



OFFICE OF THE VICE PRESIDENT

May 16, 2013

Honorable Jeffrey Cohen  
Acting Secretary, Public Service Commission  
State of New York  
Three Empire State Plaza  
Albany, NY 12223

**Re: Matter No. 13-00986/13-C-0197** (Proposed Amendments to Verizon New York Inc. Tariff PSC No. 1, filed May 3, 2013)

Dear Acting Secretary Cohen:

The Communications Workers of America (CWA), representing more than 68,000 employees in New York state including more than 14,000 at Verizon, hereby submits comments to the Public Service Commission ("PSC") in opposition to the amendments that Verizon New York Inc. ("Verizon NY" or the "Company") proposes to the Company's Tariff PSC No. 1, filed on May 3, 2013, with a request for permission to have the proposed revisions become effective on short notice, on May 18, 2013. CWA has an interest in this proceeding both as the representative of Verizon NY frontline employees who build, maintain, and service its networks and as the representative of working families who are consumers of Verizon NY communications services.

CWA does not object to Verizon NY's attempt to provide temporary relief for customers on Fire Island who have been without even basic wireline telephone service since the natural disaster of Hurricane Sandy in October 2012 – more than six months ago. CWA notes, however, that Verizon could have sought permission to address the specific service difficulties created by this exceptional storm at any time since the disaster occurred – thus, the "emergency" that it relies on now in seeking to get this tariff approved on short notice is one entirely of its own making.

More significantly, however, it is clear that Verizon's proposed tariff revision is not really about providing a short-term, substitute service in response to an identified emergency. Playing on sympathy for the plight of customers whom it has left without service for more than six

months, Verizon proposes to implement broad, generic rules that go to the core of its obligation to serve. These changes create a policy platform that would apply not only to the particular conditions on Fire Island or even to emergency conditions generally. Instead, the proposed tariff changes could be applied to service in locations statewide, under a variety of different conditions. There is neither a need nor a justification for the PSC to permit this change to be implemented in the form proposed – especially on short notice, without the opportunity for an investigation and hearing on the significant public policy issues raised by Verizon NY's proposal.

To appreciate the magnitude of the changes Verizon NY is attempting to make under the Commission's radar, one needs only to compare the existing tariff language describing the "Obligation of Telephone Company" – the original Page 60 of Verizon NY's Tariff No. 1 – with the proposed revision. The original language, which Verizon has left unaltered for decades, consists of two sentences. The proposed revised section is over a full page in length. These are not minor changes or changes required by exigent conditions. They are clearly not the sort of revisions that should be permitted to take effect after only the cursory review permitted in a 15-day "short notice" period.

The standard Verizon NY proposes for being allowed to substitute wireless access for landline service does not provide a sound basis for determining when it is in the public interest for such a significant change in service to be implemented. True, for now, the only geographic area to which Verizon NY proposes to apply the alternative wireless service is the "Western portion of Fire Island," but the proposed coverage could, and is likely to, change at any time, under a wide range of circumstances. Under the proposed tariff, the substitution could be applied to "a [single] customer or to a "group of customers." It could be invoked either for situations in which facilities have been demonstrated to be "unusable" or to circumstances where Verizon claims that they are "beyond reasonable repair." This latter condition would appear to provide wide latitude to the Company in determining when to abandon wireline service.

Subpart (b) of the new subsection 3 would give the Company even broader unilateral discretion with respect to this proposed substitution in non-emergency situations. It simply requires that the Company "demonstrate" that the use of wireless service is "otherwise reasonable in light of geographic location, the availability of competitive facilities..., or in light of other criteria acceptable to the Commission." This is not the type of comprehensive policy change that should be implemented by tariff, at Verizon NY's unilateral initiative, and on the very abbreviated timetable it proposes. Both the criteria and the process for reviewing future applications should be determined in a proceeding that allows for broad public input and adequate time for consideration of implications of the proposed changes.

Because of the short time that CWA has had to prepare this response, it is obviously not possible to make a full evaluation of the impact of the proposed tariff. However, CWA has identified a number of serious legal and public policy concerns raised by the proposed tariff that the Commission should investigate further, preferably in the context of a broad policy proceeding. These include:

- Public safety considerations associated with substitution of wireless service, including reliability under peak conditions, during adverse weather conditions and times when customers lose power, and how wireless access affects the reliability of customers' 911 access. Verizon NY has indicated that wireline service will be re-established, "as needed", to municipal buildings, including fire and police stations, but it has not explained why other customer locations are less deserving of secure and reliable wireline connections.
- Quality of service, how to ensure that customers subject to alternative (wireless) service obtain the benefit of existing service quality standards and how to ensure that Verizon does not abandon adequate maintenance of its copper facilities so that it can then claim those facilities are "beyond reasonable repair" opening the door to wireless substitution.
- Obligation to serve, e.g., what considerations are relevant to Verizon NY's Carrier of Last Resort (COLR) obligations and the requirement that it provide service to customers on a non-discriminatory basis.
- Assessment of competitive conditions: Verizon NY's proposed tariff suggests that the "availability of competitive facilities to serve" affected customers is one of the relevant considerations in deciding whether Verizon NY may substitute wireless for existing wireline facilities, but there are no specific criteria and no assessment process for making this determination.
- Proof of obsolescence; cost-benefit analysis: Whether a facility is "beyond reasonable repair" requires an assessment of what repairs are required and how much they will cost, compared with the benefit of making the repairs; this is not something that Verizon NY should be permitted to decide unilaterally.
- Availability and cost of data services: The service that Verizon NY proposes to offer to customers in Fire Island is a voice-only service. Without a copper (or fiber) connection, Verizon NY will not be offering digital subscriber line (DSL) (or FiOS) services to these customers. Mr. Sampedro notes that for data services, customers can rely on offerings from Verizon Wireless. Verizon Wireless' fixed broadband Internet access services are not equivalent to the broadband Internet access services that Verizon NY offers over

wireline facilities; they are less reliable and far more costly under typical usage conditions.

- Opportunity for participation by affected customers: As proposed, there is no provision for notifying customers in advance of what would be a major change in their basic voice service; customers should have an opportunity to participate in this process.
- Impact on other services that depend on wired network facilities: e.g. home health monitoring, alarm systems, credit card authorizations, etc.

Given the opportunity, CWA intends to address these concerns more fully. Consumers and other interested parties – not Verizon NY alone – deserve a voice in determining the course of network modernization, so that reliable and affordable service continues to be available to all customers. If addressing the immediate service problems on Fire Island requires creating a one-time exception, then only this narrow relief should be granted. However, no emergency or special circumstances apply to Verizon NY’s request to replace the existing tariff provision governing the Company’s “obligation to serve” with the language in the proposed revised tariff filed May 3, 2013. Thus, the request to have the tariff become effective on short notice should be denied. Additionally, for the reasons set forth herein, the Commission should reject the proposed tariff and instead open a proceeding on the broad policy issues that are raised by that filing.

Very truly yours,

Chris Shelton

Vice President

cc: Chad Hume, Director, Office of Telecommunications, New York Public Service

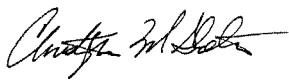
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