



By Electronic Delivery

July 23, 2015

Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ensuring Customer Premises Equipment Backup Power; Technology Transitions; Copper Retirement; and Discontinuance of Service" PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, RM-10593

Dear Chairman Wheeler:

The Telecommunications Industry Association¹ ("TIA") hereby submits this ex parte communication to the Federal Communications Commission ("Commission") to expand on our prior comments in the IP Transition proceeding.²

Our association encourages the Commission to ensure that its policies do not prolong the nation's reliance on legacy copper-based services or frustrate the ability of providers to choose the most efficient solutions for serving consumers. The Commission's National Broadband Plan has previously highlighted the problems associated with the extended continuation of legacy networks, noting that this not only risks stranding ongoing investment, but that it also "siphon[s] investments away from new networks and services."³ The Plan highlighted the costs of "requiring an incumbent to maintain two networks," and recommended the Commission "ensure

¹ TIA is a Washington, DC-based trade association and standards developer that represents the global information and communications technology (ICT) industry through standards development, advocacy, tradeshows, business opportunities, market intelligence, and world-wide environmental regulatory analysis. For over eighty years, TIA has enhanced the business environments for broadband, mobile wireless, information technology, networks, cable, satellite, and unified communications. TIA's hundreds of member companies' products and services empower communications in every industry and market, including healthcare, education, security, public safety, transportation, government, the military, the environment, and entertainment. TIA is an accredited standard development organization for the ICT sector by the American National Standards Institute (ANSI).

² See, NOTICE OF PROPOSED RULEMAKING AND DECLARATORY RULING - "Ensuring Customer Premises Equipment Backup Power; Technology Transitions; Copper Retirement; and Discontinuance of Service" PS Docket No. 14-174, GN Docket No. 13-5, RM-11358, WC Docket No. 05-25, RM-10593 FCC 14-185 (Rel. 2014) ("Public Notice" or "NPRM")

³ See, Federal Communications Commission, *Connecting America: The National Broadband Plan*, at 49, 59 (2010).

that legacy regulations and services did not become a drag on the transition to a more modern and efficient use of resources."⁴

As the FCC considers how best to facilitate the transition to IP platforms, its review should be guided by clearly articulated goals:

- Encouraging investment in intelligent network infrastructure, including accelerating broadband infrastructure investment;
- Fostering competition in the IP industry;
- Ameliorating any adverse effects of the transition on consumers or competition in the IP industry;
- Allowing the market to reflect consumer choice, rather than the having the government dictate consumer choice.

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.”⁵

Appropriate consideration needs to be given to the fact that equipment exceeding its anticipated life cycle will inevitably become less reliable with age. Alternative technologies can exceed the performance of these deteriorating legacy investments; even more important is the potential delay in new facilities investment that a copper retention regime would produce. (Although, TIA notes that while some technological solutions can have the effect of extending the usefulness of legacy equipment, the choice to employ these should be a business decision rather than a regulatory mandate.).

On January 29th, the FCC issued its 2015 Broadband Progress Report stating that broadband deployment is failing to keep pace with today’s advanced, high-quality voice, data, graphics, and video offerings. Concluding that the 4Mbps down/1Mbps up standard set as recently as 2010 has now become inadequate, the Commission raised the benchmark to 25Mbps down/3Mbps up.⁶ Achieving a desired increase of more than 600% in download speeds will require the telecommunications industry to maintain a very robust investment pace.

Requiring that copper that would otherwise be retired to remain in service introduces significant uncertainty to investment decision- making. The Commission should avoid creating this uncertainty because it will delay the broadband infrastructure investment that its own policies have identified as a national priority.

⁴ *Id.* at 59.

⁵ *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”.

⁶ *See*, Fourth International Broadband Data Report (2015); FCC FINDS U.S. BROADBAND DEPLOYMENT NOT KEEPING PACE: Updates Broadband Speed Benchmark to 25Mbps/3 Mbps to Reflect Consumer Demand, Advances in Technology, Adopted January 29, 2015 (Report Rel. February 4, 2015)

TIA associates itself with the comments of Fiber to the Home Council Americas that "concerns about consumers being switched from copper to all-fiber without their knowledge or consent are vastly inflated if not unfounded."⁷ In fact a network operator cannot retire copper and install fiber for residential subscribers without obtaining access to premises to install the optical network terminal after, both contacting each subscriber, and obtaining their cooperation. Dictating unnecessarily complex communications processes with consumers through regulation risks placing form ahead of substance.

Pursuant to Section 1.1206 of the Commission's rules, this letter is being electronically filed via ECFS and with your office.⁸

Respectfully submitted,

Telecommunications Industry Association

By: _____

Mark Uncapher
Director , Government Affairs

TELECOMMUNICATIONS INDUSTRY ASSOCIATION
1320 Court House Road, Suite 200
Arlington, VA 22201
(703) 907-7700

cc:
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Marlene H. Dortch, Secretary

⁷ See Ex Parte letter, Fiber to the Home Council Americas, Technology Transitions GN Docket No. 13-5, filed May 13, 2015.

⁸ See 47 C.F.R. § 1.1206.