

**STATEMENT OF
CHAIRMAN TOM WHEELER**

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

For the past several years, there has been much discussion at the Commission about the so-called “tech transitions.” The move from traditional circuit-switched voice services running on copper loops to all-Internet Protocol (IP) multi-media networks offers the possibility of better performing and lower priced phone service for consumers. In embracing such advances we must not, however, erase the historic responsibilities of network operators to the users of their services.

The Commission has acted on numerous occasions to facilitate these analog-to-IP transitions. Each time re-affirming enduring values that have long defined our networks: competition, consumer protection, universal service, and public safety. Building on this progress, the Commission acts today to eliminate outdated legacy requirements that are no longer necessary, to develop the proper framework for the transition to new technologies, and to preserve basic network operator responsibilities.

First, we are removing the anachronistic designation of incumbent carriers as dominant in the legacy switched access marketplace. In particular, we grant a petition from the United States Telecom Association seeking a declaratory ruling that incumbent local exchange carriers (LECs) are non-dominant in their provision of interstate switched access services. Dominant carrier regulation was developed in the 1980s and has played a critical role in promoting competitive balance. But, over the past 40 years, the role of legacy switched access service in the marketplace has changed dramatically. Today’s ruling brings our requirements in line with those realities.

Second, we are establishing a framework for evaluating requests to discontinue a legacy voice service as part of technology transitions. Congress charged the Commission with ensuring the public interest would not be harmed through a service discontinuance. We have determined that discontinuances that involve the promotion of technology transitions will benefit from a straightforward, streamlined review process that focuses on clarity, certainty, and efficiency.

To that end, we announce a three-pronged test for determining whether an application to discontinue legacy voice service on which consumers have long-relied merits streamlined treatment. The test will ensure that consumers can continue to expect strong service quality, access to critical applications such as 911, and that the applications that consumers value – such as security alarms – continue to function properly with the new service.

This adequate replacement test is a gateway to streamlined treatment. It is entirely voluntary for applicants, and small businesses are exempted from the network testing requirements associated with it.

This is a win for everyone. Industry and the public alike benefit from these clear, technology neutral guideposts to next-generation services that preserve the core values of the longstanding Network Compact.

Third, we are requiring Section 214 discontinuance applicants seeking streamlined treatment to implement customer outreach plans and provide consumer education materials. We will allow applicants to offer notice via email to increase industry and customer convenience, and require notice to Tribal governments in the state where a discontinuance is proposed.

We are mindful of the critical importance of ensuring that services remain affordable for consumers, and we will rely on our public interest authority where appropriate to provide a careful review of any transition that could burden our most vulnerable citizens.

The broadband network revolution continues, and FCC policies must keep pace. With today's actions, the Commission renews its commitment to adapting to the changed communications landscape.