

March 29, 2019

Via Federal Express

Honorable Emily DeVoe
Administrative Law Judge
Pennsylvania Public Utility Commission
Piatt Place, Suite 220
301 Fifth Avenue
Pittsburgh, PA 15222

Re: Cynthia Mosco v. Verizon Pennsylvania LLC
Docket No. **C-2018-3006579; ANSWER OF VERIZON PENNSYLVANIA
LLC**

Your Honor:

Enclosed please find copies of the exhibits that Verizon Pennsylvania LLC (“Verizon”) plans to use at the April 8, 2019 hearing in this case. A copy of this letter and the exhibits have been sent to Ms. Mosco via federal express, as indicated below.

By way of background, Ms. Mosco’s Verizon telephone service is provided over copper facilities (outside cables, lines, etc.) but she has experienced chronic service problems (outages, noise, static). Although Verizon has made repeated repairs restoring the service to working order, the problems continue to recur. Ms. Mosco lives in an area where Verizon has deployed more modern, state-of-the art fiber-optic lines that are capable of providing the same telephone service currently provided over the legacy copper, but with superior reliability and resilience. Fiber does not corrode when wet, is less susceptible to damage from lightning, is less prone to static and outages, and is much easier to repair, all of which result in a much lower rate of trouble than copper. The Federal Communications Commission (“FCC”) permits Verizon to migrate its serving facilities from copper to the more reliable fiber-optics to address copper service problems. When Verizon service is migrated to fiber for repair reasons, the customer can choose to receive the same voice services as previously provided over copper, at the same rates and regulatory status, and is not required to purchase any additional services such as internet or television. The only change is in the serving facilities, to improve the quality of service.

Ms. Mosco refuses to agree to the fiber migration. To Verizon’s knowledge, Ms. Mosco’s telephone service is currently working, but if future problems occur (which is likely given the history), and Ms. Mosco wishes to continue to receive Verizon telephone service, she

will have to allow the fiber migration. Alternatively, Verizon service will be terminated following appropriate notice. If she wishes, she can port her number prior to termination and obtain service from another provider.

Verizon will submit the following exhibits in support of its case:

Verizon Exhibit 1 is a copy of the repair history for Ms. Mosco's line going back to May 31, 2018. Verizon's witness will authenticate this document.

Verizon Exhibit 2 is a copy of relevant portions of the FCC's August 7, 2015 *Technology Transitions Order I*.¹ This exhibit is not offered as an evidentiary document, but rather to provide applicable legal background for the record. This is the first in a series of FCC orders intended to provide a framework for orderly migration of service (including traditional landline voice) from legacy copper to state-of-the-art fiber facilities. The FCC made clear that transition from copper to fiber facilities is not only permitted under the law but should be encouraged and facilitated. In this order, the FCC describes two permissible situations in which a provider is permitted to migrate a customer's service from copper to fiber. The first is "copper retirement," a formal process to retire all of the copper facilities in an entire neighborhood, which Verizon is doing in some parts of Pennsylvania but has not yet commenced in Ms. Mosco's location (although it is likely to do so in the future). The second situation (which is present here) is "fiber repair." When fiber is available and the copper is no longer providing good service Verizon is permitted in an individual case to migrate the service to fiber without retiring copper in the entire neighborhood. By allowing fiber migration in a repair situation to improve the customer's service the FCC intended to "provide[] carriers with sufficient flexibility to manage service calls by moving customers from a copper to a fiber network" because it "recognize[s] the need for carriers, when faced with exigent circumstances, to manage their networks and ensure that their customers do not have their service disrupted . . . but instead the movement of a customer from a copper to a fiber network is the most effective and efficient means of addressing the customer's service concerns."²

Verizon Exhibit 3 is a copy of relevant paragraphs from the FCC's November 29, 2017 *Technology Transitions Order II*.³ This exhibit is not offered as an evidentiary document, but rather to provide applicable legal background for the record. The FCC made some changes to its copper retirement rules and further explained the permissibility of the fiber repair migration scenario in individual cases even where copper is not yet being retired for the whole neighborhood, noting that "[i]f copper deterioration is causing service quality issues. . . incumbent LECs are free to resolve those issues by migrating the customer to fiber, as long as the nature of the service being provided to the customer remains the same."⁴

¹ *In the Matter of Technologies Transitions, et. al*, GN Docket No. 13-5, et. al, 30 FCC Rcd 9372; 2015 FCC LEXIS 2000, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking (rel. Aug. 7, 2015) ("*Technology Transitions Order P*").

² *Technology Transitions Order I*, ¶ 93-94

³ *In re Deployment*, 32 FCC Rcd 11128, 11144, 2017 FCC LEXIS 3763 (rel. November 29, 2017) ("*Technology Transitions Order IP*").

⁴ *Technology Transitions Order II*, ¶ 38.

Verizon Exhibit 4 is a copy of the Commission’s July 12, 2018 opinion and order in the case of *Irwin Fox v. Verizon Pennsylvania LLC*.⁵ This exhibit is not offered as an evidentiary document, but rather to provide applicable legal background for the record. This case involved copper retirement, where the Commission explained the process for Verizon to terminate service to a customer who refused a fiber migration permitted by the FCC rules. The Commission recognized that “the retirement of copper telephone lines is regulated primarily by the FCC,” but that “[w]hen migrating telephone service from a copper to fiber-based service, Verizon also must comply with the relevant customer notice requirements regarding suspension/termination of service in Chapter 64 of the Commission’s regulations.”⁶ In the Fox case the Commission permitted Verizon to terminate its telephone service to Mr. Fox because of his refusal to allow access to perform fiber migration, after providing the required notices under Chapter 64. Similarly, in a fiber repair situation, if the customer does not allow the fiber migration and the service is in need of repair, then Verizon would follow the Chapter 64 rules to notify the customer of an impending termination of 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. Verizon has not commenced the termination notification process for Ms. Mosco at this time because her service is working, but if future problems occur requiring a Verizon repair then fiber migration or termination of service (which could include migration to another provider) will be the only options. Beyond the requirements to follow the FCC fiber migration rules and guidelines, to provide good service over fiber, and to follow the Commission’s notification rules before terminating service to an individual customer who refuses fiber migration, the Commission has held that “*there are no Commission laws, regulations or Orders regarding copper line availability or migration upon which to order Verizon PA to continue to provide . . . landline telephone service that is based on a copper line.*”⁷

Verizon Exhibit 5 is a copy of relevant paragraphs from the FCC’s August 7, 2015 *Battery Backup Order*.⁸ This exhibit is not offered as an evidentiary document, but rather to provide applicable legal background for the record. 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 located at the office to continue power in the event of a commercial power outage. 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. 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. The FCC’s *Battery Backup*

⁵ *Fox v. Verizon Pennsylvania LLC*, Docket No. C-2016-2576094 (Opinion and Order entered July 12, 2018) (“*Fox Final Order*”) at 9.

⁶ *Id.*

⁷ *Id.* (emphasis added).

⁸ *In the Matter of Ensuring Continuity of 911 Communications*, PS Docket No. 14-174, 30 FCC Rcd 8677; 2015 FCC LEXIS 2001, Report and Order (rel. Aug. 6, 2015) (“*Battery Backup Order*”).

Order explains the requirements for battery backup that must be offered to a customer for landline services that are not line powered, such as fiber voice, cable telephony, etc., and concluded that Verizon's battery backup unit called the Power Reserve, which uses standard D Cell (flashlight) batteries, complies with those requirements.⁹ Customers have a choice and are not required to accept the battery backup unit. The FCC rules permit the provider to charge the customer for the backup unit,¹⁰ but in a fiber repair situation like this one Verizon currently will provide a Power Reserve unit free of charge if the customer wants it.

Please contact me if you have any questions regarding Verizon's exhibits.

Very truly yours,



Suzan D. Paiva
Counsel for Verizon Pennsylvania LLC

SDP/sau
Enclosures

Via Federal Express
cc: Ms. Cynthia Mosco

Via E-Filing
cc: PUC Secretary Chiavetta (cover letter only)

⁹ *Battery Backup Order* ¶ 33.

¹⁰ *Battery Backup 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.")