

COMMONWEALTH OF PENNSYLVANIA



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March 11, 2024

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Rulemaking to Amend 52 Pa. Code §§
63.161— 63.171 (relating to Universal
Service); Advanced Notice of Proposed
Docket No. L-2023-3040646

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Reply Comments in the above-referenced proceeding.

Copies have been served as indicated on the enclosed Certificate of Service.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Rulemaking to Amend 52 Pa. Code §§ :
63.161— 63.171 (relating to Universal : Docket No. L-2023-3040646
Service); Advanced Notice of Proposed :
:

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate’s Reply Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 11th day of March 2024.

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BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Rulemaking to Amend 52 Pa. Code §§ :
63.161— 63.171 (relating to Universal : Docket No. L-2023-3040646
Service); Advanced Notice of Proposed :
Rulemaking :

**OFFICE OF CONSUMER ADVOCATE
REPLY COMMENTS**

I. INTRODUCTION

The Pennsylvania Public Utility Commission’s (PUC or Commission) Advance Notice of Proposed Rulemaking (ANOPR) opened for comment how to reform the Pa USF to “reasonably and effectively transition” the existing Pennsylvania Universal Service Fund (Pa USF) program “in a manner that promotes competitive neutrality and affordable rates for telecommunications services.”¹ The PUC laid out its goal of a functional, competitively neutral universal service program that supports the statutory directives of the Public Utility Code, PUC policy, and federal law.² Statements by Chairman Steven M. DeFrank and Commissioner John F. Coleman, Jr. urged commenters to focus on updating the concept of “basic universal service” in today’s world and other aspects of whether the Pa USF should continue and if so, then for what purpose.

In addition to the Office of Consumer Advocate, comments were filed by the Pennsylvania Telephone Association (PTA), the collective Verizon enterprises,³ the CTIA,⁴ the

¹ 53 Pa.B. at 7015

² 53 Pa.B. at 7015.

³ The Verizon Comments represents Verizon Pennsylvania, LLC and Verizon North, LLC (Verizon ILECs), and other named Verizon affiliates. In addition, Verizon affiliates Cellco Partnership d/b/a Verizon Wireless and TracFone Wireless, Inc. joined in portions of the Verizon Comments related to assessment of wireless carriers. Verizon Comments at 1, fn. 1.

Broadband Communications Association of Pennsylvania (BCAP), AT&T,⁵ and Office of Small Business Advocate (OSBA). In reply, the OCA will focus on several threads, common to the ANOPR and addressed by the other Commenters. To the extent the OCA has not expressly replied to another party's recommendation or legal argument does not imply a concession.

The OCA Comments and Reply Comments support the Commission's examination of the basic universal service concept and how best to support the statutory directives of the Public Utility Code and federal law and universal service policy. Importantly, the Commission should recognize that all Pennsylvania consumers should have access to modern communications services that are available and affordable. The Pa USF supports the affordability of residential service served by the RLEC recipients of funds from the Pa USF.⁶ If the Commission makes changes to the Pa USF, the Commission should continue to focus on affordability to benefit Pennsylvania residential consumers in all parts of the Commonwealth.

II. COMMENTS

A. The Commission Should Promote Affordability of Basic Universal Services

The OCA's primary recommendation is that the Pa USF continue to provide support for the current rural local exchange carrier (RLEC) recipients to help assure the affordability of local exchange services provided to residential consumers in their service areas. A portion of the PTA Comments provide support for the OCA position.

⁴ The Verizon wireless affiliates joined the CTIA Comments. Verizon Comments at 1, fn. 1.

⁵ The AT&T Comments are presented by three Pennsylvania affiliates that contribute to the Pa USF. AT&T Comments at 1.

⁶ The Pennsylvania Broadband Development Authority (PBDA) identified the Commission's Pa USF as a part of the Authority's "Asset Inventory." *Connecting the Commonwealth of Pennsylvania: A 5-Year Strategy Towards Internet for All*, at 32 (Aug. 2023) (*PBDA Five Year Plan*). Available at <https://dced.pa.gov/download/bead-five-year-action-plan/?wpdmdl=120962>

The PTA recommends continuation of the Pa USF as “an instrument of maintaining universal service,” under the current regulatory paradigm.⁷ The Pa USF “assists the RLECs in maintaining the ability to continue providing telephone service throughout their territory regardless of the actual take rate ...”⁸ Based upon a review of recent Annual Reports, the PTA estimates that the Pa USF supports local telephone service rate affordability at an average level of \$8.79 per access line per month and the median support per line is \$11.07 per month.⁹ The PTA estimates that adding \$8.79 per month to replace the loss of Pa USF support would result in a 46% increase, harmful for the consumer and the RLECs’ customer retention needs.¹⁰ As described by the PTA, the RLECs’ service areas have low population density, as well as higher costs to serve and meet their COLR obligations.¹¹ Further, while cellular service and cable provide competition, the PTA emphasizes that there are gaps in cell coverage in rural areas and cable-providers are selective as to where they serve, generally without the burden of carrier of last resort (COLR) related costs.¹²

As the Commission evaluates the future of the Pa USF, it must focus on the importance of affordable telecommunications services for residential consumers, particularly those in areas that lack an alternative connection at their homes to call family, schools, medical services and 911. The fundamental concept of universal service is that the nation’s communications network is of greater public value, the greater the number of consumers connected. The fact that today more communications may be made to or from wireless phones or Voice-over-Internet-Protocol (VOIP) lines does not diminish the importance of preserving affordable connectivity for

⁷ PTA Comments at 4.

⁸ *Id.* at 4.

⁹ *Id.*

¹⁰ *Id.* at 5, 8, 13-14.

¹¹ *Id.* at 7.

¹² *Id.* at 7.

consumers who subscribe to local exchange service. Indeed, as the PTA notes, RLEC networks benefit both their customers and other communications providers that use the RLEC poles or use the RLEC fiber to convey wireless traffic between towers.¹³

In contrast, other commenters call for a prompt end of the Pa USF, with little or no consideration of the importance of affordability and connectivity for consumers. For example, the OSBA recommends that the Pa USF be phased out within two years, with at most some needs-based safety net provision offered to RLECs.¹⁴

Verizon says the Commission should end the Pa USF, rescind the Pa USF regulations, and not adopt any alternative Pa USF.¹⁵ Verizon points to the Federal Communications Commission's (FCC) Lifeline program as sufficient to address affordable universal service concerns for Pennsylvanians.¹⁶ CTIA also recommends discontinuance of the Pa USF as perpetuating legacy networks.¹⁷ CTIA notes the popularity of wireless Lifeline and wireless service with Affordable Connectivity Program (ACP) support.¹⁸

BCAP takes the most measured approach, recognizing that the impact of federal support to bring high-speed broadband to unserved or underserved areas such as RDOF and BEAD will not be felt for many years. If these federal funds are used successfully, BCAP anticipates there will -- in the future -- be less need for state high-cost USF support.¹⁹ AT&T suggests that the Pa USF be improved by requiring a Pa USF recipient to meet need-based requirements.²⁰

The Commission should not rely on the position of those parties who make recommendations that the Pa USF should end, as viewed only through the lens of competition.

¹³ PTA Comments at 4.

¹⁴ OSBA Comments at 11, fn. 30.

¹⁵ Verizon Comments at 4, 11, 15.

¹⁶ *Id.* at 16-17.

¹⁷ CTIA Comments at 1, 3.

¹⁸ *Id.* at 2.

¹⁹ BCAP Comments at 2-4.

²⁰ AT&T Comments at 5.

For example, Verizon and the CTIA each opine that ALJ Colwell’s July 2009 Recommended Decision in the *Intrastate Access Investigation* is conclusive support for elimination of the Pa USF, on the premise that the Pa USF is contrary to competition and a bar to entry.²¹ But, the Commission did not endorse ALJ Colwell’s narrow focus or her recommendation. Instead, the Commission laid out in 2011 the framework for this Pa USF rulemaking:

The goal of preserving and enhancing competition among various wireline and wireless telecommunications service providers cannot be and is not the sole purpose for the existence and operation of the PaUSF. Rather, we find that the purpose, existence and operation of the Pa. USF are inextricably linked with the provision of affordable *universal service* to end-user consumers under Pennsylvania *and* federal statutory mandates, as well as this Commission’s regulations.²²

The Commission should follow the OCA’s primary recommendation and continue the Pa USF as a tool to assure the affordability of RLEC services for residential consumers. This would be consistent with the Commission’s intention to focus on the “the provision of affordable universal service to end-user consumers” in its evaluation of the future of the Pa USF.²³

In the alternative, the Commission should reform the Pa USF to improve the affordability of voice service or even voice and broadband services for low-income Pennsylvania households.²⁴ Critically, the Commission should not just leave protection or improvement of the affordability of services to the federal Lifeline program or federal

²¹ Verizon Comments at 5-8; CTIA Comments at 8-9. Each cite the *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund*, Recommended Decision of ALJ Colwell at 87-88 (July 22, 2009).

²² *Investigation Regarding Intrastate Access Charges and IntraLATA Toll Rates of Rural Carriers and The Pennsylvania Universal Service Fund*, Order at 76 (July 11, 2011)(emphasis in original)(*Intrastate Access Investigation Order*), Order on Limited Reconsideration and Stay, at 12, 66-67 (Aug. 9, 2012)(The future Pa USF rulemaking will focus on “the provision of affordable universal service to end-users...”).

²³ *Intrastate Access Investigation Order* at 12, 66-67.

²⁴ OCA Comments at 3-6.

ACP, as suggested by Verizon and the CTIA.²⁵ Indeed, the *Intrastate Access Investigation Order* directed that “the future examination of the PaUSF mechanism can and will include discussion of targeted support for low-income customers ...”²⁶

It would be unreasonable for the Commission to rely solely on federal programs to improve the affordability of voice or voice and broadband services for Pennsylvania low-income households.²⁷ The federal Lifeline support does make some services more affordable for eligible low-income households. However, the Lifeline support amount for stand-alone voice service is limited to \$5.25 per month and may not be available past the end of 2024.²⁸ Federal Lifeline support for voice and broadband or just broadband is \$9.25 per month.²⁹ While a variety of providers may be Eligible Telecommunications Carriers (ETCs) qualified to offer services with the \$9.25 in support, the services that qualify for this level of Lifeline support may not be available statewide.³⁰ Further, the impact of the federal Lifeline \$9.25 discount will depend on the ETC’s retail charges for the voice and broadband or broadband-only service.³¹

As noted in the OCA Comments, Section 3019(f)(6) precludes the imposition by the Commission of a new Lifeline service discount that is not fully subsidized by the FCC’s Lifeline

²⁵ CTIA Comments at 2; Verizon Comments at 2, 17.

²⁶ *Intrastate Access Investigation Order* at 77.

²⁷ See, OCA Comments at 3-4; 66 Pa.C.S. § 3011(2), (11).

²⁸ *In the Matter of Lifeline and Link Up Reform and Modernization*, WC Docket 11-42, Order ¶¶ 1, 10, 12 (July 7, 2023)(*July 2023 Lifeline Waiver Order*). Available at <https://docs.fcc.gov/public/attachments/DA-23-589A1.pdf>

²⁹ 47 C.F.R. §§ 54.403, 54.408.

³⁰ Availability may depend on the ILEC ETC’s broadband capable network, the coverage area of wireless ETCs, or the designated area of an ETC receiving high-cost support such as RDOF in specific census block groups. *Lifeline and Link Up Reform and Modernization et al.*, WC Docket No. 11-42, Third Report and Order, Further Report and Order, and Order on Reconsideration ¶¶ 297, 303, 309 (*2016 Lifeline Order*). Where a wireless ETC can provision Lifeline service may depend on the underlying resale agreements. *Id.*, ¶ 304. See also, *Boomerang Wireless, LLC d/b/a enTouch Wireless Petition Seeking Partial Relinquishment of its ETC Designation in the Service Area Served by Underlying Carrier Verizon Wireless and Removal of AT&T Mobility as an Underlying Carrier*, Secretarial Letter (Oct. 30, 2023), Tentative Order (Sept. 21, 2023).

³¹ The FCC has expressed concern that some bundles of voice and broadband may be cost-prohibitive for Lifeline households. *July 2023 Lifeline Waiver Order*, ¶ 12.

program.³² This provision is either an obstacle for the Commission to work around or seek statutory revision. Despite Verizon’s insistence that the Section 3019(f)(6) restriction be unchanged,³³ the Commission should choose to promote the affordability of voice or voice and broadband services for the benefit of low-income consumers. Such a policy decision would conform with Section 3011(2), (3) and could allow the establishment of a larger combined amount of Lifeline support or even some Pennsylvania equivalent to the federal ACP.³⁴

The CTIA also referenced the federal ACP, as designed to make broadband more affordable for low-income households.³⁵ Most recently, the FCC announced that April 2024 will be the final month for the ACP.³⁶ Thus the legacy of the ACP will be as a case study for the Commission to evaluate the needs of Pennsylvania low-income households for support to engage in and benefit from Pennsylvania’s evolving interactive broadband telecommunications networks.³⁷ Importantly, the ACP was available to a wide group of consumers who might have slightly more income than under Lifeline eligibility standards. Also, the ACP offered a larger monthly discount or credit towards an ACP specific service offering from the participating provider. The end of the ACP program is expected to negatively impact broadband subscription rates for participants, as the costs to keep service may increase.

The Commission should not accept that the federal Lifeline program is sufficient to meet the needs of Pennsylvania low-income households to participate in today’s

³² OCA Comments at 5; 66 Pa.C.S. § 3019(f)(6).

³³ Verizon Comments at 17-18.

³⁴ OCA Comments at 5-6.

³⁵ OCA Comments at 4; CTIA Comments at 2.

³⁶ Public Notice, *Wireline Competition Bureau Announces the Final Month of the Affordable Connectivity Program*, WC Docket No. 21-450 (rel. Mar. 4, 2024). Available at <https://www.fcc.gov/document/fcc-issues-formal-notice-april-final-full-month-acp-program> <https://docs.fcc.gov/public/attachments/DA-24-195A1.pdf>

³⁷ OCA Comments at 4; 66 Pa.C.S. § 3011(2). See, PDBA Five Plan at 24-25 (Map of ACP participation rates – April 2023).

modern connected world. The OCA acknowledges that future broadband network builds or upgrades made with BEAD and other federal support may include some affordable service offering by the grantee.³⁸ Yet the award of BEAD and related federal support and then build-out remains years away. The Commission should consider how to refocus the Pa USF to improve the affordability of needed voice or voice and broadband services for low-income households.

B. The Commission's Authority

Verizon and others cast doubt on the Commission's authority to continue the Pa USF or to modify the Pa USF, given that the current Pa USF regulations were framed based upon the original Chapter 30.³⁹ The OCA disagrees. The Commission provided a regulatory review statement in support of the original Section 63.161 *et seq* rulemaking which was sufficient to result in approval of the final rulemaking, pursuant to the Regulatory Review Act.⁴⁰ Section 3011(2) and (3) set forth the Commonwealth's current policy that the Commission maintain universal service telecommunications services at affordable rates and that customers only pay reasonable charges for protected services, policy goals previously stated in the original Section 3001(1) and (2).⁴¹ Further, the current Chapter 30 does acknowledge the current Pa USF framework, memorializing the reporting obligations as to "Universal Service Reports."⁴² Verizon overstates the hurdle presented by the Regulatory Review Act for a rulemaking to revise the Pa USF regulations.⁴³

³⁸ See, PBDA Broadband Equity, Access, and Deployment Initial Proposal, Vol. 2 (Draft) at 76-79. Available at <https://dced.pa.gov/download/pbda-initial-proposal-volume-ii-draft/?wpdmdl=122649>

³⁹ Verizon Comments at 3-4, 24-25; CTIA Comments at 5-6.

⁴⁰ *Universal Service Fund Revised Final Rulemaking*, 31 Pa.B. 3402 (June 30, 2001).

⁴¹ Compare, *Universal Service Fund Revised Final Rulemaking*, 31 Pa.B at 3402, summary of Section 3001 with 66 Pa.C.S. § 3011(2), (3). See also, *Intrastate Access Investigation Order*, at 74-78.

⁴² See, Verizon Comments at 24-25; 66 Pa.C.S. § 3015(e)(5).

⁴³ See, e.g. Verizon Comments at 11, 15, 21-27.

The CTIA and Verizon separately opine that the Commission may not expand the contribution base because a) the action would involve legislative action not delegated to the Commission, and/or b) conflict with Section 254(f) of the 1996 Telecom Act.⁴⁴ Verizon equates funding of a state USF as “taxes on Pennsylvania customers or companies.”⁴⁵ In the *Intrastate Access Investigation Order*, the Commission rejected the characterization of Pa USF assessments as a “hidden tax” based on Pennsylvania case law, as well the Section 63.170 “no end-user surcharge” provision.⁴⁶ The Commission also rejected the theory of some parties in that case, that a contributions requirement is a barrier to entry or anti-competitive.⁴⁷ The Commission should accord Verizon’s and the CTIA’s similar claims no weight or merit.⁴⁸

The OCA Comments support expansion of the Pa USF contribution base to include intrastate revenues from interconnected VOIP providers and wireless carriers.⁴⁹ The PTA supports inclusion of interconnected VOIP providers, and possibly wireless carriers.⁵⁰ The CTIA, Verizon, and AT&T again allege a lack of authority on the part of the Commission, based on the non-public utility status of some or all of these alternative service providers.⁵¹ The OCA disagrees.⁵² In the *Universal Service Fund Rulemaking Order*, the Commission stated that “Section 254(f) of the Telecommunications Act of 1996 (TA-96) (47 U.S.C.A, § 254) also contains explicit state authority for a USF.”⁵³

⁴⁴ CTIA Comments at 4-6; Verizon Comments at 21-25.

⁴⁵ Verizon Comments at 3, 7.

⁴⁶ *Intrastate Access Investigation Order*, at 67-68, 71-72, 77-78. The Commission agreed with OCA and the PTA that Commonwealth Court had “rejected the argument that the contribution obligation to the PaUSF amounted to an illegal tax.” Id. at 77-78, citing *Bell-Atlantic-Pennsylvania, Inc. v. Pa. P.U.C.*, 763 A.2d 440, 494, 497-498 (Pa. Commw. 2000) (*Global Order Appeal*), [subsequent history omitted]; 52 Pa. Code § 63.170.

⁴⁷ *Intrastate Access Investigation Order*, at 76, 78.

⁴⁸ See, Verizon Comments at 4-5, 9, 26; CTIA Comments at 8-9.

⁴⁹ OCA Comments at 10-12.

⁵⁰ PTA Comments at 16-18.

⁵¹ CTIA Comments at 4-7; Verizon Comments at 21-25; AT&T at 3-5 (cannot assess wireless carriers; might assess interconnected VOIP providers).

⁵² OCA Comments at 10-12.

⁵³ *Universal Service Fund Revised Final Rulemaking*, 31 Pa.B at 3402, citing 47 U.S.C. § 254(f).

The Commission does not currently assess wireless carrier's intrastate revenues for contribution to the Pa USF due to the Section 63.171 definition of "contributing telecommunications providers" which wireless carriers.⁵⁴ The Commission should revise that definition per the OCA Comments. In further support, the Commission should consider the *Global Order Appeal* decision. In that decision, Commonwealth Court reviewed several elements of a challenge as to whether wireless carriers should have been included in the *Global Order*'s original identification of the base on contributors to the Pa USF.⁵⁵ An ILEC, GTE opposed the exclusion of wireless carriers from the Pa USF, citing *Texas Office of Public Utility Counsel v. FCC*, 183 F.3rd 393(5th Cir. 1999), in support of a claim that federal law requires states to include wireless carriers.⁵⁶ However, another ILEC, Sprint/United challenged that GTE had not preserved the question for appellate review. The *Global Order Appeal* review of the universal service contribution subject concluded:

Moreover, as Sprint/United calls to our attention, an entity engaged in wireless communications exclusively, i.e. any person "not otherwise a public utility, who or which furnishes mobile domestic cellular radio telecommunications service" is not within the definition of "Public utility" subject to PUC jurisdiction. [66 Pa.C.S.A. § 102\(2\)\(iv\)](#).

With respect to GTE's reliance upon *Texas Office of Public Utility Counsel v. FCC*, [183 F.3d 393](#) (5th Cir. 1999), Sprint/United correctly reports that the federal court perceived no mandate that wireless carriers be included in a USF, leaving that decision as optional with state commissions. This Court agrees with that reading of the case's result.

The USF decision, as programmed by the PUC, merits affirmance.⁵⁷

Based upon the *Global Appeal Order*, the determinative question for the Commission is whether to exercise its discretion under Section 251(f) of the 1996 Telecommunications Act, to include

⁵⁴ OCA Comments at 12.

⁵⁵ *Global Order Appeal*, 763 A.2d at 499-500.

⁵⁶ *Global Order Appeal*, 763 A.2d at 499-501.

⁵⁷ *Global Order Appeal*, 763 A.2d at 500-501.

wireless carriers as contributors to the Pa USF.⁵⁸ The *Global Appeal Order* agreed that the *Texas Office of Public Utility Counsel* case controlled. The *Global Appeal Order*'s mention of the Section 102 exclusion of wireless carriers as public utilities was not the determinative factor; rather in the course of the *Global Order* proceedings the Commission had not opted to include wireless carriers as contributors. As set forth in the OCA Comments, the Commission may include as contributors to the Pa USF interconnected VOIP providers and wireless carriers, regardless whether jurisdictional public utilities.⁵⁹

C. The Request for Regulatory Relief Raised by Verizon and the PTA

In the *Intrastate Access Investigation Order*, the Commission invited parties to offer a wide range of matters for consideration as part of the future Pa USF rulemaking, including matters related to COLR and regulatory obligations, “interaction with potential federal USF reforms, competitive implications, broadband deployment and availability,” etc.⁶⁰ The Verizon Comments and PTA Comments each propose that the Commission reduce or eliminate the majority of the statutory and regulatory obligations on the ILECs.⁶¹

Verizon cites the significant loss of landlines to competitors and the future influx of federal funds for broadband build-out as justification for a move away from legacy regulation, urging the Commission to “take positive steps toward bringing the benefits of ubiquitous high-speed broadband to all Pennsylvanians.”⁶² Verizon suggests that the Commission be proactive and use declaratory orders and a provision of Chapter 30 to re-open and revise all Chapter 30 Plans “to eliminate any ongoing obligation for the ILECs to maintain facilities in place or to

⁵⁸ *Global Order Appeal*, 763 A.2d at 499-501; 47 U.S.C. § 254(f).

⁵⁹ OCA Comments at 10-12.

⁶⁰ *Intrastate Access Investigation Order*, at 77.

⁶¹ Verizon Comments at 1-3, 12-15, 27-28.

⁶² Verizon Comments at 12.

deploy to the ILECs' retail voice-customers a Chapter 30 'broadband' service...."⁶³ In addition, Verizon requests that the Commission classify all ILEC retail services as "competitive" in any area where the FCC Broadband Map demonstrates service is available from another provider.⁶⁴ Verizon also asks that the Commission issue a declaratory order "that an ILEC is not required to make line extensions to enable it to provide voice services where it does not have existing network facilities" and service is available from another provider.⁶⁵

The PTA also asks the Commission to reduce regulatory burdens, citing the Commission's revisions to Chapters 63 and 64 as "underwhelming" and insufficient.⁶⁶ The PTA maps out two alternate paths. "So long as heavy regulation and the COLR obligation is maintained, so should the USF."⁶⁷ In the alternative, the PTA seeks a framework that would allow ILECs to opt of COLR obligations, "some form of alternative, company-selected regulatory framework," such as a "transitional carrier" concept. In this scenario an ILEC would give up Pa USF support and in exchange be exempt from regulation of price and retail operations, while preserving Commission oversight in areas such as 911, Lifeline service, dispute resolution, pole attachments, numbering and similar obligations.⁶⁸

The OCA Comments touched briefly on some Commission affirmation of the ILECs' COLR or POLR obligations, spanning the Verizon Reclassification case to the Chapter 63 and 64 Rulemaking to the DRIVE Declaratory Order.⁶⁹ The OCA Comment's primary is aligned with the PTA's position tied to continuation of the Pa USF. The OCA appreciates that Verizon and the PTA have articulated in a general way their requests for regulatory relief. The OCA has

⁶³ Verizon Comments at 14.

⁶⁴ Verizon Comments at 14.

⁶⁵ Verizon Comments at 15.

⁶⁶ PTA Comments at 1-3, 9-10, 14-15.

⁶⁷ PTA Comments at 4.

⁶⁸ PTA Comments at 15.

⁶⁹ OCA Comments at 3, fn. 8.

significant concerns and questions about the merit, mechanics and glide path, if there should be any forward movement on such proposals. But most importantly, the OCA is concerned for the possible impact on those consumers who depend on the landline because they have no choice, or if they have mobile service the signal is not reliable in their home. Several of the Commenters present estimates of the number of customers with plain old telephone service (POTS) or mostly reliant on landline service. The OCA is concerned that these customers should still have robust protections and accountability from their service provider. Further, the OCA the affordability of services is a concern. The Verizon and PTA proposals that only the most minimal of regulatory obligations might be reserved due to competition is in stark contrast to the fact that the enormous influx of federal funds is needed to move forward towards the goal of universal broadband availability at speeds that meet consumers modern day needs.

The OCA will continue to engage with the Commission, the Commenters, and public on the issues raised by the other parties.

III. CONCLUSION

The Office of Consumer Advocate appreciates opportunity to provide Reply Comments on matters raised by the Public Utility Commission's Advance Notice of Proposed Rulemaking and the variety of comments and recommendations presented by other interested parties.

Respectfully Submitted,

/s/ Barrett C. Sheridan

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