

IN THE MATTER OF CASE 13-C-0197

COMMENTS

Form Of Submission

This document contains the comments of its signatories in Case 13-C-0197. It also contains requests for action or decision by the Commission. These requests should be considered as petitions, demands, appeals or such other formal submissions as are required by Commission rules and practices in order to seek and receive the relief sought, whether as part of Case 13-C-0197 or separately, without regard to form. The signatories reserve all rights to bring these matters to the attention of other administrative, judicial or other government entities at any time.

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I) Introduction

This case is about the Company's request for Commission authorization to deploy a wireless service, Voice Link, to customers on Fire Island previously served by a hard wired system, and for authorization to do so elsewhere in New York.

It raises substantial questions of the legal rights of the people of Fire Island and elsewhere, and of the Company's legal obligations as a regulated entity under the jurisdiction of the Commission. Those specific concerns must be addressed, and the Company's request must be denied.

But it has also focused public attention on the enormous changes in telephone service in New York, on the actions of the Company, and on the actions of the Commission. For the first time, there is broad public understanding of these changes, and the intentions of the Company for the future of telecommunications in New York.

We ask that these Comments be read in the context of those intentions. They are not difficult to ascertain. It is the Company's stated policy and regular practice to eliminate the wireline system and substitute wireless service, especially but not solely where that service is provided over a copper wire system.

Last year Lowell MacAdams Verizon Chairman & CEO and former CEO of Verizon Wireless, spoke clearly and without equivocation about the Company's policy:

But the vision that I have is we are going into the copper plant areas and every place we have FiOS, we are going to kill the copper. We are going to just take it out of service and we are going to move those services onto FiOS. We have got parallel networks in way too many places now, so that is a pot of gold in my view.

"And then in other areas that are more rural and more sparsely populated, we have got LTE built that will handle all of those services and so we are going to cut the copper off there. We are going to do it over wireless."¹

In spite of its obligations under New York law in spite of the investment by ratepayers in the FIOS wireline system, in spite of the needs and expectations of the people, businesses and economy of the State, Verizon is intending to and has begun to shut down its wireline system.

The real question raised in these proceedings is whether the Commission, and other arms of state government, will acquiesce. We assert that the Company's plans and the tariff amendments sought in this proceeding violate the law, regulations and sound public policy. We ask that the individual assertions, evidence, administrative requests and argument contained herein be weighed by the Commission and used as the basis for denial of the Company's request.

¹ Verizon at Guggenheim securities symposium, June 21, 2012, http://www.media-alliance.org/downloads/Verizon_Kill_Copper.pdf

II) Request and Appeal With Respect To Public Inspection Of Certain Documents And Information.

We have reviewed the Interrogatories propounded by Staff and to the extent currently permitted, the Company's responses, and other documents in the Record. We believe the protective orders sought and/or approved are significantly overbroad and deny to the public and the signatories to these Comments the ability to adequately comment on these proceedings. We therefore ask that the following areas of inquiry by staff be made available for public inspection: Actual costs and expenses associated with repair, upkeep and maintenance of the wire line system on Fire Island for past ten years; Projected costs and expenses of repair, and/or rebuilding of wireline system on Fire Island; Location of any planned or active offering of Voice Link service in New York, and location of actual installation of Voice Line in New York; All information on intercompany cost allocation; Source and amount of any extracompany monies or support received as a consequence of Hurricane Sandy; Marketing and training materials used on Fire Island or elsewhere in New York relating to Voice Link service; All information related to Company assertions concerning the cost of repair, replacement, rebuilding, or substitution of system service. This request is submitted to the Commission for decision under its policies and rules, as well as the Freedom Of Information Act (FOIA), and constitutes an assertion of our rights under FOIA. It is submitted as a request to inspect and receive the information described above and/or as an appeal from any decision already made by the Commission with respect to any protective order, non-disclosure agreement or disposition under the terms of FOIA.

III) Incorporation By Reference Of Specified Documents And Comments

We have reviewed communications submitted made by others and incorporate herein by reference the following Filings and/or Comments:

Document 20, 53	Comments of CWA
Documents 23, 24, 32, 52	Comments and Petitions of the Attorney General
Documents 50, 51	Comments of PULP

We note the over 580 Comments filed by citizens and part of the Record herein and rely on the facts and arguments contained therein. We have reviewed the transcript of the public meeting (Document 9) and incorporate herein by reference the evidence and opinion adduced at that meeting.

IV) Objection To Company's Attempt To Exit Service On Fire Island And Elsewhere Without Conformance To Commission Procedural And Substantive Requirements

We object to the apparent use of the process of considering approval of a tariff amendment in Case 13-C-0197 as a means of permitting the Company to exit service to the people of Fire island and elsewhere. The Commission itself has recognized that problem. In it's May 13 Order the Commission said: "This proposal introduces market exit issues, which should be reviewed further. For example, Verizon, as an eligible telecommunication carrier (ETC), must make a showing that there is another ETC to take its place."²

The Commission has existing procedures and standards used to consider market exit requests. These require, inter alia, the submission of a service exit plan, which has not been done or required by the Commission. This tariff amendment proceeding is inappropriate, inconsistent with Commission rules, and places a heavy and unmeetable burden on the public and those participating in the proceeding. We request that the Commission immediately require the Company to conform with all elements of an application to exit service as part of Case

² May 13 Order, p.10.

13-C-0197 or in a separate proceeding.

V) Responses To Specific Statements By The Company

In it's original filing of May 3, the Company made the following statements, among others. Our comments on each statement follow directly after the quotation.

“4. ...40% of the access lines were found to be defective after the storm. “

Verizon does not allege nor offer evidence that the cause of the defective lines was the storm. In fact, the vast majority of defective lines are a consequence of the failure and refusal of Verizon to maintain and repair the system over time. The Commission must make a factual determination of the cause of the 40% defect allegation as part of this proceeding. If, as asserted herein and elsewhere, the evidence shows a pattern of inadequate repair, maintenance and capital investment, the Commission can not and should not approve any loss of wireline service to any customer, as matters of law and sound policy.

“Five of the six cables that run between Fire Island and the mainland the five that serve the western portion of the Island---were also badly damaged by the storm. “

Although Verizon alleges that the storm caused the damage the extent and nature of the damage is left undescribed, nor does it explain why the damage caused by the storm was materially different on eastern and western Fire Island. The Commission must make a factual determination of the cause of any damage to cables anywhere on Fire Island as part of this proceeding. If, as asserted herein and elsewhere, the evidence shows a pattern of inadequate repair, maintenance and capital investment, the Commission can not and should not approve any loss of wireline service to any customer, as matters of law and sound policy.

“6.copper facilities were damaged beyond repair, ...”

The cause, nature and extent of this alleged damage is not specified nor is evidence offered. The Commission must make a factual determination of the cause of any damage to copper facilities as part of this proceeding. If, as asserted herein and elsewhere, the evidence shows a pattern of inadequate repair, maintenance and capital investment, the Commission can not and should not approve any loss of wireline service to any customer, as matters of law and sound policy.

“Voice Link service will be provided where outside plant facilities were destroyed by Hurricane Sandy, and as surviving copper facilities go out of service.”

It is unclear if “destroyed” is meant to assert that the damage is irreparable or complete or partial and uneconomical. The fact that surviving copper facilities may go out of service is unrelated to storm damage.

“7. The cost of replacing facilities is very high, and if hurricanes or other severe storms occur in the future, there is a significant risk that the newly installed outside plant would again be damaged or destroyed. “

Verizon has offered no proof of these assertions, as to cost or that any damage or deterioration is the result of storm damage.

“12. Verizon has committed to adhere to the requirements of the New York Public Service Commission relating to customer protection, customer complaints, service quality, safety and reliability with respect to the Voice Link service offered as the sole service option on the western part of Fire Island. “

Verizon's “commitments” are legally irrelevant. Either Verizon has a legal obligation to the people of Fire Island and elsewhere, or it does not. It cannot pick and choose which of its obligations will continue in force, or

describe it as a corporate "commitment".

"13. Voice Link will be available to business customers as well as residence customers. Multi-line service will also be available for businesses, and Verizon Wireless will make available wireless data services and devices to support point-of-sale credit card processing and similar data functionalities required by small businesses."

The evidence presented in the Comments and at the public meetings show this is not the case and that businesses are suffering significant damage as the result of inferior or non-existent service.

"14. Voice Link pricing will generally be aligned with the pricing of current landline service packages."

There is considerable confusion and dispute over the actual billing practices and policies that accompany Voice Link and other services. This proceeding must determine and place on the public record the reality of Company pricing, and not rely on self-serving assurances by the Company.

VI) Customer, Health And Public Safety Services Not Provided

In addition to other evidence and comment about service inadequacies we assert that the following services are expected to be available by Fire Island customers and are not:

Medical Alert or Other Monitoring Services
Relay Services including TDD/TTY for the hearing impaired
Home Security Systems
Fax Machines
DVR Services
ATM Business Machines
Credit Card Processing
Internet Services (Dial up with Modem)
00, 700, 900, 950, 976, 0, 00, 01, 0 Calls.
Calling Cards or Dial-Around Calls
Collect Calls or Third Number Billed Calls
Ability To Bill Charges on Behalf of Other Carriers
International Calls from Other Carriers
Broadband

VII) Request For Commission Action To Determine Systematic Misallocation Of Revenues And Expenses By The Company As Between Wireline And Wireless Entities

The Company is required to account for and report its' costs and expenses, including those between subsidiaries and affiliates. This allocation of costs is important to assure that the profit or loss suffered by each entity is accurately stated. Misallocation of costs would inflate either profit or loss, and could affect tax liability as well. We assert that Verizon has systematically misallocated costs thereby distorting the extent to which the wireline system has suffered losses, if any.

Most, if not all, of what the Company and the Commission have done with respect to wireline service has been premised on the Company's oft-repeated and widely believed assertions that it suffers substantial economic loss

from the operation of its' landlines.

Some of that is intuitive. There has been a growth in users of alternatives to the regulated landline system and newer technologies. Some of it is the result of Company assertions about the scope of the loss. The Company has publicly stated that it has lost billions on the landline system. For the most recent period for which there are published figures the numbers are as follows:

Verizon Losses and Tax Benefit 2007-2010
(In the millions)

	Loss	Tax Benefit
2010	-\$2,200	\$716
2009	-\$971	\$379
2008	-\$528	\$178
2007	-\$549	\$201
Total	(\$4,248)	\$1,474

By "tax benefit" we mean tax payments otherwise due and payable that were not made because of asserted charges, expenses or losses claimed by the taxpayer.

While these numbers have varied somewhat depending on the source, use, forum and proceeding involved it is fair to say that substantial losses in the landline system are repeatedly used by the Commission and the Company as a justification for rate increases and regulatory decisions affecting the scope, cost, adequacy and nature of telephone service provided to customers of Verizon NY.

With respect to the Fire Island tariff amendment request and its attendant analysis, the same allegations of loss and expense are made.

The Commission is required to inquire into and accept or reject these assertions, as part of this proceeding. We assert that, absent such an inquiry, the Commission will have a legally and logically inadequate foundation to rule on the Fire Island or wider amendments sought by the Company.

We assert that there is evidence that the reported losses are substantially the result of misallocation of revenues and expenses as between the landline and wireless systems. The evidence is strong enough to require the Commission to consider it, and seek such additional information as will prove or disprove the existence of systematic and intentional misallocation by the Company, with consequences for customers/ratepayers of both systems, the tax payments due to federal, state and local jurisdictions, and policy decisions made by the Commission.

The evidence we present of misallocation of costs and revenues can be divided into four areas:

1) Undercharging of the wireless system for access and collection charges; 2) Undercharging of the wireless system for capital expenses associated with the expansion of that system; 3) Undercharging of the wireless system for services and costs associated with advertising and billing; and 4) Undercharging of the wireless system for the transfer of customers and associated assets, good will and economic benefit resulting from the transfer of customers from the wireline to the wireless system.

In the following analyses we begin with the publicly available information on payments from Verizon wireless to Verizon wireline. The last such information available is from 2009 and 2010. There remains little to explain what costs and charges are contained within the gross number. But there are other data which clarifies the numbers makes possible comparisons and raises substantial questions of a kind only the Commission can answer.

(in millions)			
	2009	2010	2 Year Total

Verizon, NY	\$ 78	\$ 95	\$ 173	
AT&T	\$279	\$ 237	\$ 516	
Sprint	\$119	\$104	\$ 223	

If translated into per customer/subscriber charges the disparities remain as troubling, with Verizon wireless paying Verizon landline about 24% of what is paid by the two other carriers.³

	2009	2010
Verizon	\$ 13.22	\$ 15.29
AT&T	\$ 49.66	\$ 37.62
Sprint	\$ 45.77	\$ 35.39

Such per line and gross revenue disparities can be caused by discriminatory pricing policies and practices and other forms of misallocation. If such policies and practices are in place than the factual basis for the economic argument underlying the request of these tariff amendments, as well as many other Commission and Company decisions. The Commission is required to inquire into and accept or reject these assertions, as part of this proceeding. We assert that, absent such an inquiry, the Commission will have a legally and logically inadequate foundation to rule on the Fire Island or wider amendments sought by the Company.

The Company has stated that these numbers are an aggregate of payments for a variety of services. "Our operating revenues include transactions with Verizon Wireless Inc. (Verizon Wireless) associated with the provision of local and network access services, billing and collection services and from interconnection agreements. These revenues are earned from Verizon Wireless who provides wireless voice and data services, paging services and equipment sales to their customers.

Our operating expenses also include transactions with Verizon Wireless. We recognize costs associated with wireless voice and data services and for interconnection agreements."⁴

The Commission should focus on the following cost allocation areas, among others:

A) Undercharging of the wireless system for access and collection charges

Access and collection fees are substantial and highly contested parts of the revenue structure of regulated and non-regulated telecommunications entities. FCC administrative proceedings have been delayed and the economic basis and calculations of such fees are in flux. No matter what portion of the payments made by the Company's wireless system to the wireline system are attributed to access and collection fees, there is a significant disparity, otherwise unexplained by the Company.

We assert that the Company has undercharged the wireless system for access and collection fees, and that such misallocation is a fundamental cause of the allegation that the wireline system loses substantial monies on Fire Island and across the State.

These admissions are sufficient to require further inquiry as part of this proceeding. The lack of information about this matter undercuts the ability of the Commission, tax authorities and other public officials to determine if Company policies and practices are consistent with law and sound policy.

³ Per line costs were derived by using publicly available numbers for total national customers/subscribers and dividing them by New York's share of national population (6.4 %) and gross revenue to each company (6.8%). Details of these calculations will be provided on request. Access charges are subject to FCC review although the current proceeding has dragged on for five years.

⁴ Verizon, New York, Consolidated Financial Statements As of December 31, 2010 and 2009. p.20

B) Undercharging of the wireless system for capital expenses associated that system by the wireline system.

It is a bedrock principle of telecommunications cost allocations that each system, and separate company, should bear the capital costs of construction, maintenance and repair of its physical infrastructure. There is substantial evidence that Verizon wireline customers have been bearing the costs of the capital needs of the wireless system.

This evidence comes largely from statements made by the Company and its executives.

In 2012, Fran Shammo, Verizon's EVP and CFO stated that the wireline construction budgets have been used for the Wireless companies' construction needs.

The fact of the matter is Wireline capital -- and I won't get the number but it's pretty substantial -- is being spent on the Wireline side of the house to support the Wireless growth. So the IP backbone, the data transmission, fiber to the cell, that is all on the Wireline books but it's all being built for the Wireless Company.

In 2012 and 2013 Company press releases echoed repeated these disclosures.

Accelerated deployment of fiber-optic links to wireless carriers' cell sites throughout New York as these carriers expand their infrastructure to meet ever-growing demand for wireless broadband and advanced 4G services. In 2011, Verizon deployed fiber optics to connect 1,848 of these sites in the state.

Continued deployment of fiber-optic links to wireless providers' cell sites throughout New York and Connecticut, as these carriers expand their infrastructure to meet ever-growing demand for wireless broadband and advanced 4G services. In 2012, Verizon deployed fiber optics to connect 867 of these sites in the two states.

We assert that the Company has undercharged the wireless system for capital cost and collection fees, and that such misallocation is a fundamental cause of the allegation that the wireline system loses substantial monies on Fire island and across the State.

These admissions are sufficient to require further inquiry as part of this proceeding. The lack of information about this matter undercuts the ability of the Commission, tax authorities and other public officials to determine if Company policies and practices are consistent with law and sound policy.

C) Undercharging of the wireless system for services and costs associated with advertising and marketing.

It is a bedrock principle of telecommunications cost allocations that each system, and separate company, should bear the costs associated with advertising and billing. There is substantial evidence that Verizon wireline customers have been bearing the costs such activities by the wireless system.

We assert that the Company has undercharged the wireless system for advertising and marketing services, and that such misallocation is a fundamental cause of the allegation that the wireline system loses substantial monies on Fire island and across the State.

These admissions are sufficient to require further inquiry as part of this proceeding. The lack of information about this matter undercuts the ability of the Commission, tax authorities and other public officials to determine if Company policies and practices are consistent with law and sound policy.

It is undisputed that Verizon wireline includes in its communications with its customers a variety of materials which advertise wireless service and effectively urge them to switch to the wireless system.

D) *Undercharging of the wireless system for the transfer of customers and associated assets, good will and economic benefit resulting from the transfer of customers from the wireline to the wireless system.*

It is a bedrock principle of telecommunications cost allocations that each system, and separate company, may not give away or otherwise shed an asset of value without seeking and receiving value for that asset. There is substantial evidence that assets of value to the Verizon wireline system, company, owners and ratepayers have been given away or otherwise alienated without receipt of comparable value from the wireless system. These assets are customers and subscribers who are switched from wireline to wireless service by both companies.

There is no record of any transfer or acquisition charges being paid by Verizon wireless to Verizon wire line, although it is the clear and public policy of both subsidiaries and their parent to do so. The average cost to acquire a customer/subscriber is between \$350 and \$400.⁵

In this case the transfer of customers from one Verizon company to another without charge reduces the revenue to wireline and inflates the profits of the wireless system. This is a substantial misallocation of costs and a wasting of company assets that the Commission cannot ignore.

Such a practice by a telecommunications company unaffiliated with Verizon would be a cause for legal and shareholder concern, and, if publicly traded, would invite formal investigation. The fact that the practice is engaged in by affiliated companies does not make it less damaging to ratepayers and less violative of the legal obligations of a regulated entity.

We assert that the Company has undercharged the wireless system for customer addition, transfer and/or acquisition, and that such misallocation is a fundamental cause of the allegation that the wireline system loses substantial monies on Fire Island and across the State.

These admissions are sufficient to require further inquiry as part of this proceeding or separately, and we hereby request the Commission undertake such inquiry. The lack of information about this matter undercuts the ability of the Commission, tax authorities and other public officials to determine if Company policies and practices are consistent with law and sound policy.

VIII) Request For Commission Action To Determine The Extent To Which System Damage On Fire Island And Elsewhere Is Caused By Storm Or Other Extraordinary Events, Or By Systemic And/Or Intentional Failure Of The Company To Maintain And Repair The Wire Line System.

The Company repeatedly asserts that the damage to the wireline system on Fire Island is a consequence of storm damage. There is substantial and credible evidence that the primary cause of physical deterioration and service problems is a systematic and intentional policy of disinvestment in the copper system, on Fire Island and across the state. Reviews of Verizon capital budget allocations show that over time, the Company has diverted substantial amounts previously expended to maintain and repair the copper system to the build-out, maintenance and repair of the FIOS system. This is in addition to diversion of wireline capital allocations for use in the wireless system.

We assert that the systematic and long-term diversion of monies need for copper system maintenance to the FIOS system is the primary cause of system deterioration and damage. The Commission must inquire into and decide whether such intentional diversion has occurred and the extent to which it caused or contributed to the current condition of the wireline system on Fire Island and elsewhere. We hereby request such inquiry as part of this proceeding or in a separate proceeding.

⁵ CPGA (Cost Per Gross Add) Average CPGA across all carriers is \$350-400.

IX) Analysis Of Requirements Of Basic Service And Request For Commission Action

Crucial to the Commission decision on the Company's tariff amendment is the comparison between the services included in the Voice Link offering and those now required, received and available on Fire Island and elsewhere. It is undisputed that Voice Link will not provide the full range of services currently available and required. The Company does not dispute this saying, "Verizon has previously disclosed to subscribers and regulators, given the differences in the technological platform being used, some aspects of Voice Link differ from the telecommunications service previously provided by Verizon over copper facilities. As a result, certain third-party services or devices that were designed specifically to work with traditional voice services offered over copper facilities may not be compatible with Voice Link. This includes fax machines, DVR services, credit card machines, some medical alert devices, and some (but not all) other monitoring systems like alarm systems.⁶

The extent of this service gap is not yet clear. Testimony of citizens, businesses and police and fire personnel are unequivocal in their clear delineation of many such service shortcomings are, how they impact the people of Fire Island, and what expectations people have of their telephone service. (See relevant Filings and Transcript of Public Hearing).

In the face of the service gaps it is essential that the Commission clarify what services must be provided so that Verizon meets its obligations as a regulated entity and customers on Fire island and elsewhere continue to receive the benefits to which they are legally entitled.

The Commission has considered this question and spoken clearly In Opinion No. 96-13, commonly referred to as "Comp III"

"As the competitive transition evolves, we will continue to ensure the provision of basic telephone service, at an affordable rate, to New York's customers. Basic service is a dynamic term that refers to those telephone services deemed essential to minimally acceptable access to, and use of, the public telecommunications network. Those services deemed to be basic should be made universally available. As technology and markets change, the list of basic services may require revision to meet evolving customer needs. Determinations regarding which services should be included in a basic service list should be based on established criteria. Consistent with this principle, we intend that the basic service list be re-examined every three years pending the development of a fully competitive market. Factors to be used to guide decisions concerning changes to the basic service list include the level of customer demand for the service, the public benefit it provides, the extent to which it is required to access other essential services, and the cost of providing it.

Based on these criteria, we find that the list of basic services currently should include:

- Single Party Access Line
- Access to Local/Toll Calling
- Local Usage
- Tone Dialing
- Access To Emergency Services
- Access To Assistance Services
- Access to Telecommunications Relay Services
- Directory Listing
- Privacy Protections"⁷

⁶ Verizon Response to Interrogatories III.7

⁷ Comp III pp 9-10

For the purposes of this proceeding we first note that the list does not include what the public understands to be "data services" especially the ability to access the Internet. That is clearly not dispositive of the issue. Whatever the state of technology and public interest in 1996, the public on Fire Island and elsewhere has spoken vociferously about their need to have telephone service that includes data services.

We draw the Commission's attention to the language in Comp III that recognizes that the list needs and will receive regular update. "As technology and markets change, the list of basic services may require revision to meet evolving customer needs." The needs of the people of Fire Island and the state have indeed evolved. It is inconceivable that private citizens, businesses, governments, non-profits, schools and others who make up the social fabric can function without Internet access and data services.

The Commission went beyond a vague pledge to undertake such an update of the list. "... we intend that the basic service list be re-examined every three years pending the development of a fully competitive market." This proceeding cannot be concluded consistent with existing Commission policies and Orders without such a re-examination.

The Commission further bound itself by setting forth the criteria for the required re-examination. The factors it must consider include but are not limited to "...the level of customer demand for the service, the public benefit it provides, the extent to which it is required to access other essential services, and the cost of providing it."

We examine each of these factors in turn:

"...the level of customer demand for the service...." The record in this proceeding has sufficient and uncontradicted evidence of deep, wide and consistent demand for data services by the people of Fire island and the rest of the state.⁸ That evidence is so overwhelming and compelling as to require the Commission to find that the customer demand factor is clearly present here.

"...the public benefit it provides,...." Access to data services and the Internet is now an absolute requirement of full participation in society, including the obligations and rights o citizenship. We can provide, in addition to what is currently in the Record, detailed evidence of the necessity of these services for business, educational, economic, cultural and other activities that constitute modern life.

"... the extent to which it is required to access other essential services...." The record is again full of evidence that there are no alternatives to access necessary services, including related telecommunications services. Data and Internet access are now essential to the daily activities of human society.

"...the cost of providing it." This is an important element of the Commission's decision, and should be read as requiring a thorough and public economic analysis. It may have been, in 1996, that dollar costs to a regulated carrier were so high relative to the benefits as to allow for a finding that data services need not be provided. Given the health, safety, business, economic and social costs of no data service that have been evidenced herein we believe that Commission has no alternative but to find that these services must be provided on Fire Island and elsewhere.

While we believe the existing record compels this conclusion, we recognize that the Commission must rest it's finding on evidence satisfactory to it and adduced consistent with SAPA and Commission procedures. What the Commission may not do, under its' own policies and procedures, is to ignore this issue or fail to make a determination on it. The public and the people of Fire Island are entitled to a decision by the Commission on this point. Failure to do so would render any tariff approval insufficient and illegal. We hereby request an inquiry and determination on this subject as part of this proceeding or in a separate proceeding.

X) Recent Developments

We note the two documents submitted by the Company as part of the Record on September 11, 2013. With respect to the assertions in the document about the nature of service to be provided to the residents of Fire

⁸ See the transcript of the public meeting and comments filed .

Island, we are carefully examining them. We have a series of questions and clarifications and will be seeking responses to them from the Company and the Commission including but not limited to issues of adequacy, price, duration, and Commission jurisdiction. We request that such questions, clarifications and responses be made part of the Record of this proceeding. We believe the Commission cannot take action on the two requests without such information. With respect to the various Company suggestions for termination or suspension of this proceeding, we vigorously oppose any delay, suspension or cessation.

Accordingly, we request that these proceedings continue, that the Company be required to respond in writing to reasonable questions and clarifications, that such documents be made part of this Record, and that the comment period be extended for at least two weeks to allow for such an exchange of information

Respectfully submitted,

Common Cause New York

Communications Workers of America, Region I

Consumers Union

Fire Island Association

Richard Brodsky, Esq.

September 13, 2013

Any communications with respect to these Comments should be addressed to Richard Brodsky at
RichardBrodsky@msn.com