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August 18th, 2015

The Honorable Audrey Zibelman, Chair
Public Service Commission of the State of New York
Department of Public Service
Three Empire Plaza
Albany, NY 12223-1350

Dear Chair Zibelman:

As you know, the New York Attorney General's Office has long advocated for high telephone service quality standards in New York. NYAG has participated in numerous Commission proceedings to ensure that New York customers, both individuals and small businesses, receive fair value for their monthly charges and that public health and safety is protected through reliable phone service.

While the Staff Assessment of Telecommunications Services you issued on June 23 is a ~~step toward fulfilling the legal requirement that the PSC undertake a comprehensive examination~~ and study of the telecommunications industry in New York, it left many questions unanswered, questions unlikely to be answered through the public statement hearing process, as that process is non-adversarial. Therefore, to fully understand the impact of deregulation on consumers and businesses, I urge you to initiate a formal proceeding in accordance with Article 1, Section 5 of the Public Service Law and 16 NYCRR Part 3. Such a proceeding, in front of an administrative judge, provides for evidence-gathering, allows for cross-examination and counter-evidence, and concludes with a final order or decision by the PSC. This process would best enable the Commission to evaluate complex issues and make policy recommendations. An evidence-based proceeding could develop facts to answer the following questions:

- whether there is adequate competition for broadband service throughout the various regions of New York State, and whether there are any areas that are still essentially cable monopolies;
- whether telecommunications companies are making honest representations about infrastructure build-out;

- whether consumers are satisfied with the various voice service options available to New York consumers; and
- whether Verizon is adequately upgrading or repairing its copper wire infrastructure, which is especially critical for New Yorkers who rely solely on landline service (in the absence of other voice options).

By moving forward in this manner, you can fulfill the PSC's mission of ensuring affordable, safe, secure, and reliable access to telecommunications services, and stimulating effective competitive markets that benefit New York consumers, and you will have taken a meaningful step towards ensuring that telephone companies in New York provide adequate service quality to their customers.

Sincerely,

A handwritten signature in black ink, appearing to read "Eric T. Schneiderman". The signature is fluid and cursive, with a prominent initial "E" and a long, sweeping underline.

Eric T. Schneiderman
