive service"); Letter from Karen Reidy, COMPTTEL, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 et al., at 2 (filed July 27, 2015) (COMPTTEL July 27, 2015 *Ex Parte* Letter).

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26. We decline, however, to require that the descriptions of the potential impact of the planned changes be specific to each interconnecting carrier to whom an incumbent LEC must give notice, as requested by the Competitive Carriers Association. n88 We conclude that such a requirement would impose an unreasonable burden on incumbent LECs. We also decline to require, as suggested by Windstream, that copper retirement notices include information regarding impacted circuits and wholesale alternatives. n89 Section 51.327(a) already requires that notices of planned network changes include "references to technical specifications, protocols, and standards regarding transmission, signaling, routing, and facility assignment as well as references to technical standards that would be applicable to any new technologies or equipment, or that may otherwise affect interconnection." n90 And as discussed below, the rule we adopt today requires that incumbent LECs work in good faith with interconnecting entities to provide information necessary to assist them in accommodating planned copper retirements without disruption of service to their customers. n91 We conclude that these requirements, included [**54] in proposed new section 51.332, n92 already ensure that enough information will be provided to address Windstream's concerns and ensure sufficient protection to interconnecting carriers. We further conclude that such requirements will adequately address the concerns raised by Cincinnati Bell that incumbent LECs cannot "know what type of alternative arrangements might suit any impacted carriers." n93

n88 *See* CCA Comments at 12.

n89 *See* Windstream Reply at 41-43; *see also* WorldNet Comments at 8 ("WorldNet . . . invites the Commission to include a requirement for an ILEC to work with a CLEC in good faith by responding to reasonable requests for additional information about a proposed retirement and to work collaboratively with a CLEC in effectuating desired CLEC transitions to alternate facilities.").

n90 47 C.F.R. § 51.327(a).

n91 *See infra* para. 32.

n92 *See Notice*, 29 FCC Rcd at 15022, 15024, Appx. A, proposed new section 51.332(c)(1) and (h).

n93 Cincinnati Bell Comments at 12.

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27. We conclude that the content requirements we adopt today capture the needs of competitive providers for information that allows them to plan for and accommodate the planned network change while providing incumbent LECs the flexibility to provide that information in the form best suited to the particulars of their situation. We therefore require only that copper retirement notices include the information set forth in new section 51.332(c). n94 We decline to adopt a particular required format for copper retirement notices. We are not persuaded that the Commission's rules should mandate a particular format for copper retirement notices. n95 Rather, we believe that a specified format could prove [*9389] problematic. n96 As noted by the California PUC, "a uniform format may not cover all aspects of each provider's copper retirement plans. The FCC should require that all necessary components of the incumbent LEC's planned retirement be contained in any notice, but also allow each provider to include additional information about options available to customers." n97

n94 *See infra* Appendix A, Final Rules, new section 51.332(c).

C.F.R. § 54.418(b)(1); 47 C.F.R. § 64.1190(d)(2)(iii); 47 C.F.R. § 64.1200(a)(4)(ii)(A), *et seq.*; 47 C.F.R. § 64.2401; 47 C.F.R. § 64.3100(b)(3); 47 C.F.R. § 76.1630(b)(1).

[**102]

n189 *See generally* Federal Trade Commission, .com Disclosures: How to Make Effective Disclosures in Digital Advertising (2013),

<https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf> (explaining a "clear and conspicuous" standard and its importance).

n190 *See infra* discussion in Section II.B.1.a(iii), regarding ability to comment.

n191 *See* 47 C.F.R. § 51.327(a)(3); *Notice*, 29 FCC Rcd at 15023, Appx. A, proposed new section 51.332(c)(2)(iv).

49. *Neutral Statement.* In the *Notice*, we proposed prohibiting incumbent LECs from including in copper retirement notices to retail customers "or any other communication to a customer related to copper retirement any statement attempting to encourage a customer to purchase a service other than the service to which the customer currently subscribes." n192 In addition, we proposed requiring incumbent LECs to include "a neutral statement of the various choices that the LEC makes available to retail customers [**103] affected by the planned network change." n193

n192 *Notice*, 29 FCC Rcd at 15023, Appx. A, proposed new section 51.332(c)(4).

n193 *Id.* at 15001, para. 72.

50. After reviewing the record before us, we conclude that we should require incumbent LECs to include in copper retirement notices to retail customers a neutral statement of the various service options that they make available to retail customers affected by the planned copper retirement. We also conclude that the notice that we require must be free from any statement attempting to encourage a customer to purchase a service other than the service to which the customer currently subscribes, but that this prohibition will apply *only* to copper retirement notices provided pursuant to the Commission's network change disclosure rules and not to any other communication. n194 We intend that this notice serve not only this consumer protection goal, but also provide affected customers with the opportunity to learn about the facility [**104] change and give them an opportunity to seek more information. To that end, we require that providers maintain a toll-free number that customers may call to raise any questions about the planned retirement, and a URL for a related web page with relevant information (e.g., a "frequently asked questions" page). Both the toll-free number and the address for the web page should be included in the notice to the customer, along with contact information for the Commission (including a link to the Commission's consumer complaint portal) and the relevant state PUC. This requirement will ensure that consumers have direct access to the provider to better understand what to expect regarding the process of copper retirement and any possible impact on their service. Moreover, while the requirement we adopt today is for a single notice to the affected customers, we emphasize that this single notice is a floor, not a ceiling. We strongly encourage carriers to follow up with affected consumers to ensure that they have received the notification and understand the implications to facilitate a smooth transition for these customers.

n194 *See infra* Appendix A. Final Rules, new section 51.332(c)(2)(iii).

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51. This neutral statement requirement and limited prohibition will better enable retail consumers to make informed choices about their services and will give them the necessary tools to determine what services to purchase without swaying them towards new or different offerings. We believe that this strikes the right balance between allowing incumbent LECs to advise their customers regarding the availability of advanced services n195 and preventing potentially aggressive marketing tactics that might lead to consumer confusion. To be clear, nothing in the requirements that we adopt prohibits marketing new or different services in communications other than the notice that we require.

n195 See Letter from Frank S. Simone, Vice President Federal Regulatory, AT&T Services Inc., to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 et al., at 2 (filed June 8, 2015) ("[R]ather than minimizing consumer confusion . . . prohibiting AT&T and other carriers from including information regarding their post-transition services in any materials explaining the impact of the transition on customers' existing services could cause more, not less, confusion."); Verizon July 23, 2015 *Ex Parte* Letter at 1; ITTA July 23, 2015 *Ex Parte* Letter at 2.

[**106]

[*9403] 52. The record reflects extensive support for these requirements, and that they will carry clear value for consumers. n196 As ADT observes, "[t]he Commission should not permit ILECs to use the technology transition to create new marketing opportunities for themselves." n197 Contrary to some assertions, we are not inserting ourselves in carriers' marketing strategies--indeed, carriers remain free to engage in unlimited marketing with the exception of the single neutral notice that we require. n198

n196 See, e.g., NASUCA Comments at 17 ("Upselling occurs and is reasonably foreseeable when retaining the customer (with the more profitable service) is better for the carrier than giving up the customer altogether. With these transitional copper retirements, most of the time upselling would make sense to the carrier. The harms to consumers include confusion about the best options available and being coerced into subscribing to a more expensive and possibly less reliable service."); AARP Comments at 36-37; Cal. PUC Comments at 18-19; Mich. PSC Comments at 5; ADT Comments at 8 ("The Commission should not permit ILECs to use the technology transition to create new marketing opportunities for themselves, and it can prevent this from happening by prohibiting ILECs from using the transition to gain an advantage on other service providers who do not have equal access to consumers at this moment in time."); MDTC Reply at 6 ("Outreach and education initiatives would complement the notice requirement, and may address concerns that the notice requirement is too rigid by ensuring that consumers receive notice through various media, and limiting the concerns of upselling through the involvement of governmental agencies and community organizations."); NASUCA Comments at 17-18 (stating that the "harms to consumers" during transitional copper retirements include confusion about the best options available and being coerced into subscribing to a more expensive and possibly less reliable service, hence the need for the notice to customers to "identify alternative 'services reasonably comparable to those to which the retail customer presently subscribes'"); OPC Reply at 8 ("[T]he marketplace cannot be relied upon to ensure ILECs will provide their customers with full and objective information about their service options and the impact of those options on them."); Public Knowledge et al. Comments at 33 (stating that public interest commenters support the "neutral statement" proposal and that the FCC should ensure that this statement gives a plain-language description of the customer's service options and that the statement also explains clearly to consumers their options to file comments on the proposed network change, or to contact the FCC and any relevant State commissions for more information about phone service issues").

[**107]

n197 ADT Comments at 8.

n198 See, e.g., Cincinnati Bell Comments at 3 ("[T]he Commission should not interfere with the ability of carriers to bring new services to the attention of the very customers to whom they are bringing that new capability").

53. Certain commenters assert that there is no record evidence to support the Commission's expressed concerns regarding the pressure certain carriers have allegedly brought to bear on customers to switch services. n199 However, the record belies this assertion. For example, NASUCA pointed to a news story in Montgomery County, Maryland describing a consumer's experience with pressure to move from copper not just to fiber but to a package of digital services offered over the fiber network. n200 According to the Director of Montgomery County's Office of Consumer Protection, that office received complaints from consumers alleging that the carrier in question was engaged in "deceptive marketing practices" as it [*9404] transitioned customers to the fiber network. n201 The assertions about lack of evidence in the record also ignore the sources [**108] of support cited in the *Notice*. n202

"in development" for a replacement [**401] service at the time a carrier submits a section 214(a) discontinuance application will not be considered in evaluating the adequacy of the replacement service. We seek comment on this tentative conclusion.

n685 See, e.g., *id*

n686 See Pa. PUC Comments at 16.

n687 ADT Comments at 3; Letter from Geoffrey G. Why, Counsel to ADT, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 et al. (filed Apr. 15, 2015); *but cf.* Letter from Frank S. Simone, Vice President Federal Regulatory, AT&T, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5 et al., at 1-2 (filed June 8, 2015) (stating that a "rule governing the adoption of [MFVN] standards" is "unnecessary and inappropriate").

222. *Service for Individuals with Disabilities.* The importance of ensuring that consumers with disabilities can utilize assistive technologies over communications networks is indisputable. n688 There are several possible areas of impact of the transition on people with disabilities, such as (1) [**402] degradation of voice service quality that may compromise the ability of users who are hard of hearing to engage in a telephone conversation, and (2) incompatibility of remote transmission technologies over IP-based [*9487] networks used for the provision of captioning on television or Internet-based video programming. As we noted above, one purpose of adopting criteria for evaluating the adequacy of substitute services is to ensure consumer protection. We tentatively conclude that one criterion in any adequate substitute test that we adopt should be that the carrier demonstrates that its replacement service or the alternative services available from other providers allow at least the same accessibility, usability, and compatibility with assistive technologies as the service being discontinued. We seek comment on this tentative conclusion, as well as possible alternatives. To the extent that people with disabilities must transition to new equipment, we seek comment on what is needed to reduce the burden of obtaining such equipment, particularly for those who do not qualify for existing state and federal equipment distribution programs and for those who are replacing devices not covered by equipment [**403] distribution programs (such as individuals with medical devices that are incompatible with IP service). Should we require carriers seeking to discontinue existing services in such contexts to include in their section 214 applications information regarding the availability of IP-enabled devices that can also be distributed to selected and qualifying recipients under applicable state and federal programs? One commenter noted its "understanding that technology transitions can be made to properly function with legacy assistive technology devices (e.g., TTY terminals) through appropriate network software modifications, and/or through the general availability of IP-enabled devices that can also be distributed to selected and qualifying recipients under applicable state and federal programs." n689 Is this correct?

n688 See, e.g., Cal. PUC Comments at 16 ("The administrative vendor for the CPUC's Deaf and Disabled Telecommunications Program (DDTP) has provided anecdotal information to the CPUC regarding customers using captioned telephones. Some users have reported to the DDTP that their service has been changed from TDM to VoIP, and they discover the change when the captioned telephone no longer works, because it is designed to use a TDM connection. In addition, closed captioners with the DDTP have informed CPUC staff that they use TDM lines to transmit closed captioning service to local television stations. These are issues the FCC should address in developing rules for the transition.").

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n689 Pa. PUC Comments at 16 n.24.

223. We note that as TDM networks are discontinued in favor of IP-based networks, there is an opportunity to implement IP-based real time text to replace TTY text services, as the key functionalities of both services are similar. We seek comment on whether we should require the implementation of real time text over IP networks and whether we should set an end date for the termination of TTY text services. We also seek comment on the appropriate length of a transition period during which both TTY text services and IP-based real time text would be available. We ask commenters to describe what IP-based real time text service would look like, including applicable standards, and to explain how it will be implemented. In response to the *Notice*, some commenters assert that accessibility is currently the subject of an industry-wide proceeding and thus should not be addressed "ad hoc" in this proceeding. n690 We tentatively conclude, however, that we should adopt a standard regarding compatibility with assistive technologies for purposes of



10 of 60 DOCUMENTS

In the Matter of Ensuring Continuity of 911 Communications

PS Docket No. 14-174

FEDERAL COMMUNICATIONS COMMISSION

30 FCC Red 8677; 2015 FCC LEXIS 2001; 63 Comm. Reg. (P & F) 344

August 7, 2015, Released

August 6, 2015, Adopted

ACTION:

[**1] REPORT AND ORDER

SUBSEQUENT HISTORY:

As Amended August 17, 2015.

JUDGES: By the Commission: Chairman Wheeler and Commissioners Clyburn, Rosenworcel, and Pai issuing separate statements; Commissioner O'Rielly concurring and issuing a statement.

OPINION BY: DORTCH

OPINION:

[*8678] **1. INTRODUCTION AND SUMMARY**

1. In this *Report and Order*, the Federal Communications Commission (FCC or Commission) takes important steps to ensure continued public confidence in the availability of 911 service by providers of facilities-based fixed, residential voice services in the event of power outages. n1

n1 Unless otherwise noted, all citations to comments or *ex parte* filings in this *Report and Order* refer to filings in PS Docket No. 14-174.

2. For over one hundred years, consumers have trusted that they will hear a dial tone in an emergency even when the power is out. Now, as networks transition away from copper-based, linepowered technology, many are aware of the innovation this transition has spurred in emergency services, but many consumers, remain unaware that they must [**2] take action to ensure that dial tone's availability in the event of a commercial power outage. The Commission's own consumer complaints portal reveals frustration over the failure of service providers to adequately inform subscribers about how to selfprovision backup power in order to access 911 services in a power outage. This period of transition has the potential to create a widespread public safety issue if unaddressed.

3. Accordingly, we create new section 12.5 of our rules to place limited backup power obligations on providers of facilities-based fixed, residential voice services that are not line-powered to ensure that such service providers meet their obligation to provide access to 911 service during a power outage, and to provide clarity for the role of consumers and their communities should they elect not to purchase backup power. To be sure, many providers of residential voice communications already offer some level of backup power to consumers. However, the vital importance of the continu-

ity of 911 communications, and the Commission's duty to promote "safety of life and property through the use of wire and radio communication," n2 favor action to ensure that all consumers [**3] understand the risks associated with non-line-powered 911 service, know how to protect themselves from such risks, and have a meaningful opportunity to do so. Specifically, we require all providers of facilities-based, fixed, voice residential service that is not line powered n3 -- including those fixed applications of wireless service offered as a "plain old telephone service" (POTS) replacement -- to offer new subscribers the option to purchase a backup solution that provides consumers with at least 8 hours of standby power during a commercial power outage, which will enable calls to 911. n4 In addition, we require these providers to offer, within three years of the effective date of the eight hour obligation, at least one option that provides a minimum of 24 hours of 911 service.

n2 47 U.S.C. § 151.

n3 A provider currently offering line-powered service is subject to these rules to the extent it offers a covered nonline-powered service while these rules are in effect.

n4 The backup power offered for purchase under our rule must include power for all provider-furnished equipment and devices installed and operated on the customer premises that must remain powered in order for the service to provide 911 access. As noted below, our rule does not extend this obligation to cordless telephones purchased by the homeowner.

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4. Additionally, we require all providers of facilities-based, fixed, voice residential service that is not line-powered to notify subscribers, at the point of sale and annually thereafter until September 1, 2025, of the availability of backup power purchasing options, use conditions and effect on power source effectiveness, power source duration and service limitations, testing and monitoring, and replacement details. Additionally, we direct the PSHSB to work with CGB to develop, prior to the implementation date of these rules for smaller providers, as herein defined, non-binding guidance with respect to the required notifications to subscribers. We limit these obligations to ten years as that should be enough time to ensure that overall consumer expectations regarding residential voice communications are aligned with ongoing technology transitions.

[*8679] 5. Finally, we encourage covered providers to conduct tailored outreach to state and local disaster preparedness entities to ensure that consumables and rechargeable elements associated with backup power technical solutions deployed in their area are well understood so that communities may prioritize restocking and/or recharging in response [**5] to extended power outages. n5

n5 We defer action on issues raised in the *Notice of Proposed Rulemaking* regarding backup power for other services. *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications, et al., PS Docket No. 14-174, et al., Notice of Proposed Rulemaking and Declaratory Ruling, 29 FCC Rcd 14968, 14975 para. 11 (2014) (Notice).*

II. BACKGROUND

6. Our Nation's communications infrastructure and the services available to consumers are undergoing technology transitions. The Commission has recognized that these transitions will bring enormous benefits to consumers, but also that they raise important questions about how to appropriately carry out our obligations set forth in the Communications Act, including promoting public safety and national security, and protecting consumers. n6

n6 See generally *Notice; Technology Transitions, et al., GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, 29 FCC Rcd 1433, 1435 para. 1 (2014) (Technology Transitions Order).*

[**6]

ties, suggesting that the expectations Public Knowledge cites may be changing as consumers increasingly adopt VoIP services. n135 As CSRIC has observed, "[o]ne clear trend across all VoIP use cases is that battery backup is increasingly being offered as an option to the consumer, with the cost and maintenance of the UPS and batteries being the consumer's responsibility." n136 Ultimately, we are persuaded that subscribers should not have to pay for backup power they do not want. n137 As discussed above, consumers may desire different amounts of backup power -- or none at all -- depending on their individual circumstances. ✓

n133 *Notice*, 29 FCC Rcd at 14988, P 35 n.109.

n134 Public Knowledge Reply at 7.

n135 *See, e.g.*, Bright House Networks Reply at 2 (noting that, in 2014, Bright House began offering batteries as an option for new installations, and making them available for purchase for approximately \$ 35 plus shipping); Comcast *Ex Parte* Letter, June 8, 2015, at 1 ("New Xfinity Voice customers have the option of purchasing a backup battery for their Comcast voice modem for \$ 35.00 plus \$ 5.95 for shipping and handling. The price includes battery monitoring and customer notification when batteries are depleted.").

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n136 CSRIC Report at 3, 6.

n137 *See* Verizon Comments at 19; Bright House Networks Reply at 3; CenturyLink Reply at 40; Hawaiian Telcom, Reply at 4.

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. [*8697] We emphasize that we do not specify the rates at which providers of covered services may offer backup power or related accessories, we expect market forces to ensure that backup power is offered at competitive prices. A service provider can receive compensation for all aspects of implementing the rules we adopt today, including the backup power installation, and costs of equipment and labor, from the consumer that elects to have backup power installed. And we do not preclude service providers from including backup power capabilities without separate charge, if they choose to do so for competitive or other reasons.

46. By requiring only that service providers provision backup power upon subscriber request at point of sale, and at the requesting [**71] subscriber's expense, we have effectively negated the argument that these rules will substantially increase costs to providers. The majority of commenters who raise issues related to costs base their arguments on the assumption that the Commission would mandate a universal backup power solution across all subscribers, including retrofitting existing subscribers. n138 The action we take today will substantially limit the providers' costs by requiring backup power installations only for customers that request backup power at the point of sale, and at those customers' expense. Fiber to the Home Council Americas states that "while the industry has generally supplied backup batteries to all subscribers, it would make a material difference to the cost of a build, enabling expansion into less dense areas, if it could supply battery backup only to those subscribers that expressly want it --a number all-fiber service providers has determined is not great." n139 Similarly, NCTA stated that in their experience only a small number of customers have purchased backup power. n140 We also find concerns about the environmental effects of requiring all consumers to obtain backup power are inapplicable [**72] because we do not make such a requirement. n141

n138 *See* ACA Comments at 13-14; Cincinnati Bell Comments at 8; Letter from Thomas Cohen, Counsel to FTTH Council, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5, PS Docket No. 14-174, at 3 (filed May 7, 2015) (FTTH Council May 7, 2015 *Ex Parte* Letter); ITTA April 30 *Ex Parte* Letter at 2; Letter from Steven F. Morris, NCTA, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5, PS Docket No. 14-174, at 2 (filed May 18, 2015) (NCTA *Ex Parte* Letter); NCTA May 18, 2015 *Ex Parte* at 2. Some parties raised costs associated with one technical solution over another but our rules for backup power solutions are technology neutral. *See* Alarm Industry Communication Committee Comments at 7.

n139 FTTH Council *Ex Parte* Letter at 2.

n140 NCTA *Ex Parte* Letter at 2.

n141 *See* Bright House Network Reply at 2-3.

d. No Obligation to Retrofit

43. Some service providers express concerns about the cost and complexity of any obligation [**65] to retrofit currently installed equipment to comply with any backup power requirements the Commission adopts. AT&T, for example, states that "[i]f service providers were required to provide CPE backup power, the Commission should require only prospective implementation in order to avoid the technological pitfalls of retrofitting prior deployments." n126 ITTA argues that "[r]etrofitting existing service deployments for customers who are not interested in battery backup power would divert resources from new deployments, thus slowing the expansion of services to customers who desire advanced broadband capabilities." n127 We agree and decline to adopt any obligation that providers of covered services retrofit currently-deployed equipment to accommodate the amount of backup power specified in our rules for new installations. The record reflects that some covered services are currently deployed without backup power n128 and that consumers may prefer to continue using their existing equipment. n129 [*8696] Accordingly, we require only that backup power options be offered at the point of sale. n130 Providers may continue offering retrofit options for backup power upgrades to existing customers [**66] or those who decline the option at the point of sale, but they are under no obligation to do so. We note, however, that even service providers that do not currently offer backup power acknowledge that third-party UPS units may allow subscribers to maintain communications capabilities without the need to retrofit existing equipment. n131 Therefore, we conclude that providers' obligations to current subscribers should include the disclosure requirements discussed below and the option for subscribers to self-install commercially available backup power solutions that are compatible with existing equipment. n132

n126 AT&T Reply at 11.

n127 Letter from Micah M. Caldwell Vice President, Regulatory Affairs, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 13-5, PS Docket No. 14-174, at 2 (filed Apr. 30, 2015) (ITTA *Ex Parte* Letter).

n128 See Hughes Network Systems Reply at 3 (noting that "satellite terminals . . . require more power than electronics using alkaline batteries, due to the satellite terminal having to supply power for transmitting to and receiving from a satellite").

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n129 See Bright House Networks Reply at 3 (arguing that "[c]onsumers should have a right to choose to use VoIP modems that do not include backup batteries" and that "a battery mandate would increase the number of useless backup batteries that will end up stranded in multifunction devices that consumers keep for their other services").

n130 We define the "point of sale" in functional terms as the transaction between a service provider (or its agent) and a subscriber in which the subscriber requests, and commits to purchasing, a covered service. This may occur by telephone, online, or in person at a retail location. The offer of backup power required under our rules must be made as part of this transaction, regardless of when equipment is actually installed at a subscriber's home or when the subscriber is ultimately billed for such equipment.

n131 See Hughes Network Systems Reply at 3 (stating that an external UPS in the range of 3000 volt-ampere-hours (VAh) would provide 8 hours of standby time for a satellite service).

n132 See *infra* Section III.C.2.

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e. Compensation and Costs for Providing Backup Power

44. In the *Notice*, we proposed that any requirement for service providers to ensure a substitute for line power would be premised on the condition that such providers "would be entitled to commercially reasonable compensation in exchange for providing this service." n133 In response, Public Knowledge asserts that the Commission should use legacy POTS as a baseline and require providers to furnish backup power without an additional fee because, until the transition to IP-based services, reliability has always been paid for as part of a subscriber's phone bill, and allowing providers to charge for backup power for the same service via new technology would be a step backward. n134 However, this argument disregards the record evidence that batteries or other potential substitutes for line powering carry a not insignificant additional cost over an entire network, and that it is not unreasonable to permit providers to recoup those additional costs from those subscribers who have need for the additional coverage. We also note that it is current practice among many interconnected VoIP providers to charge an extra fee for batteries [**69] or other backup power capabili-

CERTIFICATE OF SERVICE

Main Brief--Docket No.C-2015-2515583

Today, May 4,2016, we served by first-class mail a copy of our main brief to Suzan Paiva, attorney for Verizon; by first-class mail an original copy to Rosemary Chiavetta, secretary to the PUC; and by hand delivery two copies to Judge Darlene Heep, Administrative Law Judge.

Neil and Gilda Altman

Gilda Anne Altman
Neil A. Altman

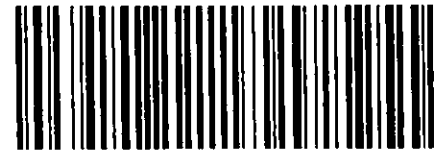
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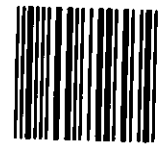


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