

UTILITIES AND TELECOMMUNICATIONS ALERT

FCC TECHNOLOGY TRANSITION TASK FORCE RELEASES PUBLIC NOTICE SEEKING COMMENT ON POTENTIAL TRIALS

On May 10, the Federal Communications Commission (“Commission”) Technology Transition Task Force (“Task Force”) released a Public Notice requesting comment on several potential trials relating to VoIP interconnection, migration to Next Generation 9-1-1 (“NG911”), and the migration of consumers from wireline to wireless services. The Task Force also invited comment on other potential trials relating to the TDM-to-IP or copper-to-fiber transitions.

Eckert Seamans has actively participated in shaping the contours of the Vonage numbering trial. We encourage carriers to participate in the upcoming comment cycle which could have a significant impact on the technical and regulatory framework for IP Interconnection, as well as critical issues relating to NG911, wireline-to-wireless transitions, and copper-to-fiber transitions.

THREE PRINCIPAL TECHNOLOGY TRIALS

VoIP Interconnection: The Task Force seeks comment on whether to conduct a trial to gather real-world data on the need and scope for technical or industry standards for the exchange of voice traffic in Internet protocol formats. The Task Force seeks comment on the number of geographic markets to be included in the trial, the scope of a geographic area, and on the selection criteria. They also seek comment on technical issues, including how to structure a trial to help identify whether industry standards are needed in the areas of signaling, media formats, non-voice media such as text and video, fault location, and fail-over and quality-of-service measurements.

The Public Notice addresses issues with both technical and regulatory implications. The Task Force requests input on issues such as the number and physical points of interconnection, pricing, transit, numbering and number portability, service level agreements, quality of service, and other terms and conditions. The Task Force also seeks comment on whether trial participants should negotiate in good faith without a backstop of regulations, or whether the Commission should conduct another trial where parties agree to negotiate pursuant to the existing section 251/252 framework or a similar process. These issues could have a critical impact on the future role of state commissions in regulating the IP interconnection process and whether CLECs continue to have access to nondiscriminatory interconnection arrangements.

Public Safety – NG911: The Task Force seeks comment on a possible trial that would deploy an “all-IP” NG911 service on an accelerated basis in a number of geographic areas where public safety authorities are ready to deploy NG911 for one or more PSAPs. The trial would build on the earlier and more limited NG911 trials conducted by the U.S. Department of Transportation in 2008. With an updated NG911 trial, the Task Force intends to gather both process and technical knowledge. The Task Force seeks comment on candidate PSAPs or regions, the selection of participating carriers, and whether trials should take place in areas where calls are delivered via VoIP or also via legacy network gateways. Comments are requested on a wide range of technical issues, as well as on the role of the states and regulatory steps necessary to speed the transition and minimize the expense of the transition. The comments will likely shape the transition from E911 to NG911 from both a technical and process perspective.

Wireline to Wireless: The Task Force requests comment in response to widely varying ILEC proposals—from Verizon’s proposal to replace wireline services on Fire Island to AT&T’s proposal to phase out wireline services in favor of wireless in mostly rural areas—in order to explore the impact of these proposals on consumers, including quality of service, broadband access, and network reliability concerns. The Task Force seeks comment on conducting a trial that would evaluate the customer experience when customers are transitioned from wireline to wireless voice and broadband services, including whether consumers/businesses lose any capabilities previously available, as well as the potential benefits for consumers/businesses of the transition to wireless, including any improvement in voice quality in areas with degraded wireline networks, access to broadband for the first time in areas with no wireline broadband service, and potential improvements in network reliability.

The Task Force is considering a trial in which participating LECs would make available to consumers a home wireless voice and/or data product or both, intended as a replacement for a customer’s existing home voice and/or data services. The Task Force also seeks comment on whether the LEC should be able to require all customers in the LEC service territory trial area to move to a wireless-only product, or whether consumers should have the ability to opt out. Comment is also requested as to what data collection would be appropriate, including issues such as dropped and blocked calls, power outages, and other issues impacting network reliability.

COMMENT REQUESTED ON ADDITIONAL POTENTIAL TRIALS

In addition to these three principal trials, the Task Force also requested comment on a series of additional potential trials that it may conduct:

- **All-IP Wire Center Trials:** The Task Force requested further comment on an “all-IP” wire center trial, including detail as to all services that a carrier might attempt to phase out, estimates of current demand for such services, and prices, terms and conditions of replacement services. The Commission also asked what rules would need to be waived and what the role of the states should be in any such trial.
- **Numbering and Related Databases:** The Task Force requests comment on additional trials relating to numbering and related databases, including a potential test to assign telephone numbers (*e.g.*, individually instead of in blocks of 1,000). The Task Force also requests comment on a trial database that provides access to number-related information such as points of termination or caller-ID information, including how such a database would be kept consistent with existing databases such as the Local Exchange Routing Guide (“LERG”) and the caller-ID name (“CNAM”) databases. The Task Force also asks the important question of whether any such trial should be conducted in conjunction with a VoIP interconnection trial or separately. These issues have a critical interplay with the Vonage numbering trial and could have a significant impact on the TDM-to-IP transition.
- **Improving Access for People with Disabilities:** The Task Force seeks comment on potential trials to improve access for people with disabilities during the IP Transition, including possible trials on the effectiveness of new speech-to-text technologies in the telecommunications relay service (“TRS”) context, evaluating the role of automated speech-to-text technologies in video-over-IP communications, and other trials that the Commission might conduct to investigate methods of improving access for individuals who are deaf, hard of hearing, deaf-blind, or who have a speech disability.

- Additional Trials: The Task Force requests comment on a final assortment of issues, including cooper retirement, access to communications services for low-income Americans, and access to services on Tribal Lands.
- Role of the States and Tribal Governments: Comment is also requested on the role of the states in the IP Transition, including the NARUC Presidential Task Force on Federalism and Telecommunications.

These proposed trials could have a broad impact on the IP Transition, including both regulatory and technical changes to be implemented by the Commission. Eckert Seamans has been engaged in successfully shaping similar trials at the Commission on behalf of our clients, and has closely tracked IP Interconnection issues, including hosting a workshop on IP Interconnection at the recent CompTel Plus conference in Las Vegas. We look forward to answering any questions you might have about the Public Notice and working with you on comments and reply comments in this proceeding.

Comments are due 45 days after the Public Notice is published in the Federal Register. Replies are due 75 days after publication. We'll keep you apprised when the comment and reply comment dates become available. Please do not hesitate to contact Jim Falvey (202.659.6655), Justin Faulb (202.659.6677), or any other member of the Eckert Seamans Utilities and Telecommunications Practice Group if you are interested in participating in filing comments at any stage of this proceeding.

*This Utilities and Telecommunications Alert is intended to keep readers current on matters affecting businesses and is not intended to be legal advice. If you have any questions please contact **Jim Falvey** at 202.659.6655, or contact any one of our other Utilities and Telecommunications Group attorneys at Eckert Seamans.*

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