



NEWS

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See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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FCC PROPOSES FACILITATING TECHNOLOGY TRANSITIONS BY MODERNIZING CONSUMER PROTECTION, COMPETITION RULES

Proposals Meant to Preserve Access to 911, Increase Transparency & Maintain Competitive Choices

Washington, D.C. – Taking steps to facilitate the ongoing transitions in the nation’s communications networks, the Federal Communications Commission is seeking comment on modernizing its rules to ensure access to 911 service, protect consumers, and preserve competition as the transitions move forward.

The nation’s communications networks are shifting from copper networks using legacy technologies to fiber, coaxial cable, and wireless networks using Internet Protocol (IP)-based technologies to carry voice, data and video. The Notice of Proposed Rulemaking adopted by the FCC today includes proposals to update rules ensuring access to public safety, protecting consumers faced with network changes and discontinuation of services, and preserving wholesale access to last-mile networks by competitive providers serving businesses and large institutions.

This modernization of FCC rules will help expedite the transition to next generation networks by protecting core network values in order to give consumers and businesses the confidence they need to embrace technological change and all its benefits.

Protecting Consumers’ Ability to Call 911 during a Power Outage

Traditional phone service on copper networks usually works even during broader power outages because the copper wires are powered separately by the phone company. While modern fiber and cable networks have many advantages, they do not provide power to the handset. Instead, during a power outage, consumers must rely on a battery back-up in their own homes. The NPRM:

- Proposes a framework to establish reasonable expectations for when providers should bear responsibility for providing a backup power solution for the communications equipment at a customer’s home during a power outage.
- Seeks comment on different back-up power technologies and solutions in the marketplace today.
- Examines potential strategies for providing back-up power during lengthy commercial power failures.

Increased Transparency to Empower and Protect Consumers During Transitions

While new networks can provide a wealth of innovative features, many consumers and small businesses rely on services that may not be supported following a transition. The expected frequency of network changes and discontinuances requires the FCC to modernize its rules regarding consumer notice and input in the event of network changes and discontinuances. The NPRM:

- Proposes greater transparency, consumer protection, and opportunities for consumer input when carriers are planning to shut down (or “retire”) their existing copper networks.
- Sets in motion a process to ensure that new services meet the needs of consumers before carriers are allowed to remove legacy services from the marketplace.
- Asks for facts and data about whether carriers are, in effect, retiring copper networks without giving notice simply by failing to maintain them.
- Asks about allegations that carriers are not being clear with consumers about the options available when the copper network is shut down.

Preserving and Encouraging Competition

Small and medium-sized businesses, schools, hospitals, and other government institutions often rely on services delivered by competitive broadband and phone providers. Yet competitive providers may no longer be able to reach customers if incumbent carriers withdraw certain “last mile” services. The NPRM:

- Tentatively concludes that carriers seeking to discontinue a service used as a wholesale input should be required to provide competitive carriers equivalent wholesale access going forward.
- Proposes to update the FCC’s rules so that competitive carriers receive sufficient notice of when copper networks are being shut off, so that they can continue to serve their customers effectively.

Declaratory Ruling

The FCC also adopted a Declaratory Ruling clarifying that the circumstances in which a carrier must seek approval to discontinue a service depend upon the practical impact of its actions, not the fine print of an aging tariff filing. This ensures that there will be a public process to evaluate a proposed discontinuance before a choice is removed from the market, regardless of how the carrier has written its tariff.

Action by the Commission November 21, 2014, by Notice of Proposed Rulemaking and Declaratory Ruling (FCC 14-185). Chairman Wheeler, Commissioners Clyburn and Rosenworcel with Commissioners Pai and O’Rielly concurring in part and dissenting in part. Chairman Wheeler, Commissioners Clyburn, Rosenworcel, Pai and O’Rielly issuing statements.

WC Docket Nos.: 14-174 and 13-5

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