

**STATEMENT OF  
COMMISSIONER MIGNON CLYBURN**

Re: *Ensuring Customer Premises Equipment Backup Power for Continuity of Communications*, PS Docket No. 14-174, *Technology Transitions*, GN Docket No. 13-5, *Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers*, RM-11358, *Special Access for Price Cap Local Exchange Carriers*, WC Docket No. 05-25, *AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, RM-10593.

Technological advancements are enabling communications networks to evolve and offer innovative, higher quality services to consumers. The introduction of next generation 9-1-1, with features such as video call and more reliability and redundancy, is providing tremendous benefits including new and innovative options for all, most notably for those with disabilities. Such promises, however, may bring the risk of unintended consequences for consumers, public safety, and competition if policies are not updated and carefully calibrated. So, I was pleased that, earlier this year, the Commission recognized that core values embodied in the Communications Act – competition, consumer protection, universal service and public safety—continue to guide the Commission’s process as technologies evolve.

Today’s item continues this sound approach, by asking how best to ensure consumers are protected and competition is promoted as carriers transition their networks from copper to fiber and TDM to IP. Many of us have witnessed the unfortunate experience of being disconnected during natural disasters, so the item asks appropriate questions about how best to minimize service lapses when consumers need it most. In addition, our current service discontinuance and copper retirement rules may not provide consumers and wholesale customers with the information and notice they need, to understand and successfully plan for technology transitions. So, it is appropriate to ask whether our policies need to be updated to ensure that competition is not negatively impacted during these transitions.

Almost five years ago, the National Broadband Plan recommended that the FCC evaluate its copper retirement policies to ensure that they strike the appropriate balance when it comes to developing a framework for wholesale access policies generally. With this item, the FCC is finally acting on that recommendation. Since my arrival at the Commission in 2009, I have been advocating for resolution of longstanding wholesale access issues, in particular, special access. Businesses need certainty to plan and make investments. This is true both for incumbent as well as competitive carriers. The lack of certainty, due in part to the FCC’s inaction, impacts the very companies that could provide more robust and desirable competitive choices for small and medium-sized businesses throughout this country. So I applaud the Chairman for tackling this issue, and am hopeful that it is a sign of things to come.

With regard to consumer protection, there is evidence that some do not necessarily grasp the impact of technology transitions. The item seeks to address this by proposing to notify retail customers and better educate consumers. These changes are appropriate and should be coupled with strong enforcement, to ensure that changes are not just rules on the books but come with the teeth needed for a meaningful impact.

It is also important that we explore policies to ensure consumers have sufficient backup power for their consumer premises equipment, or CPE, at their homes. Those with voice service over copper have traditionally relied on power from the central office to their residences. But, this is not just a copper retirement issue. According to FCC data, more than 37 million consumers already receive wireline voice service over Internet Protocol or VoIP, which depends on power supplied at the customer’s premises. So the availability of backup power at the home is critical for these consumers. So it is appropriate that we take a broad approach to ensure, in case of an outage, that consumers have the power they need at home for essential communications such as calls or texts to 9-1-1 services irrespective of the platform they choose.

In sum, this item seeks to fortify our policies and protections when it comes to consumers, public safety and competition, and I would like to thank the dedicated staff of the Wireline Competition and Public Safety and Homeland Security Bureaus for crafting a series of steps to that end.