



January 13, 2014

Ms. Marlene Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

RE: Ex Parte Notice, In the Matter of Policies to Respond to the Ongoing Technological Transition of Voice Networks, GN Docket No. 12-353

NASUCA welcomes the efforts of the Commission and Chairman Wheeler to solicit input and analysis and encourage dialog regarding the profound changes occurring with respect to telecommunications networks and their transition to the use of Internet Protocol for the provision of essential communication and information services. In that spirit we are providing the attached paper, *The IP/Broadband Transition – Public Policy Still Matters* for inclusion in the record.¹ The paper is sponsored by NASUCA. It addresses key public policy issues associated with the IP transition and rebuts the arguments of Anna-Maria Kovacs, positions that have been presented to the FCC in several proceedings, including this one.²

There is no question that the transition to all-IP broadband networks is underway. However, this transition does not eliminate the underlying public policy objectives that regulators have promoted—affordable rates, high quality services, 911 access, or broadband deployment. It is reasonable, indeed necessary, to anticipate an ongoing need for policy oversight of the IP transition, including the need for a reasoned determination of when regulation may be needed to correct market failures, and to enable rapid resolution of market conflicts, including between customers and carriers. Dr. Kovacs' conclusion that "liberating" ILECs from regulatory oversight will produce additional investment and result in the optimal outcome is not reasonably supported. Absent oversight when needed, each of the policy objectives that have been fulfilled through the legacy Public Switched Telecommunications Network will be threatened in the IP-broadband world. The following areas continue to require the attention of policymakers,

¹ *The IP/Broadband Transition – Public Policy Still Matters, A Response to Anna-Maria Kovacs' "Telecommunications competition: the infrastructure-investment race,"* Prepared for NASUCA by Trevor R. Roycroft, Ph.D., November 15, 2013.

² Dr. Kovacs' position is similar to one recently advanced by AT&T. See, AT&T's November 7, 2012 ex parte in this docket.

regardless of the technology that is utilized to provide critical telecommunications services:

- **Affordability:** Broadband and wireless services are increasingly viewed as necessities. Policy makers should consider whether steps are necessary to mitigate affordability concerns.
- **Limited Competition:** Duopoly wireline broadband markets, and consolidating wireless markets, should be monitored to determine whether markets are delivering economically efficient value and outcomes.
- **Reliability and Service Quality:** Legacy wireline voice networks have delivered reliable and high quality service, providing value to consumers and contributing to the fulfillment of critical public safety objectives. As broadband and wireless are now viewed as necessities, reliability and service quality standards for new technologies must be addressed. The FCC should work with states to ensure that carriers provide robust back-up power both in their networks and at the customer premises.
- **Access to Emergency Services:** The transition to an alternative technology platform does not reduce the importance of reliable access to emergency service providers. Policy makers should monitor the oversight of the transition to IP-based broadband, and ensure that the benefits associated with high-quality systems continue. The issue of backup power also requires careful attention.
- **Carrier of Last Resort and Universal Service:** Carrier of last resort obligations, the requirement that local telephone companies make service available to all households in their service area, have ensured that affordable and reliable telephone service is available on reasonable request to all households. While voice services have been subject to COLR obligations, broadband services have not. Access to affordable, high-quality broadband services will be as important in the future as access to affordable high-quality legacy voice services has been in the past. Determining how COLR costs will be recovered, and the criteria required to ensure broadband availability will be critical.
- **Informed Consumers and Consumer Education:** During the transition to IP/broadband, policy makers should ensure that educational efforts are ongoing, so as to inform consumers of changes and the potential impact of changes, and to promote an open dialog regarding consumer needs during the transition.

Finally, the states have a role in addressing the seven areas described above under state laws. The Commission should support the states' role and recognize the authority of states to address these seven areas of concern.

Respectfully submitted,

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