



## **Telephone Network Transition Collaborative**

**October 4, 2016**

### **Meeting Minutes**

#### **Attendees:**

Public Utilities Commission of Ohio (PUCO) Staff, Connect Ohio, Ohio 911 Program Office, Ohio Telecom Association (OTA), Ohio Consumers Counsel (OCC), Ohio Cable Telecommunication Association (OCTA), Ohio Poverty Law Center, Buckeye Hills-HVRDD, Cincinnati Bell, AT&T, Frontier Communications, Pro Seniors, Level 3, Technology for Ohio's Tomorrow (TOT), CenturyLink and Hobbs Consulting.

#### **Topics discussed:**

- IP Transition Overview – Federal Communications Commission (FCC) (via teleconference)

Peter Saharko, Assistant Chief, Competition Policy Division  
FCC Wireline Competition Bureau (see attached discussion points)

#### **IP transition overview questions and comments:**

- A consumer advocate representative asked whether all carriers that replace any discontinuing carriers are required to submit trouble reports to satisfy the substantially similar service availability criteria of the first prong of the Adequate Replacement Test. The representative also asked if showing compliance for coverage to the entire geographical area is the equivalent of a signed affidavit certifying compliance.
  - The FCC representative indicated that, with regards to the substantially similar service availability criteria, trouble reports are not required but many carriers nonetheless already submitted them. The FCC representative also stated that carriers have the option to show coverage compliance in a different way but will be subject to FCC review. In addition, carriers must certify coverage compliance under penalty of perjury; therefore, it is assumed that the carriers have the data to support their compliance claims. A carrier is not required to provide data to support its coverage compliance certification unless a factual challenge is raised alleging that the carrier is non-compliant. Lastly, the July 2016 Technology Transitions Order does not specify what type of data is necessary to support coverage compliance certification.
- PUCO staff asked the FCC representative if the FCC Section 214 discontinuance process could be refreshed and if all applications will be subject to public notice.

- The FCC representative stated that under the traditional Section 214 discontinuance application process, the presumption is that a carrier applying for discontinuance is entitled to a streamlined treatment and will be deemed granted if there are no objections filed by the public/other parties or the FCC staff does not pull the application for further review within 30-days. Under the new Section 214 technology transition discontinuance application process, established in the July 2016 Technology Transitions Order, the presumption is that the carrier applying for discontinuance is **not** entitled to a streamlined process unless the carrier can satisfy the Adequate Replacement Test. The FCC representative also stated that all applications for discontinuance will be subject to public notice.
- A consumer advocate representative asked how long the public will have following the issuance of a public notice to raise an objection alleging that the Adequate Replacement Test has not been met.
  - The FCC representative stated the objection period is 30 days after the public notice is released.
- A consumer advocate representative asked what type of information will be included in the public notice.
  - The FCC representative stated that this is still open for discussion since the July 2016 Technology Transitions Order did not identify specific requirements for the public notice. The FCC representative also stated that at the very least, the public notice will include the type of service being discontinued, information on how to submit a comment/objection, the identity of the carrier and its contact information, and the FCC's contact information.
- With regard to the issue of affordability, a consumer group representative asked if the discontinuing carrier is only required to certify that there is no material change while the consumer must bear the burden of demonstrating to the FCC that there is a material change in the traditional service price compared to the replacement service price. The representative also asked if the affordability prong was subject to certification.
  - The FCC representative stated the burden is not on the consumer. The FCC will make the determination regarding material changes. The FCC representative further stated that when the discontinuing carrier submits its application, the application must include the price of the legacy service and the price of the replacement service. The FCC will use this price data to determine if there is a material price change that affects affordability.
- PUCO staff asked if there are criteria that define “material change.”
  - The FCC representative stated that “material change” is not defined in the July 2016 Technology Transitions Order but will be interpreted through the adjudicatory process.

- A consumer advocate representative asked if the FCC will review the customer outreach information of the discontinuing carrier to determine if the carrier has included appropriate information.
  - The FCC representative stated that the discontinuing carrier must submit the customer outreach information with its application. This information must include a clear overview of what is happening, state what service is being discontinued, and inform the consumer of what to do to object to the discontinuance of service. If this information is omitted, the application will be considered incomplete and will not be entitled to the streamlined process.
- A consumer advocate representative asked if major carriers will be able to submit applications for discontinuance when the rules take effect in early 2017.
  - The FCC representative stated that carriers may file discontinuance applications now but the traditional rules must be followed until the new rules go into effect in 2017. The FCC representative also stated that any discontinuance applications pertaining to technology transitions will be reviewed very closely whether under the traditional discontinuance process or the streamlined process.

### **Closing Remarks**

- PUCO staff requested that any carrier close to filing a technology transition discontinuance application with the FCC notify the PUC Staff. The PUCO Staff also indicated that it must do some type of granular study to ensure that in accordance with Ohio law no consumer is left behind due to a technology transition service discontinuance.
- PUCO staff stated that a compilation report draft summarizing what the collaborative has done thus far has been completed but is not yet ready to be shared as it is being vetted internally.
- A consumer advocate representative asked if the PUCO anticipated being involved in the federal discontinuance process described in the FCC presentation.
  - PUCO staff stated that it is uncertain as to whether the PUCO will or will not be involved in the federal discontinuance process but that PUCO staff will closely monitor the process and will provide a position to the Commission for it to determine its level of involvement in the FCC process.

### **Next Meeting: TBA**