

Stop the Cap!

Promoting Better Broadband, Fighting Data Caps, Usage-Based Billing, & Other Internet Overcharging Schemes



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June 19, 2013

Mr. Jeffrey Cohen
Deputy for Policy & Legal Affairs
New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Dear Mr. Cohen,

We are writing today to partially oppose Verizon Communications' request to withhold certain documentation (Matter: 13-00986, Filing No. 18) pertinent to the termination of landline and DSL broadband service for a significant number of customers on Fire Island.

Our consumer group, which includes some residents on Fire Island, strongly believes a free, open, and fully informed discussion regarding this transformative proposal is essential. Verizon is asking that directly affected residents not be given access to important documentation that the Department will use as a guide in its decision-making process. That is unfair to the residents of Fire Island, who must ultimately live with the consequences.

Some of the reasons Verizon argues to keep the information confidential border on specious.

For example, Verizon argues that revealing the location of network facilities can be used by vandals and others to harm Verizon.

Verizon offers no compelling evidence to suggest vandals are accessing the electronic databases of the Public Service Commission to maliciously target Verizon's infrastructure, which has gone largely unprotected and unmolested (except by Superstorm Sandy) for decades.

Verizon's theoretical argument allows the company to avoid disclosing the types of facilities Verizon originally installed on the island and a breakdown of the real costs to maintain vs. repair vs. replace those facilities with better technology. But cost is not everything. The performance of Verizon's wireless replacement must be scrutinized carefully because telephone communications are a lifeline in times of emergency. We must not compromise public safety for the financial interests of a company that generates billions in revenue annually.

These pieces of information are vital for consumers to fully participate in informed discussions about their own telecommunications future:

- 1) Consumers should know what types of facilities exist on the island today, what repair and/or replacement options were considered (copper vs. fiber), and the cost and timeframe for repair/replacement using each technology. Customers may seek to

petition Verizon and/or the Commission to adopt a different solution, even if it requires a temporary surcharge or different cost recovery strategy.

- 2) Consumers should have enough granular information to conclude whether the decision to ultimately adopt Voice Link as a proposed solution for Fire Island's damaged infrastructure came as a result of a broader business agenda to discontinue landline service in rural/sparsely-populated service areas or truly does represent the only viable solution at this time.
- 3) Verizon itself admits the Voice Link product has received extensive testing in market trials. Verizon should therefore have nothing to hide revealing the full results of those trials, including technical issues/problems and how Verizon corrected (or did not correct) them, the criteria Verizon used to determine whether a customer will receive suitable service from the Voice Link product, the reception of the product by consumers, and the adoption/disconnect rate, which could show whether customers felt the product met their needs.

A full and complete public record regarding the matter of Fire Island's telecommunications future must also be available because Verizon has clearly signaled its intent to press for adoption of Voice Link in other parts of New York State.

The implications are enormous. Verizon's proposal would dismantle a utility service New Yorkers have depended on for over a century.

For security purposes, Verizon should be only permitted to redact the **exact map locations** of Verizon infrastructure on the island. It should not hide granular details, including what infrastructure serves each neighborhood or the island generally.

Additionally, Verizon's argument that the information it seeks to redact would prove useful to competitors is highly dubious. No wireline or cable competitor exists on Fire Island. Using Verizon's own arguments regarding the high-cost environment under which it must serve as a carrier of last resort, including claims installing new wired infrastructure is allegedly financially untenable, there is no credible competitive threat from the public disclosure of this data.

Verizon also argues it faces robust competition from wireless providers. This argument also deserves additional close scrutiny. Root Metrics, an independent, crowd-sourced collector of wireless reception data found the most robust wireless reception on Fire Island comes, in fact, from Verizon Wireless, owned in part by Verizon Communications.

AT&T, the next nearest competitor, offered the best reception to ferry travelers moving to and from the island, but not to permanent or vacationing residents.

Among eight competing wireless carriers operating their own wireless networks in the metropolitan New York City/Long Island region, the following offered negligible, if any, "home" reception at all on Fire Island:

- Boost/Nextel (TDMA network being decommissioned by Sprint in Summer 2013);
- MetroPCS
- T-Mobile USA
- Sprint (CDMA)

In fact, local residents using these competing carriers report "roaming" on AT&T or Verizon Wireless' networks are very common on the island.

To illustrate, here are the reception maps indicating the quality of reception collected and published June 19, 2013 by Root Metrics (<http://www.rootmetrics.com/check-coverage/>).

Image one represents the coverage quality of Verizon Wireless, the dominant carrier on Fire Island. Note that Verizon Wireless proposes to improve wireless reception on Fire Island with additional cell antennas as part of the Voice Link adoption process. Without the pending adoption of Voice Link, Verizon would have no compelling financial reason to boost reception on the island, heretofore apparently considered adequate by the company. Verizon's argument to adopt Voice Link as a cost-saving replacement for landline service, for which Verizon is the responsible carrier, is unique to Verizon. Competing providers would have few, if any incentives, to invest in improved reception in a competitive response to Verizon.

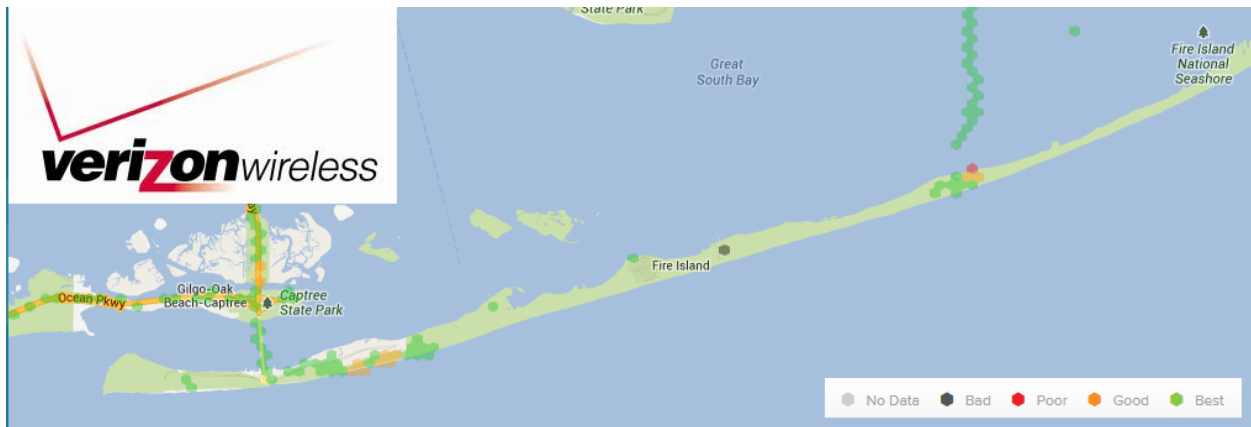
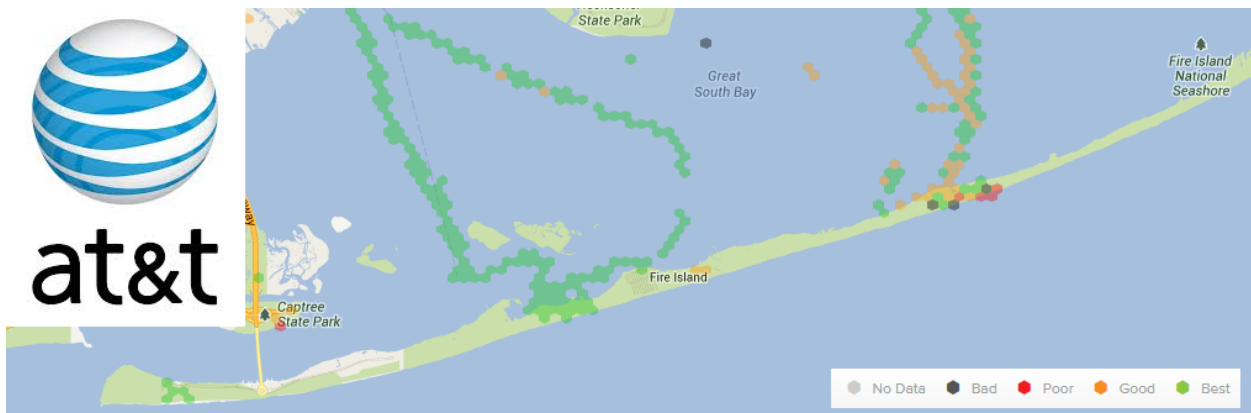


Image two represents the wireless reception provided by AT&T. The company already considers its existing cell network adequate for Fire Island, and this spring declined an invitation by the Fire Island Pines Property Owners' Association to place an antenna atop Whyte Hall.

Since at least 2010, AT&T customers have petitioned the company to improve reception on Fire Island. (<http://www.ipetitions.com/petition/attfireisland/signatures>)



Verizon argues that its business interests, and the potential for competitor gain from publicly disclosed information, trumps the public interest. We argue that consumers are the least able to fund private reproduction of this information. If Verizon faced significant competition on Fire Island, those competitors are still in a better position to gather information over average customers who will be left in the dark.

Our organization is already concerned with the rapid implementation of the Voice Link “solution,” which appears to be moving much faster than Verizon’s record of repairing damaged infrastructure resulting from Superstorm Sandy. We are grateful the Commission approved it on an interim basis only and we encourage your staff to carefully review the growing number of negative comments from impacted customers who want no part of Verizon Voice Link.

In more than 90 public comments to date, we are hard-pressed to find any Verizon customer who wants the company to decommission its wired infrastructure on Fire Island. We urge the PSC to remember “Public Service” is at the heart of the Commission, and that it will respond positively to the wishes of the residents on the island.

Yours very truly,

Phillip M. Dampier
Director