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Despite the attention that broadband and Internet services receive today, basic voice service is still a foundational and critically important technology for millions of people. California's COLR obligations are explicitly designed to protect consumers against corporate greed, and as AT&T's behavior, in particular, has demonstrated, the need for COLR requirements has only increased in recent years. The current state of basic voice services is, in many places, a market failure that economic competition, if left to itself, will not provide.

### **Broadband Bundling**

I object to the Commission's desire to treat phone and broadband concerns identically. Basic voice service is critical and potentially life-saving, while broadband is a far less regulated industry to which it is in, in many cases, inappropriate to apply COLR considerations. Existing voice services are in dire need of COLR protection, while broadband services, in areas where they exist, do not suffer from the same market failures that basic voice service does. Therefore, it does not require similar COLR protections.

AT&T's claim that COLR "is not needed in areas that are well-served with broadband" should be rejected. Broadband is not a replacement for reliable basic voice service, which traditionally is far more resilient to disasters, power outages, and emergency conditions than broadband Internet services are, particularly when basic voice service is provided via copper phone lines. Treating a technology that is far less resilient as a replacement for a technology that is far more resilient is inappropriate, and must be rejected wholesale. Adopting these changes plays right into AT&T's desires to de-emphasize reliable voice service in favor of broadband technologies that are far cheaper for them to deploy, but which do not offer consumers the same protections and guarantees that basic voice service does currently, including consistent access to 911.

I especially disagree with Cal Advocates' recommendation that basic service be amended to include a broadband service component of speeds of at least 100/20. Although typical broadband speeds have increased significantly over the last two decades, 100/20 is, in many cases, a gluttonous amount of bandwidth. It is the equivalent of a voice line with unlimited long-distance

and international calling and fifteen calling features. As the Commission will note, basic voice service does not include these “extras”, rather, it aims to encompass a minimum service definition that provides for reliable and functional voice service, without additional add-ons like long-distance and calling features, which are unregulated. I myself have recently “downgraded” to a 20/10 broadband plan, and cannot tell the difference from before – it is still far more bandwidth than I require. While several simultaneous 4K video streaming and video conferencing sessions may exceed this bandwidth requirement, this hardly constitutes the notion of “basic broadband” service. The bandwidth required to support such activities should not be codified into COLR. If COLR is to be amended to include bandwidth requirements of any kind, I recommend a minimum speed no greater than 5/1. This speed is still sufficient for what would reasonably be considered “basic” Internet activities, such as email, Internet chat and newsgroups, online banking, and other “necessary” activities. As with voice service, where a basic service is offered as well as more fully-featured “enhanced” packages, providers are certainly free to offer higher-speed packages, but these kinds of speeds do not require the same protections.

This has practical implications as well. Copper is commonly used to provide broadband access throughout the U.S. today. DSL can often sustain speeds on the order of 5/1, or even 10/2 or higher. However, a requirement of 100/20 explicitly excludes DSL as a “basic” broadband technology, even though it is perfectly adequate at providing basic speeds, and is important in areas where copper lines may be the only existing telecommunications infrastructure. If a notion of “basic broadband” service is to be adopted, it is far preferable to include 10/2 DSL service within its definition than it is to exclude it, and in doing so, preclude a region from having any Internet service at all, only because the DSL service that could have been provided was “not good enough” – it is adequate, and it would be foolish not to recognize the important role that DSL currently plays in providing basic Internet access to countless people.

If a basic service definition for broadband is to be added, it should be added separately and independently from the COLR service requirements for basic voice service. Nobody is stopping AT&T from continuing or upgrading its broadband deployments; the argument that its or another COLR’s obligation to provide basic voice service, is preventing it from providing broadband access, must be rejected. It is a false dichotomy. And if it was not, basic voice service, which is life-critical, must be prioritized over broadband access – while telehealth and remote learning are

important, they are not as critical to public safety as reliable basic voice service, including access to 911 and ability to receive notifications of wildfires or other natural disasters – but again, this is a false dichotomy that we need to choose one or the other, or balance the important of one against the other.

Indeed, the Staff Proposal’s recommendation that Lifeline be offered for “bundled voice and broadband” or “standalone broadband” effectively forces Lifeline recipients to have broadband, while treating the voice portion as “optional”. This is unacceptable; standalone voice service must be retained as an option, as it is today.

### **Technology Neutrality**

Noting the COLR’s technology-neutral requirements, approaches to non-copper voice service vary widely. For example, in its ILEC metro areas where Verizon has deployed fiber and no longer offers copper service, it continues to provide basic regulated voice service over fiber, with the same capabilities (e.g. Feature Group D “Equal Access”), and at the same rates, as copper service. If AT&T wants to roll out fiber and continue to provide regulated voice service in a similar manner, Verizon’s example shows it is certainly possible (though not without pitfalls such as the dependence on local batteries in a power outage). Other providers, such as Zply Fiber, have stopped offering regulated phone service altogether when replacing copper with fiber, eliminating the ability for consumers to remedy issues. In these areas, fiber is inherently tied to loss of regulated voice service, a point to which I will return.

Likewise, AT&T has not demonstrated to date any indication that it plans to pursue a “robust” approach, instead promoting its significantly inferior wireless-based “AT&T Advanced Phone” offering, which is anything *but* advanced, given its reliability, security, and quality issues<sup>1</sup>. I agree with the commission that mobile service is not a true replacement for fixed wired voice service, and should not be treated as such. I support the Commission’s recognition of COLR refusal to provide basic service to many individuals as a significant issue that bears worth investigating. I urge the Commission to fully enforce its existing COLR requirements before

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<sup>1</sup> Comments elaborating on the failure of AT&T Advanced Phone have been submitted in previous CPUC proceedings.

relaxing or amending rules in a way that favor the companies the Commission is responsible for regulating.

The Commission proposes to include VoIP service as a component of Modernized Essential Service, provided that customers have the opportunity to obtain CPE capable of providing 72 hours backup power. This is inappropriate for two reasons. First, 72 hours (three days) may not be sufficient backup power in a prolonged power outage, such as following a heavy storm or natural disaster. History has proven this kind of event to be not only possible, but quite likely, in California. Traditional copper service powered from the CO is most resilient in these scenarios, historically capable of surviving weeks on plant and generator power. Only requiring 72 hours almost ensures with certainty that people will die in future disasters, due to inability to reach 911 or other help when needed.

Noting the requirement for local power, AT&T and US Telecom's claims that fiber networks require substantially less energy, if not disingenuous, are incomplete. Fiber providers do not have to pay the cost of locally supplying power to all of the ONTs in the field. This is a new cost that consumers are bearing that they did not need to before. Additionally, while carriers previously bore responsibility for backup power, they are now passing this cost to the consumer as well, many of whom may not be able to afford backup batteries or regular replacement of them. Customers on Lifeline service, for example, are hardly able to afford basic voice service, let alone additional batteries that they must now purchase to power their own service. It is a slippery slope where carriers are passing all kinds of responsibilities and the associated costs for the service directly onto consumers. COLRs using a non-copper medium to provide service should be expected to provide batteries where needed for continued service in a mains power outage, and bear the cost of regularly replacing and maintaining them. This should be done for all subscribers, but at minimum, for customers on a Lifeline plan that cannot be reasonably expected to purchase and replace batteries on a regular basis.

This serves as a good example of why the technology-neutral nature of the existing rules is already problematic. Historically, all basic voice service was inherently copper-based and this was not an issue. Today, the ability of a "basic voice service" to be effective is explicitly tied to the underlying technology (e.g. whether it is copper or not), with implications that cannot be ignored. Additionally, in many areas, the regulatory protections of a service are inextricably tied

to the technology, i.e. even ILEC-offered fiber-based phone service in many areas does not enjoy the same regulatory protections that copper voice service does (let alone VoIP or other alternatives), and the ability to remedy grievances is critical to the effectiveness of any COLR requirement<sup>2</sup>. While the Commission holds that COLR obligations may not be needed in areas with “competition”, the reality is that when it comes to traditional wireline voice service, i.e. POTS, there is generally only one provider of this service (the incumbent LEC) in any given area<sup>3</sup>. There is plenty of competition in unreliable and unregulated voice services (VoIP from a SIP provider, VoIP from the cable company, wireless, etc.) but there is no true competition in regulated, reliable voice service since POTS is inherently a geographic monopoly. Therefore, “consumer choice” in unregulated voice and data services in general should have no bearing on COLR enforcement in that area.

It is therefore troublesome that the Commission encourages “in areas where COLRs face costs associated with maintaining legacy wireline connections... to explore deployment of advanced, broadband-capable technology that may have lower long-term maintenance costs”. COLR should be guided by safety, not by cost – and basic voice service needs to be reliable, not “advanced”. COLRs like AT&T are well-funded and immensely profitable and not in need of relief, and although I acknowledge POTS has seen a declining tax revenue base, it should be subsidized<sup>4</sup> and maintained, not “modernized” into something less reliable.

### **Removal of Existing Protections**

In D. 96-10-066, and reaffirmed and consolidated in D. 12-12-038, the Commission set forth several basic service elements to ensure access to various directory services. These include directory assistance, a free white pages listing, and a free white pages directory. The Commission claims that these directory services are not important in modern society. I disagree with the Commission’s conclusion. These directory services provide critical information for

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<sup>2</sup> Even today, consumers in California have difficulty remedying grievances with regulated ILEC service, a point which the Commission has acknowledged. A weakening of remedies available to consumers would thus be disastrous.

<sup>3</sup> I do not count competitive LECs (CLECs) as truly competitive, as in most cases, the remaining CLECs in the U.S. today simply resell the ILEC’s voice service, rather than using their own facilities and equipment.

<sup>4</sup> A historic parallel here is the use of cross-subsidies within the Bell System to use long-distance revenue to fund the proliferation of local service and to provide “universal service”, even in areas where it was not cost-effective. Today, taxes on broadband, wireless, and other less-essential services could conceivably be used to subsidize essential basic voice services. That it is not done yet is a matter of political willpower, nothing more.

individuals who may not have reliable Internet connectivity or may not be able to make use of it. While you and I may be quickly able to access them, not everyone has access to “digital assistants” or “online databases”. The Commission claims that one can dial 211 to access information and other community services, but these listings are only a fraction of the listings furnished in a typical telephone directory. The Internet may have supplanted much of its utility, but it does not and *cannot* completely replace it, and 211 is not an adequate replacement for traditional directory services; indeed, the 51,000 voice calls to directory assistance demonstrate that. While reliance on directory services has declined, mirroring the decline in landline usage, that is not a reason to wholesale eliminate this protection. Indeed, as companies like DexYP are now refusing directories to many subscribers nationwide, even though subject to the protections of regulated services (which in many areas, includes a directory), it is crucial that the CPUC enforce, rather than eliminate, this requirement, in order to protect consumers, especially the most marginalized who may be most dependent on these services. While of course COLRs would love to eliminate any expense they can, this cannot be allowed to happen as it will eliminate a valuable resource for those who depend on them. It seems the Commission has only sought input from the companies paying for these expenses, and not the views of those who actually use and depend on them. White Pages listings and directories go hand in hand with basic voice service, and I urge the Commission to reconsider its view.

Likewise, I disagree with the Commission’s view that operator services are no longer necessary. Those who may depend on operator assistance for regular or occasional assistance find operators to be vitally important. As with directory services, the Internet does not preclude the usefulness of this service. Many people with disabilities qualify for free operator assistance so that they can place calls, and operator assistance is essential to ensuring that voice communications is truly accessible to ALL, regardless of ability (or disability). This is what the entire idea of “basic voice access” is about – basic protections to ensure that everyone can use the service. AT&T and other companies have already centralized their operator services for cost-efficiency, and should not be allowed to wholesale eliminate them. This requirement is not “antiquated” but ensures the promise of making phone service accessible to all is truly universal. Removing it completely violates the spirit of COLR and would have a disparate impact on already marginalized groups.

### **Streamlining**

While I am sympathetic to the Commission's view that service rates should be simple, with no hidden views, I specifically disagree on the requirement for a "simple" rate that is flat, with no delineation between calls over any distance. This would imply that the Commission wants to force COLRs to provide only all-distance calling included plans, which are higher-cost, and thus will cost consumers more, even if they do not require this capability. It is longstanding practice that basic voice service does not include long-distance or any calling included outside of the local calling area. For some people, this may be all the service they need to get by, and it is wrong to force people who do not need more to pay for more than this. While I support every effort to offer these simple, flat-rate plans, I do not believe consumers should be forced to pay for a higher tier of service, and lower-cost measured-rate or flat-rate local calling plans without any included toll calling must remain available to ensure affordability and accessibility to all consumers (I myself have local service and a per-minute long-distance plan, because it is cheaper than the all-inclusive all-distance all-feature calling plan).

Considering that 900/976 numbers are no longer in use, I agree with the Commission that providing blocking for these numbers is no longer necessary. However, the related ability to enable "toll blocking" continues to be necessary if subscribers want to prevent themselves from accidentally making toll calls they cannot afford. This capability must continue to remain available.

As I have outlined in detail, I have serious concerns about the Commission's proposed amendments for "Modernized Essential Service". As currently proposed, they completely neuter many of the longstanding essential services and protections associated with basic voice service. Some of these changes go so far as to make basic service almost indistinguishable from other non-basic services that exist today. Indeed, the Commission has indicated that some of these changes are being made to make it easier for alternate providers without the same capabilities to serve as COLRs – however, these "alternate" providers simply do not pass muster. These revisions prioritize and emphasize broadband access while de-emphasizing and weakening the protections provided for voice service. Rather than making it easier for inferior services to

qualify as “COLR”, we should retain the existing COLR requirements – and indeed, strengthen them – to ensure that all Californians ~~continue to~~<sup>5</sup> have reliable voice service.

Therefore, at this time, due to the magnitude of the changes and the disastrous impact they would have on those who continue to rely on basic voice services, I am not in favor and register my opposition to these changes to “Modernized Essential Service”. As the history of telecommunications policy in the U.S. has shown, competition does not adequately protect consumers; only regulation can do that, and to that end, COLR is critical.

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<sup>5</sup> I recognize that existing COLRs (e.g. AT&T) intentionally mislead the public and neglect COLR infrastructure, to the extent that not all Californians have or can feasibly get reliable voice service. This indicates that COLR as it stands today does not go far enough in ensuring reliability, and should be strengthened, not weakened, as the Staff Proposal recommends.