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STATE OF NEW YORK
DEPARTMENT OF PUBLIC SERVICE

14-C-0370 CASE IN THE MATTER OF A STUDY ON THE
STATE OF TELECOMMUNICATIONS IN NEW
YORK STATE

PUBLIC STATEMENT HEARING

Wednesday, July 29, 2015
3:00 p.m.
Binghamton City Hall
38 Hawley Street
Binghamton, New York 13901

A.L.J. BEN WILES
Administrative Law Judge
Three Empire State Plaza
Albany, New York 12223-1350

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2 (The hearing commenced at 3:00
3 p.m.)

4 A.L.J. WILES: Call this to order
5 now. We can come to order. This is -- I'm
6 calling --.

7 UNIDENTIFIED SPEAKER: You're not
8 broadcasting.

9 (Off-the-record discussion)

10 A.L.J. WILES: I'm calling the
11 case. It's number 14-C-0370 in the matter of the
12 Study of the State of Telecommunications in New
13 York State. This is a public statement hearing.
14 My name is Ben Wiles, and I'm the administrative
15 law judge with the New York State Department of
16 Public Service who will be conducting the public
17 statement hearing.

18 Again, with us this afternoon for
19 the hearing are -- is Gregg Sayre, Commissioner
20 with the Public Service Commission.

21 The purpose of the public
22 statement hearing is to obtain public comments, as
23 was indicated earlier in the information session.
24 The phase of our meeting tonight is to receive
25 comments. It's not a question and answer session.

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2 We have completed that already.

3 You should be aware that other
4 methods of providing comments to the Public Service
5 Commission, and they are outlined in the notice for
6 this public statement hearing, are also listed on
7 the -- as part of a -- on the -- on the screen. I
8 should note and you should know that the -- all of
9 those and the notice of -- of this hearing
10 indicates that comments, if you wish to make them
11 by one of those methods, should be supplied by
12 August 24th.

13 I think we only have two
14 speakers -- or two speakers so far. I'll call
15 their names and ask them to step to the microphone.
16 The three -- is the reporter -- are you getting the
17 main microphone? All right. Well, we have two
18 microphones. We're good.

19 So the first speaker is Mark
20 Whalen. And please step to the microphone.

21 MR. WHALEN: Thank you. My name
22 is Mark Whalen. I'm a Broome County legislator,
23 and I'm speaking today as -- as a legislator.
24 And -- but in addition, I'm also Assistant Chief of
25 the Binghamton Fire Department. And I mention that

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2 I'm not speaking as the chief -- assistant chief,
3 but only by way of -- of giving some background
4 into my familiarity with -- with the 911 system and
5 some issues which I hope to bring forward.

6 I have -- I have three -- three
7 concerns. One of them is -- is that the -- I
8 understand that Verizon is -- is looking at
9 abandoning the traditional landline telephone
10 network and forcing consumers to less reliable,
11 even unregulated phone system.

12 A lot of folks, that's all they
13 can afford is -- is the -- the landline, the home
14 phones. I'm speaking mostly of the elderly and --
15 and people who are in pockets of -- of the county
16 that don't receive cell service.

17 And if -- if -- if they're
18 abandoning the traditional landline system, which
19 is relatively simple and -- and robust, I don't
20 suppose that they would be putting in high-speed --
21 high-speed Internet out in those rural areas. So
22 there's a concern there. I would just hope that
23 the Public Service Commission be cognizant that --
24 that not everybody lives in -- in wealthy suburbs
25 or -- or even in the -- in the urban area where you

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2 have economies of scale for -- for these companies
3 that have -- have -- have been in this service
4 for -- for many years. And that -- that there are
5 people who -- who aren't -- can't afford it or are
6 not sufficiently familiar with the new
7 technologies.

8 I'm also concerned -- second
9 concern would be that -- that if -- I understand
10 also that Verizon is -- is looking at picking and
11 choosing, cherry picking as we call it, what
12 communities to serve, and that -- that they don't
13 intend to serve much of anything in the Southern
14 Tier because they don't see a sufficient return on
15 investment for their -- their high-speed Internet.
16 And I think that would be a shame.

17 We have -- we have some great
18 universities here. The -- the -- the hospitals
19 need to be online for -- to be able to communicate
20 with -- with hospitals throughout the nation and
21 throughout the world. And our businesses need it.
22 I think that, you know, we've suffered here,
23 locally, to the loss of -- of a manufacturing base
24 over the last thirty years. And I think it would
25 be a shame that if this new technology, which

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2 allows our students to be connected and our
3 businesses to be connected and our -- our
4 universities and hospitals to be connected, if --
5 it would be a shame that if -- if we didn't have
6 this opportunity to be connected and in the sense
7 we would some sort of telecommunication ghetto here
8 in -- in Southern New York.

9 So I think that the Public
10 Service Commission really needs to -- to understand
11 that -- that not everybody lives in -- in the
12 suburbs and in -- in big cities, wealthy cities.
13 Certainly Binghamton and Elmira have had more than
14 our share of difficulties.

15 I guess my third concern is along
16 the lines of -- of revenues, mostly to the -- to
17 the county through the traditional landline, the
18 911 system, which is how we fund a lot of our
19 expensive communication gear. And as -- as -- as
20 the traditional landline is -- is -- dissipates or
21 is abandoned and some of these newer technologies
22 come on board, I think the Public Service
23 Commission needs to -- to understand that we -- you
24 know, not just Broome County but every county
25 throughout the state -- rely on -- on this -- this

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2 fee and -- and include something in -- in any new
3 regulations or softened regulations that will allow
4 counties to continue to fund state-of-the-art
5 communications connectivity with the public.

6 I mean, you can imagine what it
7 would be like if you lived out in some hollow
8 out -- out in rural Vroman and they eliminated your
9 phone system and you didn't get cell phones. And
10 they don't have high speed and you're behind the
11 mountain so you don't get the satellite dish, and
12 your house catches fire, you have no way to
13 connect, you know.

14 So those are my concerns and I
15 appreciate you coming here to Binghamton and
16 listening to us. Thank you.

17 A.L.J. WILES: Thank you.

18 The -- the next speaker is Rick
19 White.

20 MR. WHITE: First let me say
21 thank you for being here today and listening to the
22 public's concerns. My name is Rick White and I'm a
23 retired IBM employee, as well as a CWA member and
24 also a Time Warner customer. So I come from three
25 different directions. And I can fully speak about

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2 the different types of technology because I'm also
3 a computer technician and a web designer and I've
4 worked for IBM for nearly thirty years.

5 And here in the Southern Tier,
6 we're pretty much at the mercy of Time Warner for
7 high-speed Internet and cable. There isn't a great
8 deal of competition. If -- if you consider DSL and
9 Dish networks, they are competitive in their own
10 right. However, the -- the -- the large bulk of
11 broadband service, I believe, is from Time Warner.

12 And Time Warner can charge
13 whatever they want. They can bundle products that
14 you don't want and they give you any kind of
15 service. In my case personally, as a customer of
16 Time Warner, I've been through several very tense
17 moments when I had a failure of their equipment and
18 they accused the customer of being at fault. And
19 it took a good deal, two or three hours in one
20 particular instance that I can recall, until they
21 discovered that it was simply an H.D.M.I. cable
22 that was failing that was their equipment.

23 And up until that point, they
24 were not willing to adjust any kind of -- make it
25 up for the customer. They weren't -- they weren't

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2 willing to come back and take some money off our
3 bill or any of those kinds of situations. And as
4 far as the -- the equipment goes for Time Warner,
5 they have hubs and they have different connections
6 for the -- the telephone pole-less streets that I
7 live on. We don't have telephone poles and
8 everything is underground. And the connections
9 that they have in each person's property have been
10 there since the 1980s, and they haven't changed it.
11 They haven't fixed it.

12 The equipment is falling over,
13 bent over almost touching the ground. And when the
14 cable techs have to come and fix things, they're
15 not happy about it, but the -- the company is not
16 upgrading equipment. And so that -- that, to me,
17 implies that we should have a choice. Other areas
18 in the state are able to get F.I.O.S. but not us.

19 And I'm asking the Public Service
20 Commission to protect and serve us and the public
21 to make sure that we're not left out here in the
22 Southern Tier. I know that FiOS is offered in
23 other areas that, from my understanding, tend to be
24 more well-to-do, wealthier areas, but not in the
25 Southern Tier.

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2 So I would like to see the Public
3 Service Commission address those situations. And,
4 again, I thank you very much for your time.

5 A.L.J. WILES: Thank you.

6 The -- the third speaker is
7 Bonnie Wilson. And this is the last card I have so
8 far. If there's anyone else who wishes to speak,
9 please fill out a card at the table. Thank you.

10 MS. WILSON: Hi. My name is
11 Bonnie Wilson. Thank you for hearing us speak.
12 I'm here as a resident. I represent only myself.
13 I live in a semi-rural area of Broome County. We
14 don't have any real choice for broadband or cable,
15 other than Time Warner, which we have and which we
16 pay a large sum to every month.

17 I can tell you that, you know,
18 our -- our cable service sometimes freezes and
19 flickers. Our Internet speed sometimes slows way
20 down. I am not a technical person and I don't know
21 why that is. I can only presume it maybe has
22 something to do with our location, which, as I say,
23 is semi-rural.

24 I have read that FiOS is being
25 offered in other areas of the state, that it's been

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2 offered in more affluent and less rural areas. And
3 Internet today -- high-speed broadband is
4 absolutely essential to everyone. I hear people
5 who are on unemployment. They have to -- they have
6 to file every week online, being asked to handle
7 Social Security online. Everyone has to be able to
8 get online and they have to have a high-speed
9 connection, whether you live in a poor, rural area
10 or not.

11 We have family and friends who
12 live in rural areas. Their kids go to poor, rural
13 schools. Are they going to be left out because
14 they are a poor, rural area? I really think this
15 is appalling. I mean, I think it's -- this should
16 be considered an absolutely essential utility, just
17 like electricity. And electricity would have never
18 come to where I live if it weren't required to come
19 there.

20 So I mean, I'm asking this
21 Commission to look at what the rights of the public
22 are in making sure that we are able to function as
23 here. Thank you.

24 A.L.J. WILES: Is there anyone
25 else?

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2 Fine. The notice indicated that
3 we would be holding the public statement hearing
4 open for at least an hour. So it's now twenty
5 after three. What I do normally in this case is
6 adjourn, pending the attendance of somebody else
7 who wants to speak, for four o'clock. So we will
8 be in adjournment now.

9 (Off the record)

10 (The hearing resumed.)

11 A.L.J. WILES: Okay. We'll come
12 out of adjournment and go into session. We are --
13 it's -- it's three fifty-five. We have one
14 additional speaker for this public statement
15 hearing -- for this afternoon's public statement
16 hearing, and it is David Elder.

17 Mr. Elder, go ahead.

18 MR. ELDER: Okay. Yeah, I -- I
19 don't have a whole lot to say. I'm not well
20 prepared for this meeting I have to confess. And I
21 haven't actually looked at the Staff's assessment
22 report. I do plan to do that shortly, though. So
23 I appreciate all the information that you presented
24 in this sheet.

25 I do -- I -- I do want to say a

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2 few things about the service in my area, which is
3 not very good. I have -- basically, the only
4 choice that I'm aware of is Time Warner Cable if I
5 want Internet service.

6 When I -- I tried -- when I
7 called Verizon, they -- they offer phone line
8 service where I am, but not Internet service. So
9 if I want Internet service, I need to go with Time
10 Warner. I have no other choices. And I'm not
11 exactly happy with the level of service with them.

12 And it's not cheap either.
13 It's -- I'm -- I'm paying over a hundred dollars a
14 month and -- and I have -- I really don't care
15 about having the cable T.V. I -- I turn on the
16 T.V. maybe once every three months, so -- but I
17 have to have it anyway. I don't have a choice on
18 that matter.

19 And as far as their -- I -- I was
20 having a problem with my phone, about back last
21 November or December. And so I finally got them
22 over there after about a week. And it took a
23 couple of days for them to figure out what to do.
24 But once they got it taken care of, I thought
25 everything was fine.

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2 But a couple of months ago, I got
3 up one morning and my phone wasn't working again.
4 And I have a cell phone with a -- with an
5 independent company. And so I'm -- I'm able to use
6 my cell phone as a substitute for the landline when
7 the landline service is down. But most of the
8 time -- but it occurred to me that unless I check
9 it, unless I try to make a call out, I don't know
10 if it's working or not. And most of the time I'm
11 not going to do that. So I don't know how often
12 this problem actually occurs.

13 About forty-five minutes later it
14 was fine, but I have no idea how often I'm having
15 this problem. And if somebody's trying to call me
16 and they don't get -- don't get through, I really
17 don't know. So I'm really not happy with the level
18 of service from Time Warner, although I don't have
19 a clear assessment of just whether or not I'm
20 having a consistent problem with the phone or if
21 it's just a very occasional problem.

22 But I'm -- I'm also -- I've read
23 about the -- the Internet system that Chattanooga
24 has and I'm very impressed. And I would like to
25 see communities in New York have the same option.

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2 My -- my understanding, from what I read, is that
3 people in Chattanooga have the option of using the
4 city line or private -- private companies. And the
5 vast majority find that the -- the Chattanooga city
6 line is a much better quality. And from what I
7 read, it sounded pretty good. So I -- I would like
8 to see New York State follow that example.

9 That's pretty much it.

10 A.L.J. WILES: Okay. Thank you.

11 Are there any others that wish to speak?

12 Therefore, I think we can
13 conclude this public statement hearing. And we
14 will come -- come back again for another
15 information session, later this evening, and
16 another public statement hearing. But the one
17 which started an hour ago is concluded now.

18 (The hearing concluded at 4:00
19 p.m.)

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