

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of:	)	
	)	
Section 63.71 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
by	)	
	)	
Public Knowledge	)	

**MOTION TO REMOVE APPLICATION TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES FROM STREAMLINED AUTHORIZATION**

Public Knowledge requests the removal of the application listed in this notice from streamlined treatment as a result of the Commission’s streamlined procedures for domestic section 214(a) discontinuance, reduction, or impairment of service pursuant to § 63.71(c) of the Commission’s rules.<sup>1</sup> When investigating an application to discontinue, reduce, or impair service under § 214(a), the FCC will look to whether customers would be unable to receive service or a reasonable substitute or whether the public convenience and necessity would be otherwise adversely affected by the change.<sup>2</sup> But, especially given the New York State Public Service Commission’s (NYPSC) decision to extend its public comment deadline to September 13<sup>th</sup> and require a report from Verizon on the quality and reliability of Voice Link on November 1<sup>st</sup>,<sup>3</sup> the

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<sup>1</sup> See 47 C.F.R. § 63.71(c). See also 47 U.S.C. § 214(a); 47 C.F.R. § 63.71(a)(5)(ii); *Implementation of Further Streamlining Measures for Domestic Section 214 Authorizations*, CC Docket No. 01-150, Report and Order, 17 FCC Red 5517 (2002).

<sup>2</sup> 47 U.S.C. § 214(a); 47 C.F.R. § 63.71(a)(5)(ii).

<sup>3</sup> See State of New York Public Service Commission, *PSC Extends Comment Period on Voice Link* (July 9, 2013); New York Public Service Commission Comments, *Re: In the Matter of*

Commission’s streamlined procedures could result in automatic approval of Verizon’s network change before the full record of consumer feedback on Voice Link has even been developed. Moreover, the proposed application to discontinue services represents a potentially precedent-setting § 214(a) request because it seeks to replace hurricane-damaged wireline infrastructure with a new, untested fixed wireless service.<sup>4</sup> Further examination by the Commission of Verizon’s application—*after* the full record of public comments is collected for review—is needed to adequately determine the full extent of the impact of Voice Link service on the residents of Fire Island and all stakeholders involved. Furthermore, as hurricanes and natural disasters continue to damage telecommunications infrastructure, the increasingly likely decisions of carriers to replace damaged copper networks with fixed wireless or VoIP services raises serious compatibility concerns for existing services.<sup>5</sup>

Verizon asserts it is offering its Voice Link service as a reasonable replacement for the services affected by Hurricane Sandy. Voice Link operates as a wireless voice service that uses home telephone handsets and existing wiring and jacks in the customer’s home.<sup>6</sup> However, the Commission should further investigate whether Voice Link is in fact a reasonable replacement, because the service does not support several of the following features available on the discontinued traditional wireline services: data services such as DSL, collect calls, callings cards,

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*Technology Transitions Policy Task Force Request for Comment on Potential Trials*, GN Docket No. 13-5, at 2 (July 7, 2013).

<sup>4</sup> See Section 63.71 Application of Verizon New York Inc. and Verizon New Jersey Inc., *Application of Verizon New Jersey. And Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-150 (Jun. 7, 2013) (Application to Discontinue Domestic Telecommunications Services).

<sup>5</sup> Public Knowledge, *Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services Notice of Ex Parte Meeting*, WC Docket No. 13-150, at 1 (filed June 12, 2013).

<sup>6</sup> See *Application of Verizon to Discontinue Domestic Telecommunications Services*, *supra* note 2, at 4.

medical alert and security alarm services, DVRs and fax machines, third-party long-distance services, and electronic payment systems.<sup>7</sup> Verizon’s application asserts that Voice Link offers consumers capability that is comparable to what they had before, but notes “some functionalities that are not telecommunications services—such as alarm systems or facsimile machines – may not work over Voice Link.”<sup>8</sup> These services, however, developed on the traditional wireline network precisely because, *as a telecommunications service*, the network was required to be open to resellers and innovators building new services on the network.

Concerns of consumer harms have also been recognized by the NYPSC, which, in response to Verizon’s proposed amendments to its New York State tariffs,<sup>9</sup> has identified several important distinctions between the discontinued wireline services and Verizon’s new Voice Link offering: (1) Voice Link will not allow for digital subscriber line (DSL) services; (2) Voice Link will be incompatible with medical alert systems, home security monitoring, and credit card machines; (3) Voice Link will require the use of 10-digit dialing; and (4) Voice Link will not allow customers to make certain types of calls that they could make using a wireline phone.<sup>10</sup>

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<sup>7</sup> Federal Communications Commission, *Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 13-150, Comp. Pol. File No. 1115, at 3 (Jun. 28, 2013).

<sup>8</sup> *See Application to Discontinue Domestic Telecommunications Services*, *supra* note 2, at 5.

<sup>9</sup> Verizon New York Inc., Re: Proposed Amendments to Verizon New York Inc. Tariff PSC No. 1, Tariffs (May 3, 2013) (“To introduce language under which Verizon could discontinue its current wireline service offerings in a specified area and instead offer a wireless service as its sole service offering in the area.”)

<sup>10</sup> *See State of New York Public Service Commission Order Conditionally Approving Tariff Amendments In Part, Revising in Part, and Directing Further Comments*, at 6 (May 16, 2013) (NYPSC May Order); *See also*, Federal Communications Commission, *Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 13-150, Comp. Pol. File No. 1115, at 3 (June 28, 2013).

Based on these findings, the NYPSC has issued an order calling for “a review of Verizon’s Voice Link service on Fire Island to determine, among other things, the value of authorizing the continuation of Voice Link service in the future.”<sup>11</sup> The NYPSC recently extended the deadline for public comments on Verizon’s Voice Link service to September 13, 2013, to fully evaluate the service.<sup>12</sup> The NYPSC is also requiring Verizon to submit “a comprehensive report evaluating the quality and reliability of Voice Link to Fire Island customers by November 1, 2013,” which will help provide sufficient information regarding the potential challenges and limitations of this new service.<sup>13</sup> The Commission has already referenced the information gathered in the NYPSC’s process and the NYPSC’s preliminary findings as relevant in its Public Notice for the instant application.<sup>14</sup> Therefore, because the NYPSC will continue to gather more information about Verizon’s Voice Link service through November, and given the hundreds of customer concerns already filed in the NYPSC’s Voice Link proceeding, the Commission should promptly act to remove Verizon’s § 214(a) application from streamlined authorization to ensure the Commission does not automatically approve the application before all of the relevant facts have even been gathered.

Moreover, due to the complex and unforeseen circumstances of this particular discontinuance application, the Commission should begin a separate, broader proceeding to

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<sup>11</sup> See State of New York Public Service Commission Order Conditionally Approving Tariff Amendments In Part, Revising in Part, and Directing Further Comments, at 9 (May 16, 2013) (NYPSC May Order).

<sup>12</sup> State of New York Public Service Commission, *PSC Extends Comment Period on Voice Link* (July 9, 2013).

<sup>13</sup> See New York Public Service Commission Comments, *Re: In the Matter of Technology Transitions Policy Task Force Request for Comment on Potential Trials*, GN Docket No. 13-5, at 2 (July 7, 2013).

<sup>14</sup> Federal Communications Commission, *Comments Invited on Application of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, Public Notice, WC Docket No. 13-150, Comp. Pol. File No. 1115, at 3-4 (Jun. 28, 2013).

establish a post-disaster network change process for situations where infrastructure is damaged during emergencies and carriers wish to rebuild with new, untested services.<sup>15</sup> This process should decide basic issues in a notice of inquiry or rulemaking proceeding on how carriers must responsibly handle post-disaster network changes, and clarify the circumstances in which a carrier must file a § 214(a) request to permanently discontinue or impair service.<sup>16</sup>

Considering the unique circumstances of Verizon's § 214(a) discontinuance request, the Commission should recognize the significance of this application and the new and complex issues it presents. The Commission should accordingly remove the application from its streamlined authorization procedures to give this application the more comprehensive examination period necessary to gather critical data.

The Commission has discretion in determining whether to grant or deny a § 214(a) discontinuance authorization if it believes an unreasonable degree of customer hardship would occur, and the present circumstances at least warrant more data gathering to make that determination. In accordance with § 63.71(c) of the Commission's rules, Verizon's request to discontinue service will be automatically granted on the 60<sup>th</sup> day after the release of the Commission's Public Notice, released on June 28<sup>th</sup>. Public Knowledge requests the Commission remove Verizon's application from this streamlined treatment by notifying the applicant that the grant will not be automatically effective. By taking the necessary time to receive public input from Fire Island residents and examine relevant evidence from New York and consider the implications of this application, the Commission will better be able to protect consumers and

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<sup>15</sup> Public Knowledge, *Application Of Verizon New Jersey Inc. and Verizon New York Inc. to Discontinue Domestic Telecommunications Services*, Notice of Ex Parte Meeting, WC Docket No. 13-150, at 2 (June 12, 2013).

<sup>16</sup> *Id.* at 2.

ensure that the natural disaster victims on Fire Island are not also burdened with an inferior communications network as they rebuild their communities.

Respectfully submitted,

PUBLIC KNOWLEDGE

/s/

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## CERTIFICATE OF SERVICE

I certify that on July 22, 2013, I sent the foregoing Motion to Remove Application to Discontinue Domestic Telecommunications Services from Streamlined Authorization by U.S. Mail to the following:

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