

UTILITIES AND TELECOMMUNICATIONS ALERT

FCC ISSUES IP TRANSITION ORDERS AND FNPRM INVITING EXPERIMENTS AND DATA COLLECTION

On January 31, 2014, the Federal Communications Commission (FCC) issued a series of Orders and Further Notices of Proposed Rulemaking to invite a diverse set of experiments and data collection initiatives to evaluate how customers are affected by the IP Transition. The orders featured three primary initiatives.

1. Request for Voluntary Experiments. The Commission opened a proceeding to test real-world applications of planned changes in technology that are likely to have tangible effects on consumers. These voluntary service-based experiments will examine the impacts of replacing existing customer services with IP-based alternatives in discrete geographic areas or ways. The Commission will seek comment on each proposal and will issue a final decision on these first round of proposals at the May Open Meeting. Additional proposals may be received and approved after that time.

2. Targeted Experiments and Cooperative Research Focused on Universal Access. These proof-of-concept initiatives are focused on new technologies for particular groups of consumers, aspects of network functions, or more effective ways to reach all Americans. One of these experiments explores ways to examine the impact of technology transitions on rural Americans and ensure that, as networks transition, they are not left behind. In addition, the Commission seeks to facilitate the development of a numbering testbed, an experimental “sandbox” to explore concerns raised about number assignment and databases in an all-IP world, without disrupting current systems. The testbed, a small, non-production server system, will last about a year and will be designed by technical experts to explore the future of numbering in a prestandards, non-operational, and non-production environment.

3. Proposal for Ongoing Data Initiative. Third, the Commission initiated a proposal for ongoing data initiative and seeks feedback on a number of efforts to improve FCC collection of data about how technological evolutions are impacting network values, including reform of FCC consumer complaint and inquiry processes. The Commission’s effort also extends to a structured data collection and analysis of next generation 911 (NG911) transition deployment projects.

The goal of the Commission’s experiments is to learn about the impact of the technology transitions on the customers and communities and are not designed to resolve technical, legal or policy questions. The order includes protections in the context of the experiments for universal service, competition, and consumers. Competition protections include those to maintain wholesale access, preserve the status quo in interconnection, and maintain intercarrier compensation. The order does not permit a provider to require customers to participate in an experiment and requires compliance with the Section 214 process to discontinue or impair services. However, once an experiment is initiated, the Commission is prepared to consider additional requests to withdraw the offering of legacy services, including the withdrawal of legacy services to all customers within the geographic location of a service-based experiment under Section 214.

Competitive providers, including resellers of telecommunications services, will need to be cognizant of any efforts by incumbent or other providers to discontinue or impair legacy services, but will at least have resort to the Section 214 process to object to any such changes. The order specifically states that the Commission will consider the impact on competition of any such request for discontinuance.

The Commission also issued FNPRMs relating to numbering research, and rural broadband initiatives, including rural healthcare efforts. The order includes a series of comment deadlines, as follows:

- Initial Round of Service Experiment Proposals Due: February 20, 2014
- Comments on Service Experiment Proposals Due: March 21, 2014
- Replies on Experiment Proposals Due: March 31, 2014
- Rural Broadband Experiment Expressions of Interest Due: March 7, 2014
- Comments on Proposal for Ongoing Data Initiative Due: March 14, 2014
- Replies on Proposal for Ongoing Data Initiative Due: April 14, 2014
- Comments on Further Notices of Proposed Rulemaking Due: [30 days after date of publication in the Federal Register] [estimated on or about March 30]
- Replies on Further Notices of Proposed Rulemaking Due: [45 days after date of publication in the Federal Register] [estimated on or about April 15]

If you have any questions about these IP Transitions Orders and FNPRMs, please contact **Jim Falvey** at 202.659.6655, or **Brett Freedson** at 202.659.6669.

This Utilities and Telecommunications Alert is intended to keep readers current on matters affecting businesses and is not intended to be legal advice.