

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

<b>In the Matter of</b>	)	
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	)	
<b>Section 214 Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Service</b>	)	<b>WC Docket No. 13-150 Comp. Pol. File No. 1115</b>
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<b>Technology Transitions Policy Task Force</b>	)	<b>Docket No. 13-5</b>
	)	

To: The Commission

**COMMENTS OF THE  
TELECOMMUNICATIONS INDUSTRY ASSOCIATION**

The Telecommunications Industry Association (“TIA”)<sup>1</sup> appreciates the opportunity to comment on the application of Verizon to discontinue interstate wireline telecommunications services, including interstate interexchange and exchange access service to some of its customers. As noted in the Public Notice, “Verizon asserts that copper wireline facilities used

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<sup>1</sup> TIA represents the global information and communications technology (“ICT”) industry through standards development, advocacy, tradeshow, business opportunities, market intelligence and world-wide environmental regulatory analysis. Its hundreds of member companies manufacture or supply the products and services used in the provision of broadband and broadband-enabled applications. Since 1924, TIA has enhanced the business environment for broadband, mobile wireless, information technology, networks, cable, satellite and unified communications. TIA’s standards committees create consensus-based voluntary standards for numerous facets of the ICT industry.

to provide these services in certain parts of New Jersey and New York were destroyed or rendered inoperable by Hurricane Sandy on or after October 29, 2012.”<sup>2</sup>

TIA makes these comments in the context of the Federal Communications Commission’s (“Commission’s”) Technology Transitions Policy Task Force ongoing effort to address in a comprehensive and systematic fashion how both the industry and applicable governing regulations will transition to next-generation services and platforms, consistent with the Commission’s mandate to protect the public interest.<sup>3</sup>

The immediate proceeding raises in very concrete terms a central question regarding the IP-transition: **How should regulators respond when legacy telecommunications equipment no longer functions?**

As TIA previously noted, “obsolescence continues to be a major driver of the transition. Legacy TDM platforms are typically already approaching a 40 year plus lifespan. Essential expertise and equipment spares are becoming scarce. Should an original vendor no longer be in business and if no alternative support or spares are available, then carriers can be forced to migrate from their legacy silo model to a new voice platform.”<sup>4</sup>

To be sure, the destruction of telecommunications facilities in the Verizon discontinuation proceeding is the product of extraordinary circumstances, Hurricane Sandy.

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<sup>2</sup> Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services, WC Docket No. 13-150 Comp. Pol. File No. 1115, (released: June 28, 2013).

<sup>3</sup> Technology Transitions Policy Task Force Seeks Comment on Potential Trials, Public Notice, GN-Docket No. 13-5.

<sup>4</sup> *see*, TIA Comment at 5, Technology Transitions Policy Task Force Seeks Comment on Potential Trials, Docket No. 13-5 (filed July 8, 2013) “TIA Comment”.

Nevertheless, the deterioration of legacy TDM facilities that have exceeded their anticipated product life is a reality that carriers, as well as regulators, will be required to address with increasing frequency.

We again note the comments of Alcatel-Lucent stating that “Even though studies suggest drivers do exist for PSTN retirement (excess PSTN capacity, high operating costs, obsolete spares and declining knowledge base, etc) carriers often cite regulatory requirements as a top reason for prohibiting full scale PSTN retirement programs.”<sup>5</sup>

The Commission’s National Broadband Plan has previously highlighted the problems associated with the extended continuation of legacy networks. The Commission noted this not only risks stranding that ongoing investment, but that it “siphon[s] investments away from new networks and services.”<sup>6</sup> The Plan highlighted the costs of “requiring an incumbent to maintain two networks,” and recommended the Commission “ensure that legacy regulations and services did not become a drag on the transition to a more modern and efficient use of resources.”<sup>7</sup>

TIA notes that Verizon is offering customers a device that will continue to receive basic voice service just as they previously received over their-copper based facilities. Customers additionally will receive free unlimited long distance, all at a comparable or lower price.<sup>8</sup> A key issue for both the “Verizon discontinuation” and “IP-Transition” proceedings to resolve, then, is

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<sup>5</sup> *see*, Alcatel-Lucent Comment, AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition; Petition of the National Telecommunications Cooperative Association for a Rulemaking to Promote and Sustain the Ongoing DM-to-IP Evolution, GN Docket 12-353 (filed Jan. 28, 2013) at 16.

<sup>6</sup> *see*, Federal Communications Commission, *Connecting America: The National Broadband Plan*, at 49, 59 (2010).

<sup>7</sup> *Id.* at 59.

<sup>8</sup> *see*, Verizon Fire Island “community page” [http://www22.verizon.com/about/community/fireislandny.htm?CMP=DMC-CVZ\\_ZZ\\_ZZ\\_Z\\_ZZ\\_N\\_X00447](http://www22.verizon.com/about/community/fireislandny.htm?CMP=DMC-CVZ_ZZ_ZZ_Z_ZZ_N_X00447) (last accessed July 26, 2013).

the extent to which customers may lose access to services or functions that depend upon legacy facilities, and which cannot be readily duplicated with alternative technology.

As a standard for determining the appropriateness of continuing legacy regulatory requirements, TIA has advocated an approach that focuses on the “substance” of a service over the regulatory “form.” Regulatory “substance” includes requirements actually impacting an end user’s expectation regarding service availability and performance. Regulatory “form” may involve metrics of a service’s technical attributes associated with a specific technology.<sup>9</sup>

Consistent with the proposed standard, TIA believes that Verizon’s “Hurricane Sandy” experience provides a potential case study in the circumstances in which equipment failure necessitates an accommodation to technology transition. The lessons learned can help better identify the steps necessary for maintaining comparable services during the IP-transition.<sup>10</sup>

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<sup>9</sup> *see*, TIA Comment at 6-7.

<sup>10</sup> *see*, TIA Comment at 7.

**Conclusion.** The Commission should help all affected parties navigate this transition in a manner that promotes additional infrastructure investment while protecting consumers and competition.

Respectfully submitted,

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