

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

In the Matter of)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
USTelecom Petition for Declaratory Ruling That)	WC Docket No. 13-3
Incumbent Local Exchange Carriers Are Non-)	
Dominant in the Provision of Switched Access)	
Services)	
)	
Policies and Rules Governing Retirement Of)	RM-11358
Copper Loops by Incumbent Local Exchange)	
Carriers)	

ORDER

Adopted: February 10, 2017

Released: February 10, 2017

By the Chief, Competition Policy Division:

1. In this Order, the Competition Policy Division (Division) of the Wireline Competition Bureau clarifies the means by which incumbent local exchange carriers (LECs) may provide interconnecting entities and governmental authorities with “cop[ies]” of copper retirement notices for purposes of Section 51.332 of the rules.¹ Verizon filed a petition² seeking clarification that a carrier can meet this obligation by providing paper copies that contain, in lieu of a printed list of affected addresses, a “hyperlink to a searchable online list of addresses or locations where copper is to be retired.”³ As explained below, Verizon’s proposed course of conduct satisfies the rule, and the Division grants the petition.⁴

¹ See 47 CFR § 51.332. The copper retirement notification rule requires that carriers send “cop[ies]” of the copper retirement notices they file with the Commission to interconnecting entities, *see id.* at (b)(2), as well as public utility commissions, state governors, Tribal authorities, and the Secretary of Defense. *See id.* at (b)(4).

² Verizon Request for Clarification, or in the Alternative, Petition for Waiver of Copper Retirement Notification Rules, GN Docket No. 13-5, WC Docket No. 13-3, RM-11358 (Dec. 15, 2016) (Verizon Petition), <https://www.fcc.gov/ecfs/filing/121598738856/document/12159873885655cl>. A Public Notice was released on December 22, 2016, seeking comment on the Verizon Petition. *See Wireline Competition Bureau Seeks Comment on Verizon Request for Clarification, or in the Alternative, Petition for Waiver of Copper Retirement Notification Rules Regarding the Format of the List of Locations at Which the Changes Will Occur*, Public Notice, DA 16-1447 (WCB Dec. 22, 2016).

³ Verizon Petition at 3. Under Section 51.327(a)(4) of the rules, public notice of planned network changes must include “[t]he location(s) at which the changes will occur.” *See* 47 CFR § 51.327(a)(4); *see also* 47 CFR § 51.332(c)(1) (providing that the copper retirement notice a carrier files with the Commission “must set forth the information required by § 51.327”).

⁴ In light of the clarification we issue in this Order, we dismiss as moot Verizon’s request “in the alternative” for waiver. *See* Verizon Petition at 1. We also conclude that the petition is not relevant to WC Docket No. 13-3 and RM-11358 and therefore dismiss it insofar as it was captioned therein.

2. The Commission adopted the copper retirement notification rule in the *Emerging Wireline Networks and Services Order* “to address the needs of competitive carriers for more robust notice of planned copper retirements.”⁵ The Commission intended this rule, in part, to “allow interconnecting entities to work more closely with their customers to ensure minimal disruption to service as a result of any planned copper retirements” through a process that it found strikes “a sensible and fair balance between meeting the needs of interconnecting carriers and allowing incumbent LECs to manage their networks.”⁶

3. In its petition, Verizon explains that the printed list of addresses it currently provides to interconnecting entities and governmental authorities as part of the “copy” of a copper retirement notice it files with the Commission is “often unwieldy for interconnecting parties to search, and can significantly increase the costs of paper and postage.”⁷ Verizon further represents that some recipients of these notices have asked for “searchable electronic documents to determine if they would be impacted by the copper retirement within a specific wire center” and others have “explained that paper copies were less convenient for their systems.”⁸ Accordingly, Verizon seeks confirmation that it can modify its current practice by “providing a hyperlink to a searchable electronic list of addresses or locations where copper is to be retired” but not listing these addresses in the paper copy.⁹ Verizon states that as part of this approach it “will provide each interconnecting entity with additional correspondence further discussing any impact to their specific circuits/services and describing a timeline for migration.”¹⁰ Verizon also commits that it will “provide a hard copy [of affected addresses] to any interconnecting party or other recipient who so requests one.”¹¹

4. For the reasons stated below, Verizon’s proposed means of providing interconnecting entities and governmental authorities with “cop[ies]” of the copper retirement notices it files with the Commission would comply with the copper retirement notification rule. Under Verizon’s approach, it will continue to provide paper copies to these interconnecting entities and governmental authorities, but those copies will contain an electronic rather than paper reference to the locations where the changes will occur. The rule ensures that entities impacted by copper retirements have the information they need to adequately prepare for the network change so as to facilitate the “deployment of innovative and improved communications services.”¹² Verizon’s proposed means of notifying interconnecting entities and governmental authorities of planned copper retirements preserves timely and convenient access to this information while reducing administrative burdens on the incumbent LEC. As Verizon suggests, a

⁵ *Technology Transitions; Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372, 9383-84, para. 16 (2015) (*Emerging Wireline Networks and Services Order*).

⁶ *Id.* at 9384, para. 17.

⁷ Verizon Petition at 2 (“For example, some of Verizon’s September 2016 copper retirement notices contained more than 400 pages of hard copy lists of addresses Verizon sent paper copies of filings to each interconnecting carrier (a total of more than 1,650 across eight states), state [PUCs], and state government, as well as the Secretary of Defense. Even printed double-sided and in a reasonable font, Verizon in total mailed just under two hundred thousand pages.”). *Id.* at 3.

⁸ *Id.* at 3.

⁹ *Id.* at 4. Of course, the use of a link to an online database to notify entities of the addresses affected by a copper retirement requires a carrier to maintain both the database and the link.

¹⁰ *Id.* at 3.

¹¹ *Id.*

¹² *Emerging Wireline Networks and Services Order* at 9373, para. 1.

searchable electronic list is likely to improve the convenience of the address listings for many recipients as well. Verizon is correct that the one commenter to address the petition appears to misconstrue its scope and, at any rate, fails to present a persuasive objection.¹³ As Verizon explains in its reply, the commenter appears to mistakenly construe the Petition as seeking to eliminate paper notices entirely and as pertaining to the notices that carriers provide directly to retail customers.¹⁴ Notices to retail customers are not within the scope of Verizon's petition.

5. For these reasons, the Division clarifies that Sections 51.332(b)(2) and (b)(4) of the rules permit incumbent LECs to provide "cop[ies]" of copper retirement notifications to interconnecting entities and governmental authorities in the manner Verizon proposes in its Petition.

6. Accordingly, IT IS ORDERED that, pursuant to Sections 1-5 and 251 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151-155, 251, and Sections 0.91 and 0.291 of the Commission's rules, 47 CFR §§ 0.91, 0.291, Verizon's December 15, 2016 Petition for Clarification filed in GN Docket No. 13-5 IS GRANTED, and Verizon's alternative request for waiver IS DISMISSED AS MOOT. Said petition is DISMISSED without prejudice in WC Docket 13-3 and RM-11358.

FEDERAL COMMUNICATIONS COMMISSION

Daniel Kahn
Chief
Competition Policy Division
Wireline Competition Bureau

¹³ See Cohen, Dippell and Everist, P.C., Comments, GN Docket No. 13-5 (Jan. 6, 2017) (objecting to the Petition on grounds that such change would hinder the ability of recipients who rely on mail to receive notice, or might otherwise impact consumer security and privacy).

¹⁴ Verizon Reply, GN Docket No. 13-5, at 2 (Jan. 12, 2017). Verizon also observes that lists of locations and addresses affected by copper retirements are made publicly available. *Id.* at 2-3.