



State of New Jersey
DIVISION OF RATE COUNSEL
140 EAST FRONT STREET, 4TH FL
P. O. BOX 003
TRENTON, NEW JERSEY 08625

CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

STEFANIE A. BRAND
Director

March 19, 2014

Via Electronic and Regular Mail

Kristi Izzo - Board Secretary
New Jersey Board of Public Utilities
44 South Clinton Avenue, 9th Floor
P.O. Box 350
Trenton, New Jersey 08625-0350

**Re: I/M/O Verizon New Jersey Inc.'s Alleged Failure to Comply With
Opportunity New Jersey Commitments.
BPU Docket No. TO12020155**

Dear Ms. Izzo:

The New Jersey Division of Rate Counsel ("Rate Counsel") hereby submits its comments on the proposed Stipulation of Settlement ("Stipulation") between Verizon New Jersey, Inc. ("Verizon") and the New Jersey Board of Public Utilities ("Board") for consideration pursuant to the Board's Notice dated January 29, 2014, seeking comments by March 24, 2014 in the above referenced matter. Enclosed with this original please find ten copies, as well as a self-addressed and pre-paid postage stamped envelope. Kindly return a date/stamped copy to Rate Counsel.

Rate Counsel recommends that the Stipulation be rejected. Rate Counsel submits that the parameters of the bonafide retail request ("BFRR") set forth in the Stipulation are insufficient to meet the mandated network deployment and upgrades agreed to by Verizon under its alternative plans of regulation ("PAR-1 and PAR-2"). Under Par-1 and Par-2, price cap regulation replaced rate of return regulation allowing Verizon to increase its earnings by increasing efficiencies and offering new services. In exchange for this alternative form of regulation, Verizon agreed to upgrade its network to provide broadband to every Verizon New Jersey business and residential customer, school and library for 100 percent of its service territory by the end of 2010.

The BFRR under paragraph 1(a) would permit Verizon to meet its deployment requirement by providing service to a minimum of thirty-five (35) single-line business or residential consumers in a Census Tract. This BFRR process is not adequate to meet the 100%

deployment commitment and should be rejected. If this proposal is accepted, Verizon would be evading and avoiding its responsibility to provide broadband to potentially thousands of New Jersey ratepayers, as was noted by the City of Hopewell's letter dated February 19, 2014, filed with the Board. The Stipulation would leave a majority of Hopewell's 4,600 residents without broadband service. A similar scenario has been detailed by the Township of Alloway, in its letter to the Board dated March 11, 2014, a rural municipality with a population of 3,467 where the majority of residents have no broadband service and have been complaining to Verizon about their degraded landline service. This is clearly inconsistent with the Opportunity New Jersey plan agreed to and paid for by New Jersey ratepayers under both PAR-1 and PAR-2 which required broadband service deployment for *all* 100 percent of customers in Verizon's service territory. The Board should not accept anything less than what was bargained for and paid for by New Jersey ratepayers.

Paragraph 1(c) would permit Verizon to meet its deployment and upgrade obligation through a 4G-based wireless transmission medium. This proposal should also be rejected. Rate Counsel submits that providing 4G-based wireless broadband service is not the deployment of a 100% wireline network for broadband. In addition, wireless is not a comparable service to wireline broadband. Rate Counsel submits that wireless is not as reliable as copper and fiber, as it has an increased propensity to suffer service disruptions caused by deficiencies connected with cell tower service. As discussed by Rate Counsel in Initial Comments filed before the Federal Communications Commission in connection with Verizon's recent 214 filing seeking to discontinue copper-based landline telecommunications services in parts of New York and New Jersey, wireless service is not a comparable service. See Attachment A hereto. Wireline broadband service permits unlimited use without additional charges. Wireless service requires a data plan and is more costly than current wireline broadband options.

As contemplated under paragraph 1(a)iii, a BFRR consumer would have to agree to a one year term of service and pay a \$100 deposit to be credited towards wireless service. Rate Counsel submits that this condition coupled with the higher costs of wireless broadband service be rejected.

Rate Counsel would only support a wireless broadband option if the price of wireless broadband service was capped at the rates charged for Verizon's "DSL" service pricing. Attachment B hereto is a comparison of the cost for wireless broadband versus DSL service. In addition, Rate Counsel recommends that Verizon provide coverage maps to demonstrate that it has the 4G capability to serve 100 percent of the customers affected by this Stipulation.¹


Rate Counsel submits that Verizon has received the benefits of regulation under PAR-1 and PAR-2 which includes no cap on earnings since 1993 in exchange for its commitment to deploy broadband to 100% of its customers in its service territory. That commitment has not been met and the proposed Stipulation should therefore be rejected.

Rate Counsel is open to continued discussions and consideration of its concerns as well as the concerns voiced by other commentators but at this time, Rate Counsel asks the Board to reject the Stipulation and direct Verizon to meet its broadband commitments by a date certain.

^{1/} Rate Counsel acknowledges that the information may trigger security concerns and may be deemed proprietary and confidential. Therefore, Rate Counsel suggests that a Non-Disclosure Agreement be executed among the parties that would receive such information in connection with this matter.

Very truly yours,

STEFANIE A. BRAND, DIRECTOR
NEW JERSEY DIVISION OF RATE COUNSEL

By: 

Christopher J. White, Esq.
Deputy Rate Counsel

CJW/gp
w/enc.

cc: Service List

Attachment A

**Before the
Federal Communications Commission
Washington, D.C. 20554**

214 APPLICATIONS OF VERIZON NEW)	WC Docket No. 13-149
JERSEY INC. AND VERIZON NEW YORK)	Comp. Pol. File No. 1112
INC. TO DISCONTINUE DOMESTIC)	WC Docket No. 13-150
TELECOMMUNICATIONS SERVICES)	Comp. Pol. File No. 1115

**INITIAL COMMENTS OF
THE NEW JERSEY DIVISION OF RATE COUNSEL, NATIONAL ASSOCIATION OF
STATE UTILITY CONSUMER ADVOCATES, AND THE UTILITY REFORM
NETWORK**

Stefanie A. Brand
Director
Division of Rate Counsel
Christopher J. White
Deputy Rate Counsel
140 E Front Street, 4th Floor
Trenton, NJ 08625
Phone (609) 984-1460
Fax (609) 292-2923
www.rpa.state.nj.us
njratepayer@rpa.state.nj.us

NASUCA
Charles Acquard, Executive Director
8380 Colesville Road, Suite 101
Silver Spring, MD 20910
Telephone (301) 589-6313
Fax (301) 589-6380

The Utility Reform Network
Regina Costa
Telecommunications Research
Director
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone (415) 929-8876, ext 312
rcosta@turn.org

July 29, 2013

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**INITIAL COMMENTS OF
THE NEW JERSEY DIVISION OF RATE COUNSEL, NATIONAL ASSOCIATION OF
STATE UTILITY CONSUMER ADVOCATES, AND THE UTILITY REFORM
NETWORK**

I. EXECUTIVE SUMMARY

The New Jersey Division of Rate Counsel (“Rate Counsel”), the National Association of State Utility State Consumer Advocates (“NASUCA”) and The Utility Reform Network (“TURN”) (collectively, “State Consumer Advocates”)¹ hereby file these comments on the Applications of Verizon New York, Inc. and Verizon New Jersey, Inc. (collectively, “Applications”) under Section 214(a) of the Communications Act and 47 C.F.R. § 63.71 to

¹ Rate Counsel is an independent New Jersey State agency that represents and protects the interests of all utility consumers, and participates in Federal and state administrative and judicial proceedings. NASUCA is a voluntary association of advocate offices in more than 40 states and the District of Columbia, incorporated in Florida as a non-profit corporation. NASUCA’s members are designated by laws of their respective jurisdictions to represent the interests of utility consumers before state and federal regulators and in the courts. Members operate independently from state utility commissions as advocates primarily for residential ratepayers. Some NASUCA member offices are separately established advocate organizations while others are divisions of larger state agencies (e.g., the state Attorney General’s office). NASUCA’s associates and affiliate members also serve utility consumers but are not created by state law or do not have statewide authority. TURN is a California state-wide non-profit consumer organization that has represented the interests of telecommunications, electricity, and gas customers before the California Public Utilities Commission, the FCC, FERC and state and federal legislatures for the past 35 years.

grandfather and/or discontinue provision of its wireline telecommunications services, including interstate interexchange and exchange access services in limited parts of New York and New Jersey where copper wireline facilities were destroyed or rendered inoperable by Superstorm Sandy.²

State Consumer Advocates submit that the FCC should reject the Applications and find that they are contrary to the public interest. Section 214(a) of the Communications Act states in part that “[n]o carrier shall discontinue, reduce, or impair service to a community, or part of a community, unless and until there shall have been obtained from the Commission a certificate that neither the present nor future public convenience and necessity will be adversely affected thereby.”³ The State Consumer Advocates will discuss the harms and adverse effects which have already been experienced and identified by the affected communities. Further, there has been no showing that it is uneconomical to repair the copper network in the affected areas. The ongoing proceedings in New York and Verizon’s failure to have a tariff in New Jersey or terms of conditions of service in New Jersey show the Applications are premature. The Voice Link option offered as a substitute service is a step backwards for consumers in terms of reliability, and public safety, data communications capabilities, price and the provision of safe, adequate and reliable service at affordable rates. Granting the Applications would allow Verizon to cherry pick its obligations as the carrier of last resort (“COLR”) while ignoring that the loop is used to provide intrastate and interstate services.

State Consumer Advocates submit that Verizon has offered only bald assertions without empirical support that restoration of copper is not possible and that to do so would be

² See Public Notices DA 13-1474 (services in New Jersey) and DA 13-1475 (service on Fire Island in New York) released on June 28, 2013, requesting comments by July 29, 2013.

³ 47 U.S.C. § 214(a).

uneconomic. Verizon fails to show why it is the only public utility or cable operator that cannot replace, repair and restore facilities in New York and New Jersey while other entities have undertaken to replace and restore facilities and service in these same areas. This is contrary to the public interest and over a century of public policy that promotes universal wireline telephone service.

Verizon's abandonment of its wireline copper facilities in favor of Voice Link service is not in the public interest. Voice Link is not a substitute for wireline service because of technical limitations that could leave customers without reliable service during adverse weather or power outages and have potential adverse effects on public safety. Voice Link undermines the goal of affordable telecommunications and broadband services and may expose customers to poor service, and other disruptions. Verizon should not be permitted to abandon its wireline copper facilities absent a full and complete record involving detailed study, review, analysis and input from all affected interests. The states are best positioned to garner a full and complete record.

Further, Verizon's request for retroactive approval of actions taken nine months ago is not in the public interest. Indeed, Verizon's' request in this proceeding contradicts the substance of the Commission's current IP transition trials. Although the CWA has called for Fire Island to be part of the IP transition trials, such trials are predicated on the copper wireline service remaining since after the trials customers have the option to remain on copper. Without copper plant in place, Fire Island is not appropriate to include in any trials.

This is an issue with national implications that has garnered nationwide attention.⁴ Verizon has failed to show that the public interest is served by the grant of Verizon's Applications, and the FCC should dismiss these Applications.

II. STATEMENT OF FACTS

We begin with detailed descriptions of Verizon's Applications, which is crucial for the Commission to address the public interest concerns here. The devil is in the details of what Verizon has requested (which is forcing a service decline on its customers), and what Verizon *is doing* (and has done), rather than what Verizon *says it is doing*, i.e., just making the best of a bad situation.

A. *Request to Discontinue Services in New Jersey*

In DA 13-1474, Verizon requests authority to discontinue three copper-based interstate services, special access services, Metallic Service, Program Audio Service and Telegraph Grade Service (collectively, Affected Services), to customers in some parts of New Jersey. These services are being discontinued because Verizon has decided to not restore copper wireline facilities. Those copper facilities provided intrastate service, such as basic phone service and DSL to residential and business customers. Without the copper loops Verizon has no platform that its interstate services can be provided over.

Verizon identifies that its request covers three barrier island communities, Bay Head, Brick and Mantoloking ("Service Areas").⁵ There are over 1,400 residents on these barrier

⁴ See Peter Svensson, Associated Press, "Phone companies edge closer to abandoning land lines," as published in the Columbus [Ohio] Dispatch (July 9, 2013), accessible at <http://bigstory.ap.org/article/big-disconnect-telcos-abandon-copper-phone-lines>.

⁵ Verizon Applications at 3. See Public Notice DA 1474 which identifies the affected services as: Metallic Service uses a metallic channel to transmit signals at low speeds up to 30 baud; Telegraph Grade Service uses a telegraph

islands who no longer are able to get wireline service from Verizon but instead must go to wireless service or cable service. Verizon is offering those residents Voice Link or the option to switch to another wireless carrier. If the copper facilities were restored, Verizon could provide the interstate services it seeks to discontinue. As noted above, Verizon has yet to petition the New Jersey Board of Public Utilities to be relieved of its local service obligations.

Verizon seeks authority to discontinue the Affected Services lost in the Service Areas on or after October 29, 2012 as a result of damage from Hurricane Sandy.⁶ Verizon submits that the public convenience and necessity will not be impaired by this discontinuance because very few customers will be impacted, and that the services have largely been supplanted by newer technologies and services, including standard voice and data services over fiber from other cable companies and other communications offerings from wireless providers.⁷ While Verizon asserts that just seven interstate customers, including one Verizon affiliate, subscribed to the Affected Services in the Service Areas prior to the storm, Verizon excludes the 1,400 residents who had the option of obtaining basic wireline phone service from Verizon but now lack that option because Verizon is not restoring copper service.⁸ If copper facilities were restored, Verizon's request to discontinue service would be moot.

In addition, Verizon asserts that none of the seven customers has complained about the loss of these services following the storm.⁹ Verizon states that it provided notice to the seven

grade channel to transmit binary signals at rates up to 150 baud; and Program Audio Service provides a channel for the one-way transmission of a complex signal voltage with the option for customers to choose a bandwidth tier of 50 to 15000 Hz, 200 to 3500 Hz, 100 to 5000 Hz, or 50 to 8000 Hz.

⁶ Id. at 2.

⁷ Id. at 3-4.

⁸ State Consumer Advocates note that Bay Head, Brick and Mantaloking population as of the 2010 Census exceeded 1,400. C. 2010 Census

⁹ Id. at 2.

affected customers by U.S. mail on or before May 24, 2013.¹⁰ Verizon says nothing about whether notice was provided or complaints were received from the consumers who were without service because of Sandy, have not had their service restored, and, if Verizon has its way, will never get their service back.

The Applications state that Verizon is considered dominant with respect to the services subject to this discontinuance.¹¹ Verizon's actions here are those of a dominant carrier, not one that is subject to vibrant competition.

Verizon has not filed a tariff in New Jersey for its Voice Link offering or provided the terms and conditions for Voice Link Services. As a result, the 1,400 residents of these barrier islands lack proper notice concerning Verizon's decision to not restore copper wireline facilities and only offer residents Voice Link.

B. New York Fire Island.

I. Request To Discontinue Service

The Applications indicate that Verizon has been offering interstate wireline telecommunications services, including interstate interexchange and exchange access service (collectively, NY Affected Services), to customers in New York.¹² Verizon specifies that areas particularly affected by the storm include the western and central region of Fire Island in New York, starting at the far western section of Kismet and ending at the far eastern section of Point O' Woods ("NY Service Areas"). Verizon states that the extent of the destruction from Hurricane Sandy required substantial effort to ascertain which facilities were no longer working

¹⁰ Id. at 4.

¹¹ Id.

¹² Id. at 1-2.

and to identify possible solutions in storm-vulnerable areas. According to Verizon, residents in portions of Fire Island are just starting to return, and damage varies from house to house in parts of western Fire Island, with some homes having no service and others able to receive service over existing copper facilities.¹³

Verizon asserts in its Applications that a “grandfathered” customer can continue receiving service over the copper facilities until the copper stops working, after which Verizon will provide service to the customer using Voice Link. Verizon maintains that it is grandfathering the NY Affected Services given the impracticality of repairing these copper facilities in the future. Nevertheless, in its notice to some customers, Verizon states that it will deploy and repair copper facilities to provide landline service on an as-needed basis to firehouses, police stations and other government buildings.¹⁴

Verizon asserts that new deployment of wireline facilities in the NY Service Areas would be impractical because the repair or replacement of damaged facilities “would require significant work” and “exacerbate existing infrastructure issues, and would delay the restoration of service for many customers for several months.” For example, Verizon states that the extent of the damage on Fire Island “would require digging up the island’s main road at repeated intervals,” causing inconvenience to customers. Verizon also maintains that it is likely that restoration attempts would be temporary, “given the prevalence of storms” and ongoing possibility of “ground and seawater contamination” in the NY Service Areas.¹⁵

¹³ Id.

¹⁴ Id. at 2-3.

¹⁵ Id. at 3-4.

Accordingly, Verizon seeks authority to discontinue interstate wireline telecommunications services including interstate interexchange and exchange access services in the NY Service Areas on or after October 29, 2012 as a result of damage from Hurricane Sandy, and to grandfather these services in the NY Service Areas for customers using copper facilities that are still working.¹⁶ The Applications indicate that Verizon is considered dominant under the Commission's rules with respect to the services to be discontinued.¹⁷

Verizon states that it provided notice to all New York retail wireline customers in the NY Service Areas via U.S. mail on June 6 and 7, 2013. In addition, Verizon states that, on June 7, 2013, it provided notice to all users of access via email and by posting on its website, in accordance with established procedures for notification to those entities.¹⁸

ii. Offering of Voice Link Services to portions of Fire Island

Verizon asserts that it is offering its Voice Link service as a replacement for the NY Affected Services to customers in the NY Service Areas.¹⁹ Verizon describes Voice Link as a wireless voice service that uses regular home telephone handsets and existing wiring and jacks in the customer's home. Verizon states that the Verizon wireline operating companies will provide Voice Link service to customers using a small device, provided free of charge, that can plug into an existing telephone jack. The device uses wireless technology rather than wireline facilities to transmit and receive calls between a customer's home or business and Verizon's network.

¹⁶ Id. at 2-3.

¹⁷ Verizon Applications at 6.

¹⁸ Id. at 5.

¹⁹ Id. at 4.

Customers may retain their telephone number.²⁰ Verizon states that the service will be offered at the same or lower prices as the prior wireline services.²¹

According to Verizon, Voice Link service will provide address-specific E911 capability, nationwide calling, assistance services, telecommunications relay services, directory listings and, depending on the customer's plan, additional features including Call Waiting, Call Forwarding, 3-way Calling, Voice Mail, 411, Caller ID (with Return Call) and Caller ID Block.²² For data services, Verizon states that it will refer customers to a Verizon Wireless specialist for 4G LTE broadband services in Voice Link areas.²³ Verizon submits that its Voice Link service offers consumers a voice communications capability that is comparable to what they received before, and that consumers in some areas, including the barrier islands, have the option of alternative services from cable and/or wireless providers. Verizon thus asserts that the public convenience and necessity will not be harmed by the proposed discontinuance of NY Affected Services given the extent of the destruction from the storm and the difficulties and delay inherent in rebuilding.²⁴

While considering Verizon's tariff filings in New York, the New York Public Service Commission ("NYPSC") identified several potential distinctions (which State Consumer Advocates view as deficiencies) between Verizon's Voice Link service and its copper-based wireline services. For instance, the NYPSC states that Verizon's Voice Link service: 1) will not allow for digital subscriber line ("DSL") services; 2) will be incompatible with medical alert

²⁰ Id. at 4-5.

²¹ Id. at 2.

²² Id. at 4.

²³ Id. at 5.

²⁴ Id.

systems and credit card machines; 3) will require the use of mandatory 10-digit dialing; and 4) will not allow customers to make certain types of calls that they could make using a wireline phone.²⁵ According to the Voice Link Terms of Service filed in New York State: “[t]he Service does not allow the Customer to make 500, 700, 900, 950, 976, 0, 00, 01, 0+, calling card or dial-around calls (e.g., 10-10-XXXX). The Service does not allow the Customer to accept collect calls or third number billed calls.”²⁶ Further, because the Voice Link service does not provide a broadband connection, it also is not compatible with Video Relay services.

Verizon acknowledges in its Applications that “certain interstate wireline telecommunications services ... will no longer be available.”²⁷ Although Verizon indicates that the Voice Link service will provide “fully enabled” E911 capability, the Voice Link Terms of Service state, “[The customer] agree[s] that any 911 calls made using the Service may be subject to network congestion and/or reduced routing or processing speed.”²⁸ Verizon also acknowledges that certain customer equipment may not work over Voice Link service, such as alarm systems or facsimile machines. Verizon states that the customer provides the power for

²⁵ See NYPSC Case 13-C-0197, – *Tariff filing by Verizon New York Inc. 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* (“NYPSC Case 13-C-1097”), Order Conditionally Approving Tariff Amendments In Part, Revising in Part, and Directing Further Comments (May 16, 2013) (NYPSC May Order). The NYPSC has extended the period for comment until September 3, 2013.

²⁶ See NYPSC Case No. 13-C-0197, Letter from Joseph A. Post, Deputy General Counsel – New York, Verizon New York Inc., to Hon. Jeffrey C. Cohen, Acting Secretary, New York State Public Service Commission, Attach. at 2, para. 1(g) (filed June 12, 2013) (Voice Link Terms of Service), *available at* <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={0241FDFA-D31F-4063-B9B9-988D97C1AADA}>.

²⁷ Verizon Applications at 5.

²⁸ <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={0241FDFA-D31F-4063-B9B9-988D97C1AADA}>. <http://documents.dps.ny.gov/public/Common/ViewDoc.aspx?DocRefId={0241FDFA-D31F-4063-B9B9-988D97C1AADA}>. See Verizon Applications at 4; Voice Link Terms of Service, at para. 7(c). The Voice Link Terms of Service also explain that if the subscriber has “Call Forwarding, or other features programmed and in use at the time you dial a 911 call and your call is interrupted, the emergency dispatcher may not be able to call you back at the phone from which you dialed the call.” See id.

Voice Link from a standard home electrical outlet, and that the unit includes a built-in battery backup option with 36 hours of standby and up to two and a half hours of talk life.²⁹

III. STANDARD OF REVIEW

The FCC has discretion in determining whether to grant a carrier authority to discontinue service pursuant to Section 214 and the FCC's Part 63 rules.³⁰ Section 214(a) requires the FCC "to determine whether the present or future public convenience and necessity would be adversely affected by any carrier's discontinuance, reduction, or impairment of service to a community."³¹ The Commission also can delay grant of a discontinuance authorization if it believes an unreasonable degree of customer hardship would result.³²

Specifically, the FCC reviews each discontinuance Application to determine, as applicable, issues such as whether proper notice has been given, whether customers or other end users are able to receive the service or a reasonable substitute from another carrier, and whether

²⁹ Voice Link Terms of Service, at 2-3, para. 2(b).

³⁰ 47 U.S.C. § 214(a); 47 C.F.R. §§ 63.1, et seq. See Public Notices DA-13-1474 and 1475. See *Verizon Telephone Companies, Section 63.71 Applications to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket No. 02-237, Order, 18 FCC Rcd 22737 (2003) (*Verizon Expanded Interconnection Discontinuance Order*); see also *FCC v. RCA Communications, Inc.*, 73 S. Ct. 998, 1002 (1953) (ruling that the Commission has considerable discretion in deciding how to make its section 214 public interest finding).

³¹ *Petition of USTelecom for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain Legacy Telecommunications Regulations*, WC Docket No. 12-61, Memorandum Opinion and Order, 28 FCC Rcd 7627 (May 17, 2013), Para. 129. (USTelecom May 2013 Forbearance Order). The FCC has acknowledged that "[e]nforcement of these rules is necessary to ensure that charges, practices, classifications, or regulations are just and reasonable, and not unjustly or unreasonably discriminatory." *Id.*, Para. 134.

³² *Policy and Rules Concerning Rates for Competitive Common Carrier Services and Facilities Authorizations Therefor*, First Report and Order, CC Docket No. 79-252, 85 FCC 2d 1, 146 (1980) (*Competitive Carrier First Report and Order*).

the public convenience and necessity is otherwise adversely affected.³³ “Notice and opportunity to comment *prior to* service discontinuance provide important consumer protections.”³⁴

In addition, the FCC balances the interests of the carrier and the affected user community by considering a number of factors including: (1) the financial impact on the carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations.³⁵ In this case, the FCC must measure Verizon’s interest in discontinuance against “the important consumer protection interests central to section 214(a) of the Act.”³⁶

Application of the FCC’s discontinuance rules are especially necessary and in the public interest in this proceeding, where Verizon has first substituted Voice Link service for wireline service and is now asking the FCC to approve this past and future change.³⁷ As shown in these comments, Verizon’s Applications do not meet the legal standard, and so should be denied.

³³ See 47 C.F.R. § 63.71(a); see, e.g., *AT&T Applications to Discontinue Interstate Sent-Paid Coin Service Not Automatically Granted*, Public Notice, NSD File No. W-P-D-497, 16 FCC Rcd 14935 (CCB 2001) (requiring AT&T to show how it would minimize the negative impact on affected customers).

³⁴ *USTelecom May 2013 Forbearance Order*, Para. 131 (emphasis added).

³⁵ *Applications for Authority Pursuant to Section 214 of the Communications Act of 1934 to Cease Providing Dark Fiber Service*, File Nos. W-P-C-6670 and W-P-D-364, 8 FCC Rcd 2589, 2600, para. 54 (1993) (*Dark Fiber Order*), remanded on other grounds, *Southwestern Bell v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994); see *Verizon Expanded Interconnection Discontinuance Order*.

³⁶ *USTelecom May 2013 Forbearance Order*, Para. 134..

³⁷ In May 2013, the FCC denied USTelecom’s request for forbearance from Section 214(a) and Part 63 rules that would otherwise require a carrier to obtain FCC approval prior to discontinuance of legacy narrowband voice offerings if that carrier offered IP broadband services as a replacement service. *USTelecom May 2013 Forbearance Order*, Paras. 126, 129, 134. As the FCC noted: “[t]he discontinuance rules are designed to ensure that the Commission is fully informed of any public interest concerns during an orderly transition to alternative services.” *Id.*, Para. 131.

IV. The 214 Applications Should be Rejected

A. Verizon Has Failed To Show That The Public Interest Is Served By The Grant Of These Applications. The FCC Should Dismiss The Applications.

1. Voice Link Is Not A Substitute For Wireline Service

There are a number of ways in which Voice Link service is not comparable to wireline services it would replace if Verizon's Applications are granted. Voice Link suffers from many limitations that will leave customers without reliable service during power outages and adverse weather conditions. It also does not support Applications that customers rely on for their health and safety, including E-911 services.³⁸ Voice Link does not support business point of sale credit card devices that work over wired dial-up access lines. It does not support calls to specialized exchanges (500, 700, 900, 950, 976); operator assisted calls by dialing 0, 00, or 0+; dial-around calls; or allow collect calls, third number billed calls, or international calls, unless previously contracted for with Verizon. It also does not support digital video recorders ("DVRs"), or DSL. It also requires customers to convert from 7-digit dialing to 10-digit dialing.³⁹

As the NYPSC's Public Notice acknowledged, Voice Link does not support medical alert systems, which jeopardizes medically vulnerable citizens.⁴⁰ It also does not support home security monitoring systems, which places consumers' security at risk.⁴¹ If alternatives to these services exist, consumers would bear the additional cost.

³⁸ NYPSC Case No. 13-C-0197, Comments of CWA at 5. *See also* Comments filed by AARP in the same matter, dated July, 1, 2013, at pp. 1-4. *See also* Comments of Eric T. Sniederman, Attorney General of the State of New York, in the same matter dated July 2, 2013 at pp. 6-9.

³⁹ *See* CWA Comments at pp. 6-7. *See also* AARP Comments filed in the same matter, dated July, 1, 2013, at pp. 7,-9. *See also* Comments of Eric T. Sniederman, Attorney General of the State of New York, dated July 2, 2013, filed in the matter referenced herein above at p. 5.

⁴⁰ NYPSC Voice Link Notice, at 2.

⁴¹ *Id.*

The NYPSC described Voice Link as remaining “stationary at one location in the customer’s premises.”⁴² If, however, a consumer brings Voice Link equipment to a new residence, the device will still be “pegged” to the original residence. In the event of an emergency, the outdated address will appear on an E-9-1-1 call, posing yet another threat to public safety.

Crucially, Voice Link is not as reliable as is Verizon’s conventional copper-based telephone service. Typically, Verizon’s “traditional” local exchange service continues to operate during power outages. The NYPSC stated that the Voice Link “device is equipped with a battery back-up, in case of commercial power loss,” and that “[a]ccording to Verizon, available devices are equipped with rechargeable battery packs, while newer units are expected to operate on standard AA batteries.”⁴³ Of course consumers cannot recharge batteries during power outages. Although Verizon, in the future, may be able to solve some of Voice Link’s significant public safety flaws, the Commission must reject the 214 Applications now as contrary to public safety.

Besides the public safety implications, these captive customers may not have competitive alternatives as customers located in remote areas may not have cable company alternatives for service. Wireless broadband service may not be available on an unmetered basis and is subject to data caps and/or additional charges for over-cap usage. Verizon’s announced halt on the rollout of its FiOS network and services coupled with Verizon’s policies which have permitted the continuing deterioration of Verizon’s copper-wire infrastructure and may result in redlining and

⁴²Id.

⁴³Id. See NYPSC Voice Link Order, at 4, which states: “In case of commercial power failures, the units are equipped with a rechargeable backup battery that provides up to two hours of talk time and 36 hours of standby time.”

increase the telecommunications divide between the “haves” and “have nots.”⁴⁴ Moreover, the abandonment of Verizon’s copper-wire infrastructure will detrimentally impact competitor services that depend on access and interconnection with Verizon’s wired network.⁴⁵ As aptly stated by CWA, Verizon’s proposed Voice Link solution not only interferes with a customer’s ability to access competitor services, but also creates additional barriers for those with disabilities.⁴⁶

State Consumer Advocates also urge the Commission to assess the impact of Voice Link on Verizon’s willingness to maintain existing technology both within and outside the areas subject to these Applications. If Verizon does not maintain and repair its existing outside plant, residents’ dial tones may not function. This further jeopardizes public safety, particularly for those who live in remote areas, far from emergency services, and with spotty wireless coverage. State Consumer Advocates recommend that the Commission heed the concerns expressed in AARP’s recent comments submitted to the NYPSC:

If approved, Verizon’s proposed tariff would provide the company with seemingly unfettered latitude to decide to deploy Voice Link rather than to maintain and repair its copper plant. AARP is concerned about the redlining that could occur, creating yet deeper divisions between the telecommunications “haves” and “have nots.” Left to its own financial analyses, Verizon can selectively neglect its outside plant. Once the plant has reached “a point of no return” Verizon could then determine that it is “impractical” to repair the plant and then offer Voice Link to the affected customers. During these years of technological transition, the Commission should monitor carefully Verizon’s investment in maintaining its copper outside plant so that Verizon, through neglect of its existing infrastructure, does not implicitly force consumers to “choose” Voice Link. AARP does not oppose migrations to new, high-quality

⁴⁴ CWA Comments , at pp. 9-11 and *fn* 11, and at pp. 14-16. *See also* AARP Comments dated July, 1, 2013, at pp. 4, 6, 10-13.

⁴⁵ CWA Comments , at p.13.

⁴⁶ *Id.* at p. 8 and at *fn* 7. Telecommunications Relay Service (“TRS”) works over copper lines.

technological platforms, but the transition should be managed in such a way as to prevent unnecessary threats to public safety.⁴⁷

Accordingly, State Consumer Advocates submit that Voice Link is an inferior service and cannot serve as a substitute that satisfies Verizon's COLR obligations. Imposition of Voice Link improperly (1) shifts new costs and inconveniences to those consumers seeking to maintain the same level of medical and security protection available from the Public Switch Telephone Network ("PSTN"); and (2) encourages carriers to allow their conventional plant to deteriorate further.

2. Voice Link Undermines The Goal Of Affordable Telecommunications And Broadband Services.

Voice Link jeopardizes the affordability of telecommunications and broadband services.⁴⁸ Voice Link causes residential and business consumers to pay more for some approximation of the status quo – that is, to obtain broadband access to the Internet, to ensure that their Life Alert and security systems work, and to be able to conduct credit card and fax transactions. This significant consequence should be taken into account by the FCC. In addition, in terms of rates the Voice Link offering is not comparable to Verizon's stand-alone landline service rates. Because Voice Link has lower reliability and does not support certain applications or DSL, a customer will have to pay considerably more for less reliable service and to obtain the additional stand-alone services that replace these lost functionalities. Therefore, the rates are no longer reasonably comparable to those available in urban areas, as directed by § 254.⁴⁹

⁴⁷AARP Comments at 10.

⁴⁸State Consumer Advocates submit that broadband is a telecommunications service.

⁴⁹CWA Comments at p. 17.

Likewise, State Consumer Advocates question whether Verizon's substitution of Voice Link is compatible with Verizon's obligation as an eligible telecommunications carrier (ETC). Verizon's substitution of Voice Link for wired service triggers market exit issues that must be further examined, and may require Verizon to demonstrate that there is another ETC in the state and service territory with the infrastructure and technology to take its place.⁵⁰

Verizon's Voice Link offering raises many questions that will require detailed study and review by States. Because it may lead to disparate treatment in terms of services, reliability and rates among customers and customer groups, and may jeopardize safe, reliable and affordable phone service, the FCC should deny or defer action on Verizon's Section 214 Applications until States have had the opportunity to create a full and complete record for the FCC's review in this matter.

3. Voice Link Will Expose Customers To Poor Service And Other Disruptions.

State Consumer Advocates submit that Verizon's 214 Applications is a back-door attempt to jettison COLR obligations and to retire copper plant without regulatory approval. Verizon is using Superstorm Sandy as justification to allow its copper plant to deteriorate, and such deterioration will more likely occur in precisely those areas that depend on a reliable network connection. There are already signs that this is occurring.⁵¹ In recent comments to the

⁵⁰ Id., at pp 17-18. See also Comments of Eric T. Sniederman, Attorney General of the State of New York, dated July 2, 2013, filed in the matter referenced herein above at pp. 10-11.

⁵¹ The Automated Reporting Management Information System ("ARMIS") tools that would enable the Commission to examine network reliability, e.g., timeliness of dial tone repair and number of troubles reported on dial tone lines, have been eliminated. See FCC 08-120, Memorandum Opinion and Order, (released April 24, 2008) and FCC 08-203, Memorandum Opinion and Order and Notice of Proposed Rulemaking, (released September 6, 2008). NASUCA appealed these orders in 2008 (NASUCA v. FCC, D.C. Circuit Case Nos. 08-1226 and 08-1353) but the appeals are still being held in abeyance per request by the FCC. This information would be helpful in tracking the carriers' network performance.

NYPSC in the Voice Link proceeding (as well as in a recent proceeding on Verizon's quality of service), the CWA reports that Verizon has simply stopped maintaining its copper wires.⁵²

Rural customers are particularly vulnerable to the consequences of fraying outside plant because wireless coverage may be spotty, neighbors far away, and emergency services remote. Economic incentives to cause carriers to maintain their plant may be lacking.⁵³ Elderly customers are also particularly vulnerable to the adverse consequences of industry's premature neglect of their copper infrastructure because they disproportionately rely on wireline connections. The proportion of households who rely on landline connections increases with age. The most recent CDC survey on wireless substitution indicates that less than 12% of adults 65 and over are cord-cutters – that is, they live in households that rely solely on wireless telephones. By comparison, 43.5% of adults aged 35-44 years are cord-cutters.⁵⁴

⁵² CWA Comments at 15-16. Rather than fixing outside plant that has failed over the winter in the Catskills, Verizon – after having been explicitly told to hold off on any expansion of its wireless Voice Link service beyond Fire Island – made plans to restore service to customers in this area using Voice Link. See, NYPSC Case 13-C-0197, Emergency Petition of New York Attorney General Eric T. Sniderman for an Order Preventing Verizon from Illegally Installing Voice Link Service in Violation of its Tariff and the Commission's May 16, 2013 Order, filed June 26, 2013.

⁵³ See, e.g., *In the Matter of the Board's Review of Verizon New Jersey, Inc.'s Service Quality Issues*, New Jersey Board of Public Utilities Docket No. TO12020156, Order, April 29, 2013. The New Jersey Board of Public Utilities directed Verizon "to upgrade and replace, as necessary, the infrastructure that is used to provide service to Stow Creek and Greenwich Township, Cumberland County, in order to provide a level of service that meets the Company's statutory obligation of safe, adequate and proper service." *Id.*, at 3. In Massachusetts, responding to municipal officials' and consumers' concerns regarding Verizon's quality of service in Western Massachusetts, the Massachusetts Department of Telecommunications and Cable conducted a comprehensive investigation, and pursuant to the regulatory approval of a settlement, Verizon Massachusetts has surveyed and repaired outside plant in rural communities in Western Massachusetts. See, Massachusetts D.T.C. 09-1, *Investigation by the Department of Telecommunications and Cable on its own motion, pursuant to General Law Chapter 159, Section 16, of the telephone service quality of Verizon New England Inc., d/b/a Verizon Massachusetts, in Berkshire, Hampden, Hampshire, and Franklin Counties*, Order on Joint Motion for Approval of Settlement, February 10, 2011. See also *id.*, Settlement Agreement by and among the Office of the Attorney General of Massachusetts, Verizon New England Inc., d/b/a Verizon Massachusetts, Local 2324, International Brotherhood of Electrical Workers, AFL-CIO and the Towns of Hancock, Egremont and Leverett, November 30, 2010.

⁵⁴ Stephen J. Blumberg, Ph.D., and Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics, Centers for Disease Control and Prevention, *Wireless Substitution: Early Release of Estimates From the National Health Interview Survey*, July – December 2012, rel. June 18, 2013, at 2. The wireless only rate

The Pew Internet & American Life Project (“Pew”), which has produced numerous studies on Internet use, released a study last year identifying demographic characteristics of people who do not use the Internet, including: senior citizens, adults with less than a high school education, the poor, and consumers with disabilities.⁵⁵ Pew also provides results of a survey conducted in April and May 2013 demonstrating that just 56% of adults ages 65 and over used the Internet (much less subscribed to broadband in the home).⁵⁶ An older study, based on a survey from January and February 2012 showed 53% of adults aged 65 and over used the Internet and 39% of that age group had broadband in the home.⁵⁷ Copper offers a low cost and reliable option for broadband service. Voice Link does not.

Industry often refers to the declining trend in demand for ILECs’ traditional lines. (This does not include ILEC DSL lines.) Despite that decrease, a “critical mass” of copper-based dial-tone lines continues to link consumers to the public switched network,⁵⁸ and the FCC should not enable Verizon to use this back door to “dis-serve” those customers. The FCC should reject Verizon’s 214 Applications.

declines with age: 62.1% for adults aged 25-29; 53.2% for adults aged 30-34; 43.5% for adults aged 35-44; 28.4% for adults aged 45-64; and 11.6% for adults aged 65 and over. *Id.*

⁵⁵Kathryn Zickuhr and Aaron Smith, *Digital differences: While increased internet adoption and the rise of mobile connectivity have reduced many gaps in technology access over the last decade, for some groups digital disparities remain*, Pew Research Center’s Internet & American Life Project, April 13, 2012 (“Pew 2012 Digital Differences Report”), at 2. The report is available at: <http://pewinternet.org/Reports/2012/Digital-differences.aspx>.

⁵⁶Pew Research Center’s Internet & American Life Project Spring Tracking Survey, April 17-May 19, 2013, available at: [http://www.pewinternet.org/Trend-Data-\(Adults\)/Whos-Online.aspx](http://www.pewinternet.org/Trend-Data-(Adults)/Whos-Online.aspx) (accessed June 27, 2013).

⁵⁷Pew Research Center’s Internet & American Life Project January 20-February 19, 2012 results presented in Kathryn Zickuhr, Mary Madden, “Older adults and internet use,” June 6, 2012. Available at: <http://pewinternet.org/Reports/2012/Older-adults-and-internet-use/Main-Report/Internet-adoption.aspx> (accessed June 27, 2013).

⁵⁸For example, with U-Verse, AT&T continues to require copper plant for the link from the node to the customer premises.

Across all age groups, there remains a large residential demand for “traditional” service as is evidenced by the 48.4 million residential lines in service in the United States. While total end-user switched access lines have seen a reduction since December 2008, there were still almost 102 million end-user switched access lines in service in the United States as of June 30, 2012.⁵⁹ Total residential end-user switched access lines in the United States fell from 78.2 million in December 2008 to 48.4 million in June 2012,⁶⁰ yet the approximate 50 million households that continue to rely on ILEC lines can hardly be considered to be negligible. In New Jersey, there are 3.1 million switched access lines, including 1.1 million residential switched access lines in service, as of June 30, 2012.⁶¹

Verizon has simply failed to show or demonstrate satisfaction of the five factors used by the FCC to determine whether discontinuance of service is in the public interest. Verizon has offered nothing more than bald assertions that copper is destroyed and inoperable but has provided no empirical support for these assertions or empirical support that repair, replacement, and restoration would be uneconomic. As a result, State Consumer Advocates submit that Verizon has not shown that the financial impact on the carrier of continuing to provide the service is unreasonable. State Consumer Advocates note that other utilities including cable operators have undertaken repair, replacement, and restoration of facilities in both New York and New Jersey.⁶² Only Verizon, without evidentiary support, is seeking to jettison its obligations to provide safe, proper and adequate service to the public. As discussed above, the public policy

⁵⁹FCC Local Competition Report, at Table 3. There were 141 million end-user switched access lines in service in December 2008. *Id.*

⁶⁰*Id.*

⁶¹FCC Local Competition Report, at Tables 8 and 9.

⁶² See Attachment A hereto with reports from public utilities and Comcast (who serves the three barrier islands) that service has been restored. Information is also available on their web sites.

for the last century has been to promote universal wireline telephone service for all customers. Voice Link is simply inferior to wireline service for the myriad reasons discussed above. State Consumer Advocates have already identified numerous technical and financial short comings associated with Voice Link which makes it not a suitable substitute for wireline service. Accordingly, the public interest is best served by rejection of Verizon's 214 Applications.

B. The Public Notices Conflict With The Section 214 Applications As Filed.

State Consumer Advocates submit that the Public Notice, DA 13-1474, as issued, fails to accurately apprise New Jersey consumers and other interested parties as to the scope of the services being discontinued and grandfathered and what alternative services are available to consumers. The Public Notice states that:

the public convenience and necessity will not be impaired by this discontinuance because very few customers will be impacted, and the services have largely been supplanted by newer technologies and services including standard voice and data services over fiber from Verizon and other providers, voice and data services from cable providers, and other communications offerings from wireless providers.⁶³

Verizon also provided notice on June 6 and 7, 2013 to retail wireline customers and to access users.⁶⁴ The Notice to retail customers in New Jersey (VER 5923) and the notice to CLEC, CMRS, ISP, IXC, and Resellers contain important details that are left out of the FCC's Public Notice for New Jersey. For example, VER 5923 states that customers (without working lines) will be served by Voice Link but there is no mention of this option in the Public Notice. Moreover, the Public Notice indicates that customers will be grandfathered, but unless the

⁶³ Public Notice, DA 13-1474, at 2.

⁶⁴ 214 Applications at 5.

copper is restored none of the 1,400 residents per the 2010 Census can be grandfathered. The notice to CLEC, CMRS, ISP, IXC, and Resellers states that Verizon will deploy and repair copper facilities to provide landline service on an as-needed-basis to firehouses, police stations and other government buildings. However, this option is not mentioned in the Public Notice.

These are material omissions from the Public Notice. This defective notice inhibits the ability of consumers to know the potential impacts of the proposed discontinuance of service and adequately respond to Verizon's request to discontinue service. As noted above, State Consumer Advocates reiterate that Verizon has not filed a proposed tariff for New Jersey or otherwise provided Terms of Service for Voice Link in New Jersey, thus, depriving the Commission as well as consumers of a clear idea of what services Verizon intends for the affected Service Areas.

While these omissions could be corrected by a new Public Notice, State Consumer Advocates submit that major defects in the Applications and the adverse impacts discussed below warrant rejection of the Applications.

C. Since Carrier Of Last Resort Obligations Are Involved, The FCC Should Suspend The Filing Until New York And New Jersey Address COLR Issues.

Traditionally, it has been states that have established carrier of last resort ("COLR") obligations for incumbent local exchange carriers ("ILECs"). States' COLR obligations have been fundamental to the accomplishment of universal plain old telephone service ("POTS"). COLR obligations have ensured that the FCC's directives to provide reliable Universal Service to all, promptly and at reasonable rates pursuant to Section 254(b) of the Telecommunications Act of 1996, are met and maintained. It is evident that both federal and state regulators must reconsider how legacy regulatory obligations should evolve, as service providers accelerate –

with or without regulatory approval – their transition from the PSTN to an all internet protocol (“IP”) world, or, in Verizon’s case, to transition customers from the PSTN to a functionally inferior network and service. The transitioning phone system raises a number of important COLR questions, and states are in the process of addressing those issues. States can best identify how to meet the needs of their residents and determine a) what technologies can best fulfill COLR functions in their own states; b) who should be subject to COLR duties, and c) what those COLR obligations should entail. The law and the public interest demand that every American should have access to reliable, phone service at reasonable and affordable rates.

The FCC has embraced the challenge of helping to foster the transition of our nation’s telecommunications phone system, while continuing to protect consumers and promote competition and investment.⁶⁵ In the Connect America Fund proceeding, the FCC acknowledged the existing authority of states to establish COLR obligations and noted its continued reliance on states to ensure carriers’ compliance with public interest obligations under the universal service support fund.⁶⁶ State Consumer Advocates submit that States have exclusive jurisdiction over intrastate services and remain in the best position to ascertain if telecommunications devices and offerings proposed by ETCs, such as Verizon’s Voice Link, are comparable and as reliable as existing service equipment and infrastructure given each state’s individual and geographic needs.⁶⁷

⁶⁵ *In the Matter of Connect America Fund, A National Broadband Plan for Our Future, Establishing Just and Reasonable Rates for Local Exchange Carriers, High-Cost Universal Service Support, Developing an Unified Intercarrier Compensation Regime, Federal-State Joint Board on Universal Service, Lifeline and Link-Up, Universal Service Reform – Mobility Fund*, WC Docket 10-90, et al., Report And Order And Further Notice of Proposed Rulemaking, FCC 11-161 (Rel. November 18, 2011).

⁶⁶ *Id.*, at p. 9 ¶ 15.

⁶⁷ See Section 2(b) of the Communication Act of 1934, 47 U.S.C. § 152.

State Consumer Advocates therefore urge the FCC to deny or defer action on Verizon's Section 214 Applications pending further individual State review. This will allow for detailed study, review, analysis and input from all affected interests, and enhance the record for future FCC consideration.

D. Verizon's Section 214 Applications are premature since no showing has been made that restoration of copper service is not possible.

Verizon's Applications are premised on the claim that post-Hurricane Sandy restoration of copper wireline service is not *possible* due to alleged *impracticality*.⁶⁸ However, without any detailed proof to satisfy that claim, the Applications fail and should be rejected. The granularity of information necessary to render such a far-ranging decision is best left to local regulatory authorities to garner a full and complete record. The lack of cost support for the Applications are notable; especially given the services involved. This Commission cannot allow the determination of possibility – or even practicability – to be at Verizon's sole discretion.

Verizon's allegations in support of the Applications lack merit. The claim that Hurricane Sandy alone destroyed the copper infrastructure, and thus requires provision of Voice Link as the suitable alternative on a permanent basis, is tempered by Verizon's admission that the extent of the claimed damage is either not yet known or varies from home to home, as some homes are still able to use the existing copper facilities.⁶⁹

Additionally, Verizon asserts that the subject areas are serviced by cable providers.⁷⁰ Unless Hurricane Sandy singled out Verizon's copper facilities for damage, then it is reasonable

⁶⁸Applications at 1- 4.

⁶⁹Applications at 2.

⁷⁰Id at 5.

to conclude that the cable providers' facilities also sustained damage and that those providers have since honored their responsibility to restore those lines and services. Verizon must explain why it cannot do the same.

As asserted by the CWA in the New York proceeding, Verizon's Applications have more to do with its larger, long-term plan to abandon copper facilities altogether, despite the well known proven reliability and operability of copper facilities even under adverse condition, when properly maintained.⁷¹ Hurricane Sandy presented Verizon with the "perfect storm" to accomplish its well-publicized intent to allow the copper facilities to decline and fail. Verizon's Applications bear no facts to support the assertion that the claimed damage to copper facilities is beyond reasonable repair. The *carte-blanche* permission that Verizon seeks here – to supplant copper facilities with the recognized inferior connection provided by Voice-Link – is inappropriate and unsubstantiated.

To what extent did Verizon's own neglect of copper facilities advance the copper deterioration that did not permit the facilities to withstand adverse weather conditions any longer? Does Voice-Link have equal or better reliability and interoperability with safety systems as the incumbent copper facilities? Will consumers be disadvantaged without choice of service technology? The absence of a factual record as to such material issues underlying the Applications is sufficient cause to reject the Applications at this time.

E. Verizon's Request for Retroactive Approval and the Conflict with the Commission's IP-Transition Trials also Support Denial of Verizon's Applications.

⁷¹CWA Comments. In detailing the significant and numerous issues concerning Verizon's intended switch to Voice-Link instead of copper facilities, the CWA quoted Verizon's CEO Lowell McAdam on his vision for the copper plant: "We are going to kill the copper. We are going to take it out of service and we are going to move those services onto FiOS....We are going to do it over wireless." CWA Comments at 11.

Notably, Verizon's Applications request retroactive approval of its abandonment of its copper facilities – and its substitution of Voice Link as a permanent, not a temporary emergency solution to that abandonment – retroactive to Superstorm Sandy in October of 2012. Verizon's actions should have been accompanied by an emergency petition to this Commission (and to the state commissions in New Jersey and New York). This Commission cannot countenance, much less retroactively approve, Verizon's request, given the broad impact of its Applications on basic telephone service and the concomitant public safety and other concerns implicated by the move to Voice Link. The FCC is currently engaged in consideration of trials to evaluate the (widely accepted as beneficial) transition from a TDM network to an IP network.⁷²

Yet what Verizon is proposing here is the exact opposite: a transition from a broadband-capable copper network to a wireless network where customers are forced to pay extra for their broadband access, along with losing the other beneficial capabilities of the wireline network. The relationship between these Verizon requests and this Commission's broadband initiatives need to be closely examined, again arguing against approval of the Applications.

⁷² See FCC Public Notice, "Technology Transitions Policy Task Force Seeks Comment on Potential Trials," GN Docket No. 13-5, DA 13-1016, rel. May 10, 2013 ("Public Notice"). Initial comments were filed July 8, 2013, and reply comments are due August 7, 2013.

V. CONCLUSION

The FCC has not provided for reply comments in this proceeding,⁷³ which may be typical of §214 Applications, but is probably inappropriate for a proceeding of this scope and importance. Thus the Commission should expect a plethora of Ex Parte filing on these issues.

With these comments, however, State Consumer Advocates submit that the FCC should find that the Applications are contrary to the public interest. There has been no showing that it is uneconomical to repair the copper network in the affected areas. The Voice Link option offered as a substitute service is a step backwards for consumers in terms of reliability, public safety, data communications capabilities and the provision of safe, adequate and reliable service at affordable rates. The Applications represent an abandonment of COLR obligations. As a result, the FCC should reject the Applications and allow the ongoing proceeding in New York and state-level proceedings in New Jersey to occur before entertaining any request for the relief sought herein.

Respectfully submitted,

Stefanie A. Brand
Director
Division of Rate Counsel

Christopher J. White
Deputy Rate Counsel
140 E Front Street, 4th Floor
Trenton, NJ 08625

Phone (609) 984-1460
Fax (609) 292-2923

⁷³ See DA 13-1474 and 13-1475.

NASUCA
Charles Acquard, Executive Director
8380 Colesville Road, Suite 101
Silver Spring, MD 20910
Telephone (301) 589-6313
Fax (301) 589-6380

The Utility Reform Network
Regina Costa
Telecommunications Research Director
115 Sansome Street, Suite 900
San Francisco, CA 94104
Phone (415) 929-8876, ext 312
rcostra@turn.org

Dated: July 29, 2013

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**telcodad**join:2011-09-16
Lincroft, NJ
kudos:2**Comcast Welcomes Back Jersey Shore Customers**

From:

Comcast "Welcomes Back" Jersey Shore Customers**Additional customer support, resources available to Hurricane Sandy-impacted towns**

PR Newswire - May 15, 2013

»www.prnewswire.com/news-releases...511.html

quote:

Comcast is welcoming back New Jersey shore customers, many of whom were impacted by Superstorm Sandy in October 2012. The company, which upgraded 144 miles of infrastructure supporting the hardest hit Jersey Shore communities, is also announcing newly-renovated service centers with increased staffing and weekend hours; additional service technicians and other benefits to help customers starting May 25. More than 170 additional technicians have been committed to maintain and improve the network in shore areas, perform installations and proactively service outside cable lines that may have been affected by storm waters and other conditions.

In time for the summer season, new and returning Comcast customers will be among the first in the state with access to a lineup of new services, including:

- The next-generation X1 Platform from XFINITY for TV, a cloud-enabled service unlike any other existing today;
- The new XFINITY Wireless Gateway with the nation's fastest wireless speeds and coverage for devices throughout connected homes;
- XFINITY Home featuring 24/7 security monitoring and a suite of home automation services that offer lighting and climate control, video monitoring, custom text and e-mail alerts and more on mobile devices;
- Thousands of additional XFINITY WiFi hotspots, allowing customers to experience fast Internet service both inside and outside of the home.

For fast and easy installations and reconnections, popular self-installation options are available, as are two-hour technician appointment windows. At Jersey Shore service centers, the number of workstations has been nearly doubled to provide more expedited, one-on-one attention for customers. This includes centers in Absecon (Pleasantville), Avalon, Brick, Northfield, Ocean City and Wildwood.

The Avalon, Long Beach Island and Pleasantville service centers have been newly renovated and, although Comcast's Ocean City facility was permanently destroyed by Sandy, two temporary trailers have been installed to service customers.

A Welcome Back campaign including TV, radio and print advertising will reach customers with special offers and Comcast will host dozens of movie nights and other weekend events in shore towns.

Customers who have questions or want to reconnect their Comcast services can call a dedicated phone line at 1-800-2SUMMER.

Comcast is committed to restoring and aiding New Jersey communities impacted by Hurricane Sandy.

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 <p>telcodad</p> <p>Join: 2011-09-16 Lincroft, NJ kudos: 2</p>	<p>Also an article about all this on the MCN site this afternoon:</p> <p>Comcast Tees Up Upgrades, New Services for Jersey Shore Subs Verizon Confirms It's Pushing a Voice-Only, Wireless Product in Areas Washed-Out By Superstorm Sandy</p> <p>By Jeff Baumgartner, Multichannel News - May 15, 2013 »www.multichannel.com/distributio...s/143324</p> <p>2013-May-15 4:38 pm reply</p>
<p>TurboDan</p> <p>Join: 2006-06-08 Beach Haven, NJ</p>	<p><i>reply to telcodad</i></p> <p>Let's not be so quick to defend Comcast. I know many people who were royally screwed over by them refusing to close accounts, sending people bills to homes that were uninhabitable, charging outrageous fees for equipment that was not even storm-damaged.</p> <p>I've heard horror story after horror story. I know from experience - they kept sending me, personally, bills after I told them to turn my own service off at my Sandy-damaged home that we wouldn't be living in.</p> <p>Frankly, I think Verizon is doing the sensible (and obvious) thing in Mantoloking by declining to reinstall outdated copper phone lines. It's 2013, time to move on. There are fewer and fewer people who even use landlines to begin with. Seems like a large capital expense to rebuild a POTS phone network that, within a few years, hardly anyone will be using anyway.</p> <p>2013-May-15 7:11 am reply</p>
 <p>telcodad</p> <p>Join: 2011-09-16 Lincroft, NJ kudos: 2</p> <p>2 edits</p>	<p>said by TurboDan:</p> <p>Frankly, I think Verizon is doing the sensible (and obvious) thing in Mantoloking by declining to reinstall outdated copper phone lines.</p> <p>I can understand that also, but they should have at least restored service using FiOS. That's what they are doing/have done in many other areas, like in lower Manhattan.</p> <p>EDIT: In that MCN article (»www.multichannel.com/distributio...s/143324) however, it says:</p> <p>quote:</p> <p><i>... the company has had a program underway since 2011 to migrate voice services to fiber in areas where customers are having "chronic problems" with their copper-based service. He confirmed that Verizon moved about 250,000 such customers from copper to fiber last year. He also said <u>Verizon has no plans to implement fiber upgrades in areas where Sandy all but destroyed the legacy copper network in part because there's little business justification to do so in areas where most customers live only part-time.</u></i></p> <p>But it appears Comcast has no problem restoring their systems in those same "part-time" areas.</p> <p>2013 May 15 7:18 pm reply</p>
<div> <div>  <p>Time Warner Cable®</p> <p>TimeWarnerCable.com</p> <p>Best TV, Internet, & Phone Deals. Official Site - Bundle and Save!</p> </div> <div>  <p>AdChoices</p> </div> </div>	
 <p>FifthElement Tech Nut</p> <p>Join: 2005-03-16 Fort Lauderdale, FL</p>	<p><i>reply to telcodad</i></p> <p>said by telcodad:</p> <p>said by celeritypc:</p> <p>Wow. Kinda different from the middle finger Verizon is giving the area. »More Sandy Victims To Be Told Their DSL Won't Be Repaired</p> <p>Yes, it's quite a contrast.</p> <p>See: »Verizon Kicks Sandy Victims to the Curb As Comcast Embraces Them</p> <p>LOL, Comcast must have gone to all the execs and said what would you guys do to help the Sandy victims and customers! Then: OK now that we know what the upper brass would do, let's do exactly the opposite! LOL! ☹ It just doesn't sound Comcrapstic enough for Comcast!</p> <p>Sth -- "The relationship between what we see and what we know is never settled..."</p>

2013-May-16 3:11 am [reply](#)**TurboDan**join: 2006-06-08
Beach Haven, NJ[reply to telcodad](#)

said by telcodad:

said by TurboDan:

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I can understand that also, but they should have at least restored service using FiOS. That's what they are doing/have done in many other areas, like in lower Manhattan.

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But it appears Comcast has no problem restoring their systems in those same "part-time" areas.

The problem is the "part time" thing is a stereotype perpetuated by those who don't live around here. ☹

And I agree that they should have just laid FiOS lines in Mantoloking. How hard could it have been to get that done? Let's be honest - it's the second wealthiest town in the richest U.S. state. Everyone would have signed up for it.

2013-May-18 1:49 pm [reply](#)

Forums > US Cable Support > Comcast Cable TV

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- [85] [Google Offers \\$35 Chromecast Streaming Video Device](#)
- [73] [NSA Defunding Amendment Narrowly Defeated](#)
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Comcast "Welcomes Back" Jersey Shore Customers

Additional customer support, resources available to Hurricane Sandy-impacted towns

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PLEASANTVILLE, N.J., May 15, 2013 /PRNewswire/ -- Comcast is welcoming back New Jersey shore customers, many of whom were impacted by Superstorm Sandy in October 2012. The company, which upgraded 144 miles of infrastructure supporting the hardest hit Jersey Shore communities, is also announcing newly-renovated service centers with increased staffing and weekend hours; additional service technicians and other benefits to help customers starting May 25. More than 170 additional technicians have been committed to maintain and improve the network in shore areas, perform installations and proactively service outside cable lines that may have been affected by storm waters and other conditions.

"We know that Hurricane Sandy complicated life for millions of people, and many of our employees and facilities were affected by the storm," said LeAnni Teibot, senior vice president of Comcast's Freedom Region. "We were here for the Jersey Shore during and immediately after Sandy, we have been here to support since then and will remain as a partner tomorrow and beyond as people and communities work to rebuild."

In time for the summer season, new and returning Comcast customers will be among the first in the state with access to a lineup of new services, including:

- The next-generation X1 Platform from XFINITY for TV, a cloud-enabled service unlike any other existing today;
- The new XFINITY Wireless Gateway with the nation's fastest wireless speeds and coverage for devices throughout connected homes;
- XFINITY Home featuring 24/7 security monitoring and a suite of home automation services that offer lighting and climate control, video monitoring, custom text and e-mail alerts and more on mobile devices;
- Thousands of additional XFINITY WiFi hotspots, allowing customers to experience fast Internet service both inside and outside of the home.

For fast and easy installations and reconnections, popular self-installation options are available, as are two-hour technician appointment windows. At Jersey Shore service centers, the number of workstations has been nearly doubled to provide more expedited, one-on-one attention for customers. This includes centers in Absecon (Pleasantville), Avalon, Brick, Northfield, Ocean City and Wildwood.

The Avalon, Long Beach Island and Pleasantville service centers have been newly renovated and, although Comcast's Ocean City facility was permanently destroyed by Sandy, two temporary trailers have been installed to service customers.

A Welcome Back campaign including TV, radio and print advertising will reach customers with special offers and Comcast will host dozens of movie nights and other weekend events in shore towns.

Customers who have questions or want to reconnect their Comcast services can call a dedicated phone line at 1-800-2SUMMER.

Comcast is committed to restoring and aiding New Jersey communities impacted by Hurricane Sandy. In the immediate aftermath of the storm, the company extended free access to XFINITY WiFi hotspots for anyone who needed them, including non-Comcast customers, and offered any resident the use of power strips at 15 New Jersey payment centers so people still without power could recharge mobile devices. A region-wide food drive collected three tons of food for New Jersey food banks providing food to victims of Sandy across the Garden State and southeast Pennsylvania. In addition, the Comcast/NBCUniversal family made record pledges to the United Way and designated Comcast Foundation grants to help fund Hurricane Sandy relief, adding to the more than \$23 million raised through NBC's November 2012 benefit concert for Sandy. More recently, the company hosted Comcast Cares Day projects in shore communities, providing much-needed help ranging from beach cleanups to an extensive downtown rebuilding project for Highlands Borough.

About Comcast Cable:

Comcast Cable is the nation's largest video, high-speed Internet and phone provider to residential customers under the XFINITY brand and also provides these services to businesses. Comcast has invested in technology to build an advanced network that delivers among the fastest broadband speeds, and brings customers personalized video, communications and home management offerings. Comcast Corporation (Nasdaq: CMCSA, CMCSK) is a global media and technology company. Visit www.comcastcorporation.com for more information.

SOURCE: Comcast Cable

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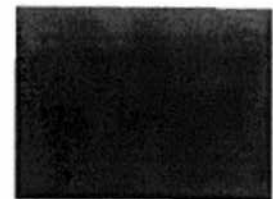
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Vice President for
California's
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Jersey Central Power & Light Restores Service to 99 Percent of Customers Affected By Hurricane Sandy

Remaining 19,000 Without Service Should Be Restored Today

MORRISTOWN, N.J., Nov. 11, 2012 — Jersey Central Power & Light has restored service to 99 percent of customers affected by Hurricane Sandy and the recent nor'easter, the company said Sunday, November 11. The majority of the remaining 19,000 restorable customers should be returned to service by tonight. The total restoration effort includes the 130,000 customers who were affected by the nor'easter. More than 8,000 linemen and forestry workers, as well as thousands of support staff, are working to complete this massive restoration effort.

About 30,000 of the company's customers on the barrier islands and in shoreline communities cannot be restored to service at this time due to massive infrastructure damage in that area. The company is working with local, state and federal officials to develop a full recovery plan for that area.

More than 1.3 million outages were reported during the two recent storms. These storms did more damage to the company's infrastructure than 2011's Hurricane Irene and October snowstorm combined.

"We're down to the most time-consuming part of the effort — restoring individual homes to service," said Don Lynch, president of JCP&L. "We thank our customers for their continued patience and understanding. I also extend a special thanks to the other utilities, contractors, police, fire and emergency management officials for their dedicated efforts in keeping public safety a priority and helping us meet the unprecedented challenges of this disastrous storm. They continue to do an incredibly difficult job under very trying conditions."

As local power lines were repaired and put back in service in recent days, damage to individual customers' service lines and equipment was identified, and that work continues today. JCP&L has been working with local officials to assure these affected "single no lights" customers are ready to be connected. In some cases repair needs to be made to the home by a licensed electrician before service can be restored.

As restoration work continues, customers are cautioned never to touch downed lines. Always assume downed wires are carrying electricity and keep children and pets away from them. Downed wires should be reported immediately to your electric company or local police or fire department. Customers should never try to remove trees or limbs from power lines because they could conduct electricity. They should wait for emergency services or utility crews to arrive.

For updated information on the company's remaining outages, FirstEnergy's storm restoration process and tips for staying safe, visit the 24/7 Power Center at www.firstenergycorp.com/outages. JCP&L customers can find the latest information on Facebook at www.facebook.com/JCPandL, and can receive updates via Twitter @JCP_L.

FirstEnergy (NYSE: FE) is a diversified energy company dedicated to safety, reliability and operational excellence. Its 10 electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Maryland, Ohio, Pennsylvania, New Jersey, New York and West Virginia. Its generation subsidiaries control more than 20,000

megawatts of capacity from a diversified mix of scrubbed coal, non-emitting nuclear, natural gas, hydro, pumped-storage hydro and other renewables.

Follow FirstEnergy on Twitter @FirstEnergyCorp.

www.firstenergycorp.com

CONTACT: Ron Morano, JCP&L, +1-973-401-8097



Barrier Island Updates

Power has been restored to all Barrier Island customers that are able to accept service at this time.

Information on Sandy-Related Repairs, Demolitions and Home Elevations

We understand the hardships still being experienced by customers whose homes and belongings were damaged by Hurricane Sandy. JCP&L remains committed to working with federal, state and local agencies in a coordinated effort to rebuild and restore your service.

To make arrangements to have your electric service restored, removed or disconnected, please contact JCP&L at 800-662-3115. A JCP&L customer service representative will create and provide you with a **notification number** to easily identify and track your specific work request. *The fees normally assessed for disconnects and reconnects are currently being waived.*

Meter Reset

If your home's electrical system was damaged and the required work has been completed, please contact your municipality to schedule an electrical inspection (an inspection is required before service can be restored). They will send confirmation of the inspection to JCP&L. If there is no additional work required, your meter will be set in 3-5 days. In cases where a new service line needs to be run to your home or other construction is required, please allow at least 7-10 working days.

Home Demolition

If you are demolishing your house, please contact JCP&L at 800-662-3115 to arrange to have your service wire and meter removed. To ensure the safety of the workers and the community, the electric service must be retired before demolition.

Home Elevation

If you are elevating your house, please contact JCP&L at 800-662-3115 to arrange to have your service wire and meter removed. To ensure the safety of the workers and the community the electric service must be removed prior to elevation. When construction is completed and an electrical inspection has been performed, your municipality will send the confirmation to JCP&L and your service will be restored.

Temporary Service for Construction

JCP&L can provide temporary service during reconstruction of your home. Please contact JCP&L at 800-662-3115 to arrange temporary service.

Additional Reconnection Information

Tips to ensure the reconnection process is safe and trouble-free:

- Hidden electrical hazards that can cause fires often exist after flooding. Qualified, licensed electricians must assess house wiring and related electrical equipment for damage and complete repairs before service can be restored.
- A qualified electrician should discard electrical devices such as circuit breakers, fuses, GFCIs, receptacles, plugs and switches that have been submerged.
- If you have a functioning electrical service entrance, including the meter – JCP&L will complete the service reconnection.
- If your meter has been removed due to flooding or other damage, JCP&L will install a new meter after the service has been repaired by a qualified electrician and inspected by a state or municipal inspector. **After notifying the company, please allow 3 - 5 days for the meter to be reset.**
- If you have a meter and your power has not been restored you may need to reset your breakers. Please check to make sure you have turned your breakers on.
- If you have checked the breakers and remain without electric service, **please contact us at 800-984-9485** to speak with a representative who can expedite your request. Please say "outage" when you reach the customer service main menu and then say "representative" at the outage menu.
- If your home damage was so extensive that you must rebuild, please contact us when you are ready to receive service so we can arrange temporary power for construction or full reconnection and waive the related fees.

Once power has been reconnected, follow these important, everyday electrical safety tips:

- Do not turn on damaged electrical appliances. Electrical parts can pose an electric shock hazard or overheat and cause a fire.
- Do not touch a circuit breaker or replace a fuse with wet hands or while standing on a wet surface.
- Use portable ground-fault circuit-interrupter (GFCI) protective devices to help prevent electrocutions and electrical shock injuries.
- Do not allow power cord connections to become wet. Do not remove or bypass the ground pin on a three-prong plug.

Download a fact sheet on the service reconnection process

Last Modified: May 9, 2013



Hurricane Sandy



The work to rebuild after Hurricane Sandy continues. Every day, Pat Mullin (pictured above) sees the devastation Sandy left in shore areas like Ortley Beach. Pat has been working with emergency responders, as well as federal, state and local agencies, to rebuild the electrical infrastructure and reenergize homes and businesses.

Pat isn't just a JCP&L employee. She and her family are waiting for repairs to be done on their home that was flooded in Hurricane Sandy. Pat knows firsthand how critical it is to expedite the work. That's why she is overseeing JCP&L's restoration efforts at the shore – working with crews to set new poles, run new wires and install new meters so that homes have access to power and can rebuild.

[View photos of restoration work in Ortley Beach on Flickr.](#)

Additional Hurricane Sandy Information

- [Update on Barrier Island service restoration](#)
- [We thank our customers](#)
- [The storm by the numbers](#)
- [Sandy-related repairs, demolitions and home elevations](#)
- [FAQs about restoration efforts in New Jersey](#)

NEW Outage Status Feature

View the status of outages you have reported or see if there are outages in your area.

[Log in to your online account.](#)

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Quick Links

- [View current outages](#)
- [Report an outage](#)
- [What to do if you have an outage](#)
- [Our storm restoration process](#)
- [Important safety reminders](#)
- [Preparing for possible power outages](#)
- [Outage information](#)
- [Alerts, text messaging and app information](#)

Hurricane Sandy - Barrier Island Information

Quick Links

- [Report an outage or Report via TTY-TDD](#)
- [JCP&L FAQ](#)
- [JCP&L Other Service-Related Issues](#)

- Our storm preparation and restoration process
- View outages on our 24/7 Power Center maps



We'd like to

thank our customers

for their patience and understanding during the massive effort to restore service following Hurricane Sandy and the nor'easter.

The storms caused more damage than 2011's Hurricane Irene and October snowstorm combined. And the resulting 1.3 million power outages throughout our New Jersey service area led to the largest restoration effort in our company's history.

We understand the frustration of those of you who were without power. We can assure you that, despite facing similar hardships, our employees were totally focused on the restoration effort and remain dedicated to providing you with the level of reliability you expect and deserve.

More than 8,600 line workers – including crews from JCP&L and other utilities and contractors across the country – were on the ground in New Jersey restoring power to our customers.

There's always room for improvement, and we intend to use the lessons learned from this effort. For example, we're looking at opportunities to make our system more resistant to storm damage – especially as we move forward with the major reconstruction effort that will be required to bring back service to some coastal areas and the barrier islands.

We were inspired by the many ways our customers came together to help one

[Register with FEMA](#)

[Service Reconnection](#)

[Safety tips](#)

Shelters

[Red Cross Shelters - links to Red Cross website](#)

View Current Outages



News and Multi-Media

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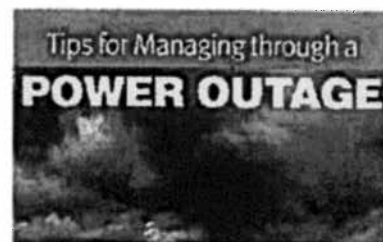
More Outage Help

another throughout this difficult crisis – from sharing your homes with neighbors in need, to your selfless contributions to disaster relief efforts.

Times like these demand the best from everyone, and your sense of community helped all of us weather the storm.

Important Information:

Homeowners, renters, and business owners who suffered disaster-related damage or loss in New Jersey as a result of Hurricane Sandy should register with the Federal Emergency Management Agency (FEMA). Online registration is available at www.DisasterAssistance.gov. Smartphone users may register at m.fema.gov; click on "Apply Online for FEMA Assistance." To register by phone, call toll-free at **800-621-FEMA (3362)**. Those with a speech disability or hearing loss, who use TTY, may call **800-462-7585**; or use 711 or Video Relay Service (VRS) to call **800-621-3362**.



by the numbers



1.3 million	Storm-related outages in our JCP&L service area.
850,000	Customer outage calls received at our contact center - the most ever taken in a single restoration event.
100,000	Number of JCP&L customers restored per day over a five-day period, from Nov. 2-6.
65,000	Trees cut and cleared to restore power.
34,000	Hazard locations (primarily downed wires).
19,200	Crossarms on utility poles damaged by storm.
13,800	Line workers, hazard responders, forestry workers, call center representatives, management and support personnel involved in the storm response.
6,700	New utility poles.
3,600	New transformers.
400	New miles of wire.
9	Staging areas established to house and supply the influx of crews from states as far away as California and Oregon.
	Helicopters used to patrol and assess storm damage to power lines. One helicopter was equipped with an aerial

6 saw to cut away vegetation from lines.

Storm Preparation and Restoration Process

Preparation efforts for Hurricane Sandy began nearly a week before the storm struck, as the company's meteorologists carefully monitored the hurricane's progress over the Atlantic. The company mobilized linemen, contractors, forestry workers and other support staff before the storm arrived. These individuals were then dispatched appropriately to the hardest-hit areas.

FirstEnergy's restoration process is designed to restore power safely and efficiently to affected customers. The priority for restoration starts with emergency services, including hospitals, police, fire and first aid. Priority is also given to circuits serving the largest number of customers, followed by restoration of service to individual homes.

Information about our restoration process and priorities is available on our website and in this video.

Reporting An Outage



Our call centers are fully staffed. If you lose power, please call 1-888-LIGHTSS (1-888-544-4877) to report your outage or click [here](#) to report your outage online. Outage information is also available on our 24/7 Power Center Maps.

Immediately report downed wires to 888-544-4877 or your local

police or fire department. Never go near a downed power line, even if you think it's no longer carrying electricity.

The priority for restoration starts with emergency services, including hospitals, police, fire and first aid. Priority is also given to circuits serving the largest number of customers, followed by restoration of service to individual homes. Click [here](#) for more info on our storm restoration process.

Safety Tips:

- Stay more than 30 feet away from downed power lines, don't walk or drive near or over a downed line, and watch out for anything touching the line. If a wire falls on a vehicle, passengers should stay inside until help arrives.
- Keep children and pets away from any wires.
- Unplug appliances like refrigerators and freezers, and sensitive electronic equipment like TVs and computers, so that they won't overload when power is restored.

- When operating a generator, always disconnect the power coming into your home. Otherwise, power from your generator could be sent back onto the utility lines, creating a hazardous situation for utility workers. The proper generator should be selected and installed by a qualified electrician. *View additional generator safety information.*
- Stay out of flooded basements, even if the power is off. Stay away from the breaker box if it's in a flooded basement.

Download our Tips for Managing Through a Power Outage resource.

Last Modified: May 14, 2013

Attachment B

Andrew Bucko
27 Karl Drive
Old Bridge, NJ 08857-2525

March 14, 2014

The Division of Rate Council
140 East Front Street
4th Floor
P.O. Box 003
Trenton, NJ 08625

To Whom It May Concern:

I am writing to you today in opposition to the Board of Public Utilities' proposed Stipulation of Agreement between the board and Verizon New Jersey regarding Verizon's compliance with Opportunity for New Jersey and Alternative Plan For Regulation.

The Board's proposal will relieve Verizon of their responsibility to deploy a next-generation high-speed fiber-to-the-premises (FTTP) network, marketed as Verizon Fios. Previously, the Board required Verizon to fully deploy broadband service in its entire territory before the end of 2010. The Board also granted Verizon a statewide franchise for cable television programming in 2006, to be delivered, along with voice and broadband service, over its new Fios network.

Upon being granted this authority, Verizon began deploying its Fios network and service but, aside from mandated areas, only targeted the areas that it has considered to be most profitable. This action has left as much as 50% of the state without the fiber optic network we were promised. The result is that, in many areas, there is a de facto monopoly in the market of broadband Internet access.

As a concrete example, at my house, there is effectively only one option for wireline broadband: Cablevision's Optimum Online. Verizon only offers DSL and their speed tier available in my area is "up to" 3 Mbps down and 729 Kbps up. While this just barely meets the FCC's definition of broadband, due to the distance and line quality limitations of DSL, Verizon was only able to guarantee 1.1 Mbps down and 384 Kbps up, far below the FCC's definition.

The Board's current proposal would allow Verizon to use 4G LTE as an alternative for wireline deployment. While 4G LTE might, and I must stress might, be technologically by an alternative to wireline deployment, from a pricing

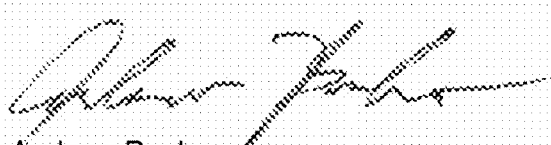
standpoint, it is not.

According to the analysis firm Sandvine's Global Internet Phenomena Report, the mean for monthly fixed access broadband usage in Q1 2013 was 47.7 GB. Verizon's 4G LTE data access plan to satisfy this usage would be \$355.00/month (50 GB More Everything Plan). As a comparison, Verizon's Fios 15/5 Mbps plan \$49.99/month. Verizon's 4G LTE pricing is more than 7 times higher than their Fios pricing for the same level of usage.

The Board's proposal also defines broadband below the FCC's definition. Section 1c would define broadband as "data transmission service at speeds no less than the minimum speed of Verizon NJ's Digital Subscriber Line Services ("DSL") that is provided by Verizon NJ as of today's date". The minimum speed of Verizon's DSL service is 512 Kbps down and 384 Kbps up. This is far, far below the FCC's definition of broadband service. By defining broadband in this manner, the Board will cement New Jersey's access to substandard service levels.

The Board's proposed agreement is bad for New Jersey. It denies New Jersey universal access to the next-generation broadband services that the taxpayer and ratepayers have been paying for over the last decade and more. It also will leave New Jersey residents with the choice of much lower service levels or much higher prices.

Sincerely,



Andrew Bucko