

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

CASE 14-C-0370 - In the Matter of a Study on the State of
Telecommunications in New York State.

NOTICE OF ADDITIONAL INFORMATION FOR TECHNICAL CONFERENCE
SCHEDULED FOR FEBRUARY 24 AND 25, 2016

(Issued February 18, 2016)

On January 20, 2016, a Notice of a Technical Conference to discuss policy and legal issues arising in the Commission's Telecommunications Study and related dockets was issued. The Telecommunications Study is designed to help the Commission and the State Legislature identify areas where there may be market failures or opportunities to advance the public interest. The purpose of this Notice is to set forth additional information pertaining to the Technical Conference.

The Department-led Technical Conference will take place on February 24 and 25, 2016. The Technical Conference scheduled for Wednesday, February 24, will be held at the Public Service Commission's New York City Office, located at 90 Church Street, 4th Floor, New York, New York 10007 beginning at 10:15 a.m. and concluding by 4:00 p.m. Individuals wishing to view the technical conference may do so by accessing the live webcast: <http://bcove.me/b593y3uj>.

The second day of the Technical Conference, Thursday, February 25, will be held in the Auditorium/Grand Gallery at the New York Law School, 185 West Broadway, New York, New York 10013 beginning at 9:30 a.m. and concluding by 2:30 p.m. Individuals wishing to view the Technical Conference may do so by accessing the live webcast:

<http://nyls.mediasite.com/mediasite/Catalog/catalogs/nyls-new-york-state-public-service-commission>.

The agenda and invited panelists for the Technical Conference is attached to this Notice. This Technical Conference is open to the public. The Technical Conference will be transcribed and made publicly available.

If you plan to attend either day of the Technical Conference, please contact Jan Goorsky at (212) 417-2378 or via e-mail at Jan.Goorsky@dps.ny.gov to comply with security arrangements.

For more information about the Technical Conference, please contact Margaret Manupella at (518) 474-4520.

(SIGNED)

KATHLEEN H. BURGESS
Secretary

TELECOM STUDY
TECHNICAL CONFERENCE AGENDA

DAY 1 – WEDNESDAY, FEBRUARY 24, 2016

Location: NYS Dept. of Public Service
90 Church Street – 4th Floor
New York, NY 10007
(212) 417-2378

I. The Status and Adequacy of Legacy Systems (10:15-12:15)

Issues to be explored include but are not limited to whether the State's regulatory light touch approach has produced consumer benefits and adequate protections, the status of core and non-core customers, basic service requirements, reliability and service quality (including nature, magnitude, location and cause of service quality problems), long and short term challenges, customer migration trends, and economic and physical viability.

Moderators

Michael Corso, Chief Consumer Advocate, Director of the Office of Consumer Services, DPS
Peter McGowan, Chief Policy Advisor, NYS Dept. of Public Service

Panelists:

Richard Berkley, Esq., Executive Director - Public Utility Law Project

Richard C. Bozsik, Director-State Gov't Relations - Verizon

Debra Goldman, Telecommunications Policy Director - Communications Workers of America

Robert R. Puckett, President - NYS Telecommunications Association

Questions to be addressed include:

(10:15 -11:00)

1. Review highlights of Assessment. Have consumers received positive (better) or negative (worse) results from light regulatory approach PSC has used in telecommunications markets? Are vulnerable customers worse off under this approach?

(11:00 -12:15)

2. What is the future of the copper network in terms of its ability to deliver what consumers demand and in terms of economic viability?

3. Do non-core consumers have sufficient choices for voice products? What role does level of competition play in establishing service quality regulation? Are wireless networks suitable replacements for wireline networks?
4. Are current levels of investment sufficient to adequately operate and maintain the copper system? Is the copper system improving, maintaining or deteriorating in terms of the quality and cost of service? What geographic areas of the State are likely to remain substantially reliant on the copper system?
5. What is the status of FiOS deployment in New York City?
6. Assuming the existence of service quality performance issues with incumbent local exchange company legacy networks in certain areas, what actions/steps if any should the State pursue? If portions of the copper network were upgraded to fiber or were to become uneconomic, what steps should be taken to balance consumer and investor interests?
7. Should the PSC's definition of basic service requirements be modified?
8. What interest does the \$23 price cap applicable to basic service serve today? Should the price cap be modified?

II. The Status and Adequacy of Advanced Broadband System (1:00 – 4:00)

Issues to be explored include but are not limited to the scope and adequacy of broadband currently, costs and financing, broadband as a basic service, technological changes and challenges, policies that could promote broadband deployment, affordability and adoption.

Moderators

Karen Geduldig, Director – Office of Telecommunications, DPS

Joseph Yakel, Utility Supervisor, Network Reliability – Office of Telecommunications – DPS

Panelists:

Benjamin J. Aron, Director, State Regulatory and External Affairs – CTIA-The Wireless Assoc.

Susan Crawford, John A. Reilly Clinical Professor of Law - Harvard Law School

Maureen O. Helmer, Partner - Barclay Damon, LLP - (Cable Association)

Susan Lerner, Executive Director - Common Cause New York

Travis Litman, Senior Legal Advisor - Office of FCC Commissioner Jessica Rosenworcel

Dr. John W. Mayo, Exec. Director - Georgetown Center for Business and Public Policy – Professor of the McDonough School of Business at Georgetown University (Mayo Study filed by Verizon)

Craig Moffett, Partner/Sr. Research Analyst/Founder - MoffettNathanson, LLC

Jeffrey S. Nordhaus, Exec. Vice President, Innovation & Broadband – Empire State Development

Questions to be addressed include:

1. What regions of New York State have inadequate access to advanced communication services?
2. With respect to investments, how do companies decide what monies will be invested or dedicated to enable advanced broadband capabilities and to sustain reliable service quality, especially if managing multiple networks?
3. Do additional steps need to be taken to close the digital divide?
4. Is competition for Internet access available for New York consumers? Is competition different in different areas of the State? Is the market producing reasonable pricing of broadband services at 3 Mbps, 10 Mbps, 25 Mbps, 100 Mbps? What is the standard? Is the market producing good service quality and adequate consumer protections? What standards do companies use to measure good service quality? What is the standard?
5. Are advanced wireless networks suitable replacements for wireline networks?
6. Recognizing that Commission policy seeks to promote investment and protect consumers, is there a minimum set of regulatory interests (e.g., basic consumer protections, stand-alone offerings, affordability, equitable contributions to public funding, emergency response and restoration, market monitoring) that should be overseen by the State?
7. What policies should New York State pursue to promote broadband access, affordability and consumer protections (e.g., Lifeline, statewide franchising, pole attachments)?

DAY 2 - THURSDAY, FEBRUARY 25, 2016

Location: New York Law School
Auditorium/Grand Gallery
185 West Broadway
New York, NY 10013
(212) 431-2163

III. Legal and Regulatory Issues (9:30 – 12:30)

Issues to be explored include but are not limited to success and failure of markets, competition, level playing field, scope of PSC oversight, modernizing consumer protections, and network reliability.

Moderators

Karen Geduldig, Director – Office of Telecommunications, DPS
Graham Jesmer, Assistant Counsel, DPS

Potential Panelists:

Richard Berkley, Esq., Executive Director - Public Utility Law Project
Maureen O. Helmer, Partner - Barclay Damon, LLP - (Cable Association)
Susan Lerner, Executive Director - Common Cause New York
Joseph Post, Deputy General Counsel-NY - Verizon
Michael J. Santorelli, Director - Advanced Communications Law & Policy Institute

(9:30 – 10:30)

1. The Commission does not currently regulate some major VOIP providers or wireless providers. Recognizing that Commission policy seeks to promote investment and protect consumers, and assuming there is a minimum set of regulatory interests (e.g., basic consumer protections, affordability, equitable contributions to public funding, emergency response and restoration, market monitoring) that should be administered by the State, is there a legal basis for State oversight over interconnected VOIP and/or wireless providers? .
2. Should the PSC oversee the filing and adoptability of IP to IP interconnection agreements under Telecommunications Act?

(10:45 – 12:30)

3. How should NYS/PSC treat broadband now that the service has been reclassified as a telecommunications service by the FCC pursuant to its Open Internet Order? What are the bounds of the State's jurisdiction over the service?

4. How should the State fulfill its mandate to encourage advanced telecommunication services, such as FiOS and other wireline networks, under 47 U.S.C. Section 1302 (Section 706 of the Act)? What scope of authority does the State have to order the expansion of wireline telephone networks including whether the PSC can specify the type of network architecture to be deployed (e.g., fiber)?
5. Are there any legal barriers to New York State pursuing policies that promote broadband access, affordability and consumer protections (e.g., emergency restoration, network reliability, market monitoring, pole attachments)?

IV. Next Steps (1:30 – 2:30)