

Public Service Commission - Panel I
February 24, 2016

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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TELECOM STUDY - CASE 14-C-0370

TECHNICAL CONFERENCE

PANEL 1 - The Status and Adequacy
of Legacy Systems.

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NYS Department of Public Service
90 Church Street
New York, New York

February 24, 2016
10:00 a.m.

MODERATORS:

MICHAEL CORSO, Chief Consumer

Advocate, Director of the Office of
Consumer Affairs, NYS DPS

PETER MCGOWAN, Chief Policy Advisor,
NYS DPS

Reported by: Kari L. Reed

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PANELISTS:

Richard C. Bozsik, State Government Relations,
Verizon

Debra Goldman, Telecommunications Policy Director,
CWA

Susan Lerner, Executive Director, Common Cause New
York

Robert Puckett, President, NYS Telecommunications
Association

ALSO PRESENT:

Commissioner Patricia L. Acampora

Commissioner Gregg Sayre

Audrey Zibelman, Chair, NYS PSC

Karen Geduldig, Director of Office of
Telecommunications, DPS

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2 MR. MCGOWAN: Okay, if we can
3 settle in and get started. Good morning. My
4 name is Peter McGowan. Welcome to the
5 technical conference that was recently
6 noticed -- you're ready, right -- in case
7 14-C-0370, in the matter of the study on the
8 state of telecommunications in New York.

9 I want to just start by
10 acknowledging that with us today are
11 Commissioners Acampora and Sayer. I expect
12 Chair Zibelman to be here today, but there may
13 have been something that has delayed or
14 interrupted with her ability, but I know she
15 was planning on being here today. So thank
16 you very much for being here.

17 And just to start out, I'm going to
18 turn to my colleague, Karen Geduldig, who is
19 the current and recent addition to our team as
20 the director of the office of
21 telecommunications who will just give a couple
22 of introductory remarks. Karen.

23 MS. GEDULDIG: Hello. Is this on?
24 Yes.

25 Good morning, and welcome to the

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2 Department of Public Service's technical
3 conferences on telecommunications. These
4 technical conferences are being held as part
5 of the Department's comprehensive examination
6 of the communications technology industry.
7 I'm Karen Geduldig. As Peter said, I'm the
8 new Director of the Office of
9 Telecommunications at the Public Service
10 Commission, and I have the honor and privilege
11 of welcoming you here today.

12 So what drove the department to
13 hold these telecommunications conferences.
14 The types of technologies that consumers are
15 using today are rapidly changing before our
16 eyes. There are more options today than ever
17 before. And each type of communication
18 technology puts increasing demands on the
19 network. Each type of communications
20 technology works a little bit differently.
21 They have different strengths and they have
22 different weaknesses. Some of them are
23 well-known and others less so. Cost is a
24 limiting factor for use of these services, as
25 is availability. And that's the backdrop

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2 against which the Department launched and was
3 petitioned to conduct this comprehensive
4 examination of telecom in the State of New
5 York. The purpose of the study is to evaluate
6 from a technical point of view as well as the
7 consumer's point of view how to best ensure
8 that the policies, economy, and consumers of
9 New York State are best protected. With these
10 technical conferences, a cross-section of
11 advocates will deeply analyze the options, the
12 opportunities and the issues that consumers
13 confront when they're using these
14 communications technologies. And we can
15 discuss our respective roles that we can take
16 to make sure that these services are
17 available, affordable, reliable, secure, and
18 flexible enough to keep pace with changing
19 demand.

20 I'm moving ahead of my slides, I
21 apologize for that.

22 Within the study the department
23 has, among other things, produced a factual
24 assessment of the telecommunications in New
25 York State, and we sought public comment from

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2 consumers and advocates across the state.
3 There have been many themes that have emerged.
4 For example, consumers have increasing numbers
5 of communications technologies and platforms
6 to choose from, and their choices continue to
7 change and to overlap.

8 In 2006, which was the last time
9 the department really updated its
10 communications related policies, most people
11 used a phone to communicate or email. Voice
12 over IP telephony was relatively new, and,
13 wireless telephony had been dominant for
14 approximately 24 months. Email was the
15 prevalent way to communicate in a non-voice
16 capacity.

17 Today the choices are astounding.
18 Traditional voice communications are served by
19 any of three types of wire line systems, both
20 copper, fiber and cable as well as wireless.
21 People are using SMS texting not just to
22 communicate with friends and family, but also
23 to receive critical updates on things like
24 school and work closures, updates on
25 emergencies and weather related incidents, and

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2 to receive things like reminders about
3 doctor's appointments. People are using their
4 Internet connections for voice and video
5 communications. They -- products like Skype
6 and Go To Meeting allow for people to talk to
7 one another across the country and across the
8 world, just for the cost of an Internet
9 connection. And we have a proliferation of
10 social media sources to allow for mass
11 communications and crowd sourcing.

12 So these types of innovations are
13 not us impacting our social and family
14 communications, they're greatly expanding
15 things like employment flexibility, business
16 and nonprofit coordination, and massive relief
17 efforts for global catastrophes.

18 So this graph is taken directly
19 from the department's factual assessment, and
20 it directly illustrates that consumers are
21 making different choices. So according to
22 this graph, I know it's a little bit of an eye
23 chart, in 2000 roughly two times the consumers
24 were using traditional telephony systems offer
25 wireless. By 2006 the trend had completely

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2 reversed. And by 2013, consumers were using
3 wireless telephony roughly four times more
4 than traditional telephony. And in fact, by
5 2013, you'll see that voice over IP telephony
6 had begun to overtake traditional.

7 So another theme has clearly
8 emerged from the factual assessment, and
9 that's broadband has become the century's
10 essential service, much like telephony was
11 last century. Broadband is critical to the
12 acceleration of commerce in our state and in
13 our economy. It's critical to our state's
14 efforts in energy, health care, public safety
15 and more. But how? So having a sufficient
16 Internet connection allows people to attend
17 educational institutions, take certifications
18 or training courses that they might not have
19 ever even known about or didn't have the
20 financial means to attend in person. This in
21 and of itself creates employment
22 opportunities. But when you couple that with
23 remote job opportunities or telecommuting,
24 your employment opportunities expand even
25 more. And this can be particularly important

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2 for some of our citizens living in more remote
3 areas of the state.

4 The Internet has clearly created
5 opportunities to increase a business's
6 customer base, which is very important for our
7 small and new businesses. And what we're also
8 seeing more of is how broadband can improve a
9 citizen's unique success in society. And I'm
10 talking about here is the Internet of things.
11 The Internet of things has expanded the
12 Internet to everyday devices that can
13 communicate -- that can connect to the
14 Internet and communicate. It's everyday
15 devices acting as sensors to collect and
16 transmit data back to consumers in a way that
17 benefits them. And there are a long list of
18 examples. Smart energy meters. They collect
19 data about a homeowner's energy use, and
20 empower the homeowner to embark on a more
21 efficient energy use pattern. The homeowner
22 saves money, which incentives them to have
23 even more efficient energy usage. Now, if you
24 multiple that phenomenon across multiple
25 households, the impact on the environment and

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2 on our state and our nation's global
3 dependency on energy can be very positive.

4 At home patient monitoring is
5 another great example of the Internet of
6 things and the impact on our citizens. So
7 with at home patient monitoring, health care
8 providers can send patients home to cover
9 recover with a device that transmits the
10 health statistics back to the doctors and
11 nurses at the hospital. This offers a low
12 cost way for patients to recover that is also
13 more comfortable for the patient and has a
14 higher success rate.

15 Fit Bits. So Fit Bits seem like a
16 nice to have. But there are many schools that
17 are contemplating deploying Fitbits to
18 elementary age children. When those bracelets
19 interact and communicate back to the kids, it
20 generates a competition around who has taken
21 the most steps by class, by day, by year, and
22 that in turn can be a very low cost and
23 effective way of combating things like
24 childhood obesity and diabetes.

25 Connected cars. Connected cars are

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2 using broadband to communicate with one
3 another to prevent accidents, limit
4 congestion, and have a -- limit congestion and
5 have more fuel effective travel. Connected
6 cars can also communicate with emergency
7 response, which can shorten and make emergency
8 response more effective.

9 And speaking of emergency response,
10 broadband and networking is and will continue
11 to play a major role in responding to crises
12 and recovering from disasters. From alternate
13 communications to the management of assets and
14 resources in these types of emergencies,
15 communications will be the key to an aligned
16 and effective emergency response.

17 And the list really does go on and
18 on. This is a state of communications
19 technology that the department is evaluating.

20 So, as the department undertakes
21 this analysis of the industry, it remains
22 dedicated to continuing to protect consumer
23 interests, which includes things like access
24 to critical communications services and just
25 and reasonable pricing. And the department is

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2 also dedicated to ensuring that service is
3 reliable. But we also recognize that
4 consumers should not just have reliable
5 service but that businesses should be
6 incentivized to produce superior service. We
7 want to incentivize the market to develop
8 better products, improve service and continue
9 to be better. It's possible that these
10 interests are potentially at odds and may
11 require balancing. And in that light the
12 department is looking to generate policies
13 that balance these interests through these
14 conferences and other opportunities to
15 participate in the study.

16 But we also believe that it's
17 possible for these interests to align. And
18 that is another purpose of these technical
19 conferences. By engaging with stakeholders
20 and experts and consumers, we believe we can
21 find the best balance and alignment with
22 consumer interests, innovation and superior
23 service.

24 So today's conference hosts three
25 panels, which are meant to generate insights

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2 and commentary that will be part of the basis
3 to staff recommendations to the commission
4 about whether and how to modify its
5 communications related policies to balance and
6 align these interests.

7 So these panels are, panel one,
8 which will start shortly, which is the status
9 and adequacy of traditional systems, where
10 we'll be exploring service quality and
11 reliability of services over legacy systems,
12 long and short term challenges, customer
13 migration trends and competition, and economic
14 and physical sustainability. Panel two is on
15 the status and adequacy of advanced broadband
16 systems, where we're exploring barriers to
17 deployment, the evolution of competition,
18 whether the market has produced sufficient
19 service standards and reasonable pricing and
20 lack of access in certain regions of the
21 state. And panel three, which is tomorrow, is
22 on legal and regulatory issues. We will be
23 exploring the reclassification of broadband as
24 a telecommunications service, the state's
25 obligation to encourage advanced

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2 telecommunications services, and other
3 jurisdictional questions related to the
4 evolving communications platforms and
5 services.

6 I and other department staff will
7 be at the conference for both days. And I
8 look forward to meeting and talking to
9 everybody, both one on one and at these
10 panels. And with that I'm going to turn it
11 back over to Peter and to Michael Corso for
12 panel one. Thank you.

13 MR. MCGOWAN: Great. Thank you,
14 Karen. And if you could, Karen --

15 MS. GEDULDIG: Yeah.

16 MR. MCGOWAN: -- just peel back
17 that one chart from the assessment. And
18 rather than try to get into summarizing the
19 quite extensive facts that were set forth in
20 the assessment, in my view that chart is kind
21 of the best way to get a picture for what is
22 happening today, and what has -- what has
23 happened since the Commission's last major
24 review in Comm 3 ten years ago.

25 So now we are going to delve into

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2 panel one. We have a series of questions that
3 we designed, trying to engage in the issues
4 that were the most important issues to engage
5 in. And thank you to the panelists for
6 assembling today.

7 I do want to note that
8 unfortunately last night we heard from Richard
9 Berkeley, who's experiencing some serious back
10 problems. And it would have been -- it was
11 impossible for him to join us today. So we're
12 disappointed that Richard could not make it.
13 We reached out to Susan Lerner last night, and
14 she graciously agreed to sit in the panel
15 today. So we appreciate your coming. I know
16 that this is a last minute thing.

17 But, you know, the point of today,
18 and really both today and tomorrow is to begin
19 to join some of these issues. So let's, I'm
20 trying to have a conversation, a discussion
21 about the issues. And the most important
22 thing to me is to frame up the right
23 questions. Because there's lots of questions
24 that we could ask, but I think it's important
25 that we frame up the right questions so that

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2 we are pursuing the right things, all of which
3 is designed to promote the public interest.
4 That's what we're here to do.

5 So hopefully you heard some of
6 that.

7 Again, Susan Lerner, thank you for
8 joining us today.

9 Also with me on the panel, Debra
10 Goldman from CWA. And Richard Bozsik from
11 Verizon. And Bob Puckett, who represents the
12 New York Telephone Association. So that is
13 not necessarily all of the carriers in New
14 York, but a large number of the smaller
15 carriers in upstate New York.

16 So the first question that I
17 thought we should explore is really a very
18 broad question, and in some respects it's a
19 hard question to answer, but I think it's a
20 question worthy of some discussion. So the
21 question was posed as follows. Have consumers
22 received benefits, have they received positive
23 or better -- positive, better or negative,
24 worse results from light -- from the light
25 regulatory approach that the Commission has

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2 used in the telecommunications markets. So by
3 way of a very, you know, brief history that
4 hopefully we're all aware of, many, many years
5 ago, it's probably 20 years ago at this point,
6 the Commission did engage in rate of return
7 regulation, cost of service was the sort of
8 driving force for setting rates and service
9 quality. The Commission still does that in
10 certain areas, certain industries, but it has
11 not done that in the telephone market for
12 probably I'm thinking 15, 20 years. Instead,
13 it has gravitated towards reliance, increasing
14 reliance on competition to produce benefits
15 for consumers in New York. So the question
16 is, how has that worked. And maybe even a
17 more fundamental question is how would you
18 even begin to approach that question. How
19 would you analyze that question to know how to
20 analyze it.

21 So let me start by reading a piece
22 from a study that was submitted in this case.
23 It comes from Professor John Mayo. And he
24 writes as follows: "New York was an early
25 leader in the recognition of the emergence of

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2 competition in telecommunications markets.

3 The Commission embraced this transition and
4 enabled the emergence of competition. Yet, in
5 spites of the New York Commission's findings
6 in 2006 that telecommunications industry in
7 New York was sufficiently competitive to rely
8 on market based outcomes rather than public
9 interest regulation, regulatory changes in New
10 York had subsequently been modest" -- I think
11 modest relative to other states and other
12 regulatory agencies. "Of note, this slow down
13 has occurred over the same period in which the
14 marketplace, particularly in the less
15 regulated wireless and broadband sectors, has
16 produced astonishing technological gains,
17 choices, investments, and prices that have all
18 benefited consumers." "Nevertheless", he
19 continues, "some observers have gone so far as
20 to argue that movement towards a lighter touch
21 regulatory environment should be reversed."
22 So that's kind of another way of expressing
23 thoughts of all right, so how do we know.
24 Have consumers benefited from the commission's
25 light regulatory touch or not.

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2 So John Mayo goes on to look at
3 this from the perspective of several points of
4 data that presents to end users of New York
5 and others, consumers of New York, about how
6 have they been affected by this regulatory
7 regime. And he looks at it in terms of
8 outputs, which is kind of a measure of well,
9 what has happened to penetration rates. Have
10 consumers in New York had penetration rates
11 increased, have they decreased. Have
12 consumers increased their use of these
13 products. If they have, that might be a sign
14 that the marketplace is satisfying consumers'
15 demands. Second, has innovation occurred, has
16 it occurred to the benefit of consumers.
17 Third, what about price. What has happened to
18 price. Have prices gone up, down, have they
19 moved in ways that produce more efficient
20 outcomes. And then, finally, investment.
21 Have investments been made -- have been --
22 investments been made to respond to consumer
23 demand.

24 So I thought that was an
25 interesting way of analyzing this broadest

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2 question, and so that is the first question
3 here. Let me pose that question then and let
4 me ask maybe Richard Bozsik, since this study
5 came in through your comments, to take a first
6 crack at it.

7 MR. BOZSIK: Thank you.

8 MR. MCGOWAN: And then maybe we can
9 move to Deb, all right?

10 MR. BOZSIK: Thank you, Peter, very
11 much. I'm not going to -- it is.

12 MR. MCGOWAN: Can you see that
13 green light?

14 MR. BOZSIK: Yeah. Thank you.

15 I'm not going to comment on
16 Dr. Mayo's study, that's his work. And the
17 study provides additional information in
18 regards to his analysis. And I'm sure that
19 that topic can be discussed in the second
20 panel, which he's going to be on later this
21 afternoon, if it presents itself. But let
22 me -- let me give you Verizon's perspective.

23 I mean, from what all of Karen was
24 saying before, I think it's fair to say that
25 the wireless and the broadband market in New

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2 York as well as elsewhere in the United States
3 has exploded with innovation and service
4 offerings that customers only dreamed about
5 years ago. In fact, since the last time that
6 the Commission did a study on
7 telecommunications the world has changed. And
8 I think the light touch regulatory approach
9 that the Commission took in that respect has
10 really fostered the market in regards to
11 innovation and investments. I mean, that
12 said, the Commission has definitely made some
13 progress on having a lighter touch on the wire
14 line regulations over the course of the past
15 several years. For instance, I think the
16 Commission and the service quality improvement
17 plan acknowledged the impact of competitive
18 alternatives on customers, and obviously --
19 with the focus obviously on providing good
20 service to customers that the Commission
21 considered vulnerable.

22 I think there's obviously some
23 things that need to be done. For instance, in
24 regards to light touch regulation, there are
25 certain things that the Commission still has

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2 in place that go back decades ago, back to
3 when Verizon and other companies doing
4 business in New York were fully regulated
5 providers. For instance, just to give one
6 example, is the sale of property, the
7 transactions that we have for the sale of
8 buildings. In that situation Verizon needs to
9 file with the Commission for permission to
10 sell its properties and confirmation for that
11 transaction. And given it's a very
12 competitive market in New York for real estate
13 as well, it ultimately has the opportunity to
14 tie things up.

15 I think overall the light touch
16 regulation and the steps that the Commission
17 have taken are good, have been good for the
18 market. I think there's more that needs to be
19 done. And, as I mentioned earlier, I think
20 that approach incentivizes investments in the
21 market.

22 MR. MCGOWAN: Okay. Deb?

23 MS. GOLDMAN: Well, I'm going to
24 present a different perspective. First I want
25 to say thank you to the Commissioners for

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2 hosting this conference, to the staff for the
3 work that you've done. And we're delighted to
4 participate and look forward to continuing
5 participation.

6 Is this on?

7 MR. MCGOWAN: See that green light
8 has to come on, so push that. There you go.

9 MS. GOLDMAN: Thank you to the
10 commissioners and to the staff for all of the
11 work you've done to get us to this point. We
12 look forward to continued participation going
13 forward.

14 Almost two years ago a petition was
15 submitted to this Commission from Connect New
16 York Coalition of consumers, labor
17 organizations, elected officials, state and
18 local, from across the state. And the
19 petition asked the Commission to take a look
20 at is the light touch, or I would call it
21 deregulation, working for all consumers and
22 for all business and all organizations,
23 schools, libraries, that need to have access
24 towards, as you said, broadband and voice
25 telephony to protect public safety, economic

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2 development, and all the benefits that come
3 from broadband. And we have been looking for
4 answers to the kinds of questions that you're
5 looking at. And we want it to be a data
6 driven examination.

7 The data, quite frankly, is hidden
8 or not available. But when you look at the
9 data and look at is the deregulation, is the
10 competitive framework working for all people
11 in the State of New York, you see that there
12 is a vast divide. And while many people are
13 using their cell phones, that's not a
14 substitute for a wire line connection. You
15 need to have a wire line connection in order
16 to have the kind of connectivity to do your
17 homework, apply for a job, access the vast
18 information on the Internet.

19 I'm going to cite just one
20 statistic that shows why you need both a wire
21 and a wireless. The FCC, as this PSC
22 concluded that these are not substitutes,
23 these are complementary. And they looked at
24 the survey. People with home wire line
25 broadband used 57 gigs a month. People with

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2 smart phones use 1.9 gigs a month. In other
3 words, if your kid is going to be doing their
4 homework, if you're looking for a job and have
5 to fill out job applications, if you're
6 uploading your photos, if you're downloading
7 videos, and multiple people are doing that in
8 the home at the same time, or at school, or in
9 the library, you can't rely just on a smart
10 phone. So we can't start with that chart that
11 you showed. We need to have wired
12 connections.

13 And what's happening in the state?
14 Ten years ago Verizon announced we're going to
15 build an all fiber network and began to get
16 cable franchises to create the economics and
17 the regulatory environment for investment in
18 their all fiber network. And they began
19 redeploying many of our members -- some of
20 whom I want to recognize as being so
21 interested in this issue, both for themselves
22 and their families and their neighbors, that
23 they've come here today. And so thank you
24 very much for being here, the real experts
25 about what's going on in the telecom industry

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2 here in New York -- began to be redeployed to
3 building the FiOS. And then in 2010 there was
4 an announcement that the FiOS deployment was
5 going to stop. And the impact has been that
6 upstate New York, eastern Long Island and many
7 of our rural towns are dependent upon one
8 provider or dependent upon Verizon's copper
9 network for their landline service. And this
10 landline copper network is deteriorating and
11 falling apart before our very eyes. And, as
12 we go on, I brought some pictures to
13 demonstrate that, and I want to share those.

14 When we asked for some information
15 from the Commission and got a Freedom of
16 Information, we looked at some of the data,
17 that unfortunately is hidden from public view.
18 And this is the kind of information that needs
19 to be examined in an on-the-record evidentiary
20 hearing, where we can cross examine each other
21 and really look at the information, and be
22 data driven and policy.

23 Consumer complaints exceed the
24 PSC's benchmark every single month over the
25 past three years since 2012. Trouble reports

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2 in wire centers, half of them exceeded PSC's
3 benchmark. Even for the small group of
4 customers called core customers, low income,
5 disabled, elderly, for whom there's reporting
6 of out-of-service recovery within 24 hours,
7 even there the benchmarks aren't met about a
8 quarter of the time. So something is
9 seriously wrong. And this needs to be
10 examined.

11 But the light touch deregulatory
12 approach is not protecting these customers.
13 And without competition and, as we know,
14 competitive markets drive investment where you
15 make the most money. It's the responsibility
16 of this Commission to ensure that everybody is
17 protected and has access to quality
18 communications. So if competition is in the
19 lucrative markets, and we know even in some
20 places that isn't true, the City of New York,
21 where the FiOS build has not met the franchise
22 obligation. But certainly it is the
23 obligation of this Commission to collect the
24 data and examine whether the current light
25 touch policies, which we believe are not

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2 working, are protecting everybody in New York.

3 MR. MCGOWAN: We'll come back to --
4 let's complete our run through the panel
5 first. Let me -- thank you, Deb.

6 Bob Puckett.

7 MR. PUCKETT: Thank you, Peter. I
8 just feel like I have to say while I'm up
9 here, could the secretary please read the next
10 item on the agenda.

11 (Laughter).

12 MR. PUCKETT: Anyway --

13 MR. MCGOWAN: You are it, Bob.

14 MR. PUCKETT: Thanks. And thanks
15 for inviting me.

16 Just a little bit of background.
17 Peter mentioned the New York State
18 Telecommunications Association. I'll turn on
19 the mic. We've been around since 1921. Peter
20 mentioned that we represent a lot of the
21 smaller companies upstate, which we do. But
22 in full disclosure mode, Verizon is a member
23 of NYSTA as well.

24 Many people here today are thinking
25 of, you know, incumbent telephone provider, we

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2 are talking Verizon. Well, there are 40 of
3 them across the state. Many upstate, there's
4 one downstate, Fishers Island Telephone
5 Company, serving Fishers Island. Just to put
6 in perspective, there's more than just Verizon
7 in this state. And our association is made up
8 of incumbent providers as well as competitive
9 local exchange carriers. We have about 45
10 carriers in total as members of the
11 association. And basically our incumbent
12 members, I can't read the chart, but it's the
13 red line there that's going south very
14 quickly. So let's put that all in a context
15 while we're here.

16 Have consumers benefited from light
17 touch regulation, you have to look at that in
18 terms of are we talking about ILEC regulation,
19 CLEC regulation, wireless regulation, cable TV
20 regulation. We are all regulated differently.
21 Yes, there's been some, as far as the
22 incumbents go, there have been some modest
23 changes to the state of regulation of those
24 carriers. But in no way is it deregulation.
25 You can ask any of my members that, and they

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2 will tell you why that is true. We think the
3 state could do more for the incumbent carriers
4 in terms of reducing regulatory oversight.

5 Some of these carriers upstate, the
6 smaller ones, and I know today's discussion is
7 probably going to center around Verizon quite
8 a bit, but these carriers upstate are as small
9 as serving 400 customers in some village
10 somewhere in upstate New York. So there's a
11 big vast system, ecosystem, out there.
12 Verizon is one big part of it, but there are
13 many others.

14 And have consumers benefited,
15 certainly they've benefited. With the
16 explosion of wireless, with the explosion of
17 cable, who is now the dominant provider of
18 landline in New York, not Verizon, and not my
19 members, but cable. I'm sort of curious why
20 cable isn't here talking about the status of
21 regulation, but that's another day, another
22 issue.

23 So I think they have benefited. I
24 think more can be done for reducing regulation
25 on the incumbent carriers. Similar to how

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2 CLECs were treated, and we can get into that a
3 little later in the discussion. But I just
4 want to start with that. So thank you.

5 MR. MCGOWAN: Okay, thank you.

6 Susan.

7 MS. LERNER: Thank you, Peter. And
8 my apologies, I'm suffering from a cold, and
9 I'm a very poor substitute for Richard
10 Berkeley on this topic, as I do not have a
11 tremendous depth of knowledge as he does on
12 the New York regulatory scheme. But I can
13 speak from the perspective of an organization
14 which has been speaking to its members and
15 others across the state to ask them whether
16 they feel deregulation has been successful.
17 And certainly, you know, one of the concerns I
18 think has been when we look at the chart, you
19 know, there are various statements from
20 various entities at various times about the
21 need for an orderly transition which protects
22 consumers. Our concern is that too much of
23 this discussion is focused on what's healthy
24 for the industry, and not enough is focused on
25 what the Commission itself identified as its

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2 primary goal in deregulation, which was to
3 ensure that consumers receive the appropriate
4 protection, and that they continue to have
5 universal, at least access to universal
6 telecommunications services.

7 Our experience at Common Cause in
8 talking to our members is that if we start the
9 discussion from the consumer point of view, it
10 looks very, very different than what we've
11 heard from the industry representatives.
12 Consumers are not happy with the transition.
13 Consumers feel that they are out in a
14 cutthroat marketplace on their own. That they
15 are up against gigantic telecommunications
16 entities which make billions of dollars in
17 profit and are not responsive to their
18 concerns. Just take a look at any wireless
19 telephone contract and ask yourself whether
20 the consumer has any bargaining power
21 whatsoever.

22 When I went to law school eons ago,
23 there was something called the contract of
24 adhesion, and that was a one-sided contract.
25 The telecommunications contracts today are

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2 perfect examples of that. And we believe that
3 it would be appropriate for the Commission
4 actually to increase its regulation,
5 particularly increase its regulation of the
6 wireless market because of the chart that we
7 have been shown. Consumers really have no
8 idea what they are exchanging when they go to
9 wireless or go to VOIP. I'd like to suggest
10 that in certain cases, we don't have the
11 statistics but certainly we are hearing from
12 people, consumers are making that switch not
13 voluntarily at all. They're making the switch
14 either because of the degradation of the
15 legacy copper system, or because they have
16 been given some package by the cable industry
17 which seems to be economically driven from
18 their point of view, but of course, as we
19 know, these entry packages sunset out, and
20 prices then go up.

21 If you ask consumers are the two --
22 are the three services equivalent, do they
23 provide the same telecommunications basic
24 service, they will tell you no. Yet the basic
25 service definition here is unchanged and is

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2 based around a wired service. As perhaps it
3 should be. Perhaps what we would like to see
4 in the marketplace is that the wireless and
5 cable competitors begin to provide some of the
6 services which we find in the wired system
7 which are essential to consumers that we are
8 hearing from.

9 So from a consumer point of view
10 they feel lost. They feel that the
11 marketplace is not serving them. They feel
12 it's not providing clear information. They
13 feel that the services are unreliable and
14 overpriced. And I think it's important that
15 we really pay attention to what consumers are
16 telling us the result of deregulation is.

17 MR. BOZSIK: Peter, if I could have
18 an opportunity --

19 MR. MCGOWAN: Yes.

20 MR. BOZSIK: -- just to comment on
21 a number of issues that were raised. There
22 was many issues that were raised by Debbie.
23 With all due respect, I disagree with pretty
24 much --

25 MR. MCGOWAN: Is your mic on?

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2 MR. BOZSIK: Yeah. Pretty much
3 everything you had mentioned, and I'll get
4 into a couple of those issues in a minute, but
5 to save time for the purposes of this panel I
6 won't address every issue. But I think that
7 what we have to do is focus on what is the
8 customer preference. Not necessarily whether
9 or not a wireless provider is providing all of
10 the services, all the functionalities that a
11 wire line company provides to its consumers.
12 It's whether or not consumers are getting the
13 services that they want. And I think the
14 information that we have, the statistics that
15 we have would show consumers are leaving wire
16 line and are migrating over to wireless or
17 voice service clearly underscores the
18 importance that consumers are making
19 intelligent decisions on the voice provider of
20 their choice. Recent information shows that
21 about 50 percent of voice customers are
22 cutting the cord.

23 Now, let's just talk a little bit
24 about what -- I mean, we got into this issue
25 of deregulation. But, like Bob was saying,

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2 we're not at a point of deregulation for wire
3 line. And I think the Commission and staff in
4 their study acknowledged that. As I mentioned
5 earlier, there have been some steps
6 acknowledging that the market is competitive.
7 But what's important to understand is that
8 Verizon is providing outstanding service
9 quality to the customer -- to its customers.

10 Let's take a look back and take a
11 look at the customer trouble report rate. The
12 customer trouble report rate, which is, you
13 know, how many customers are reporting any
14 given service outage of any given month,
15 clearly shows that the service quality is
16 getting better over the course of the past ten
17 years. The trend shows improvement. In fact,
18 we are well below the Commission's objectives
19 set for that customer trouble report rate
20 threshold. The Commission has it at 3.3. The
21 company is providing service right now at
22 below two percent. So obviously that shows
23 that we're providing extremely reliable
24 network. And in regards to the out-of-service
25 conditions, the record and the information

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2 shared with staff, that obviously is public,
3 clearly shows that we are doing an outstanding
4 job in providing good service to our
5 customers. Thank you.

6 MR. MCGOWAN: Thank you. All
7 right.

8 I want to just try to drill in a
9 little bit. The question is difficult because
10 the question that we're trying to pose is does
11 the system, does the system that we're using
12 provide benefit to a broad array -- a broad
13 array of customers. And I acknowledge that we
14 have to ask a corollary question, which is,
15 does the system that we're using also provide
16 adequate protections to vulnerable -- to
17 vulnerable consumers, consumers who may need
18 protection more than others. And I want to
19 just try to drill into one -- one fact,
20 because -- well, if the question I'm asking,
21 though. The question --

22 MS. LERNER: Yeah, but that's not
23 the statutory standard. It's not
24 vulnerable -- it's not vulnerable consumers,
25 it's all consumers.

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2 MR. MCGOWAN: I know. I'm asking,
3 does the system that we're -- that we're using
4 provide benefits to all consumers. Does it
5 provide benefits to a vast majority of
6 consumers. Does it provide benefits -- does
7 it provide better benefits than a regulatory
8 approach. And to the extent we have to look
9 at more vulnerable customers, where does the
10 system not serve customers, and should we
11 focus there.

12 So I want to just draw out one
13 question, one fact, because one of the
14 outcomes that I think seems relevant is well,
15 how about penetration rates. Have penetration
16 rates, the extent to which customers in New
17 York are actually on the phone system. That's
18 one measure of whether the system is working
19 or not working.

20 So the -- so that's -- normally I
21 think the penetration rate, as depicted in the
22 Mayo study, and in part depicted in the staff
23 assessment, was reported based on federal data
24 in 2006 at 94.8, and in 2013 at 98 percent.
25 New York penetration rates. And both of those

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2 penetration rates for New York were higher
3 than the U.S. average. So is that a relevant
4 question to determining whether the system
5 that we're operating under is providing
6 benefits to consumers in that one dimension.
7 There are other dimensions, but I'm just
8 trying to focus on one dimension. And one of
9 the reasons we're trying to focus on this is
10 because this is a point that PULP made in
11 their comments. But what they did was they
12 used a statistic that was different than these
13 statistics. And I'm trying to reconcile the
14 two statistics because I'm concerned that they
15 may have been using a statistic based on a
16 survey that is not the most robust survey that
17 the FCC administers.

18 So is this metric, is this data
19 relevant to the question that we're trying to
20 address here. Deb.

21 MS. GOLDMAN: I don't have the
22 number from the PULP study. Obviously it is
23 important to look at what is the
24 penetration -- the number of people that have
25 access to voice telephony, and that's

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2 important, whatever the technology is. But,
3 as you all said, broadband has become the
4 century's essential service. So the critical
5 question to be asking, in addition to who has
6 access to voice telephony, and within that,
7 even if we accept your number, what can we do
8 to ensure that that two percent --

9 MR. MCGOWAN: Sure.

10 MS. GOLDMAN: -- is not left out.
11 But the really critical question to be asking
12 is how well are we ensuring that across the
13 state low income, rural throughout urban,
14 suburban, across the state people have access
15 to the telecommunications system of the 21st
16 century. And that's broadband. We have some
17 data. You've put some in your staff report.
18 The FCC has collected data on that. The FCC,
19 for example, their most recent broadband
20 report found that in rural New York, 17
21 percent of the population do not have access
22 to broadband at the speeds that the FCC
23 considers to be what is needed in today's
24 society and economy, which is a 25 meg down,
25 three meg up, 17 percent don't have access.

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2 The FCC has also given national
3 statistics, I have not seen it in New York,
4 and this gets to the regulatory question, of
5 how many people, even in urban areas of New
6 York, only have one choice for a broadband
7 provider. And if that is one choice, and as a
8 result of the conditions that have been
9 imposed as part of the Time Warner - Charter
10 deal here by the PSC, that may be an expansion
11 of the broadband capability and access for
12 those who have access to a cable provider.
13 But that's one provider, who therefore has no
14 competitive push outside of those conditions
15 to continue to innovate, to drive down prices,
16 to improve service quality going forward after
17 those conditions run out.

18 So those are the kinds of questions
19 that need to be explored. And as part of
20 this, and as we talked about in the Connect
21 New York petition, what needs to be explored
22 is the current definition that the PSC has of
23 basic telecom service, the appropriate
24 definition for the 21st century. And instead
25 should that be expanded, and there is a legal

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2 basis for this, I know you'll explore it
3 tomorrow.

4 MR. MCGOWAN: Well, actually we're
5 exploring that question later today.

6 MS. GOLDMAN: Okay.

7 MR. MCGOWAN: And let me note that,
8 acknowledging your point about broadband, it's
9 a very important point, that is the principal
10 focus of panel two.

11 MS. GOLDMAN: And so I want to say
12 that the statistic I often -- that is an
13 important statistic about the number of
14 people, and critically young people, who are
15 wireless only, the statistic I really want to
16 see is, of those who are wireless only for
17 voice, how do they get their broadband
18 connectivity. So that does not mean that
19 there is no wire into the home, the school,
20 the business, the library, the community
21 organization. And if this Commission goes in
22 a direction that says fine, we're okay if
23 people are getting their wireless doing their
24 homework off their smartphone standing outside
25 a McDonald's because they don't have home

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2 broadband and so they have to get the Wi-Fi
3 after nine o'clock at night out of McDonald's
4 to do their homework, what that's ignoring is
5 the entire economics that come from an economy
6 of scale and scope of ensuring that we don't
7 let our wired infrastructure deteriorate to
8 such a point that there really is either no or
9 only one wired provider of robust broadband.

10 MR. PUCKETT: Peter, if I may.

11 MR. MCGOWAN: Okay, yes, Bob, one
12 second. Let me just -- let me just alert the
13 panelists that I had kind of allocated 30
14 minutes for this question, so let me just ask
15 you each if you have a concluding thought on
16 this question, and then we are -- we should
17 move on so that we can get to the other
18 questions. Bob.

19 MR. PUCKETT: In general, consumers
20 and the data that you look at does show
21 consumers are receiving the benefit of various
22 modalities and forms of telecom service. Are
23 there instances where somebody doesn't have
24 sufficient broadband, are there instances
25 where maybe a CTERR -- CTRR level is down one

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2 month, sure there is. It's not a black and
3 white world out there. There's grey out
4 there. But overall, in general the data shows
5 quality landline copper, fiber voice service.
6 Again, we're talking about the red line here
7 and not the other lines. And does more need
8 to be done on broadband? Certainly. But New
9 York ranks in the top ten states in terms of
10 availability, average speeds. And I suspect
11 most schools, libraries, places like that do
12 have wired connections, and yes, there may be
13 areas of the state that still could have more
14 broadband in the very rural areas. But it's
15 getting there. And it's with programs like
16 the Governor's \$500 million grant program that
17 will certainly move the needle up quite a bit.

18 You've got folks out there in
19 upstate New York, I've got one company, the
20 customer's 26 miles from the central office,
21 and they get six meg. I mean, and there are
22 people that maybe get less. And then of
23 course the FCC keeps changing the definition
24 of what is broadband. It was what, 6.1, and
25 now it's 25.3, in the state it's a hundred --

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2 100.100?

3 MR. MCGOWAN: A hundred four, I
4 think.

5 MR. PUCKETT: I forget.

6 But progress is being made, and New
7 York is ranked in the top ten in the country
8 in terms of availability. More needs to be
9 done, I'll put my hand up, and it's getting
10 done. And, you know, cable may be the only
11 provider in certain parts of the state.

12 Unfortunately, competition is hard when you've
13 lost, what, 76 percent of your market share,
14 you know. It's a tough world out there.

15 MR. MCGOWAN: Richard, anything
16 further?

17 MR. BOZSIK: No. I mean, I really
18 just echo what Bob said. You can't deny that
19 broadband service is important. I mean,
20 obviously the question is how would broadband
21 be provided to consumers and what ultimately
22 consumer preferences are in the future, I
23 think we need to leave that up to the
24 consumer. Obviously with the, you know, the
25 deployment of additional technologies,

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2 investments and so forth in the wireless
3 market, I'm sure we'll be seeing additional
4 broadband services made available to consumers
5 at certain speeds that don't have it today.

6 But obviously, and putting aside
7 the jurisdictional issue, but putting aside
8 that issue, I think it's important to let the
9 market run its course. Obviously what Bob was
10 saying, there are conditions associated with
11 the Time Warner - Charter merger, and
12 obviously with the Governor's broadband grant
13 I'm sure we'll be seeing additional broadband
14 deployed in areas that are currently unserved
15 or underserved today.

16 MR. MCGOWAN: Susan, a final
17 thought?

18 MS. LERNER: Just to reiterate, I
19 believe that the chart there does not actually
20 represent full consumer choice. I think that
21 many people have been forced off wire -- off
22 the wired system, at least we're hearing from
23 them vociferously. They feel that they don't
24 have the information necessary to make a
25 choice if they do have a choice. And the

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2 transition for -- from the consumer standpoint
3 has been far from smooth. And we believe that
4 the PSC really needs to step in and to help
5 consumers understand what the marketplace is
6 and protect all consumers much more
7 vigorously.

8 MR. MCGOWAN: All right, thank you.

9 We are going to turn now to the
10 other questions, and I'm going to ask Michael
11 Corso to tee this next one up.

12 MR. CORSO: So this is an
13 interesting segue actually to the question,
14 which is very focused on the copper network.
15 And we'd be interested in understanding your
16 perspectives on the copper network's future,
17 its ability to meet customer demands and
18 expectations, and its economic liability. I'm
19 going to start with Bob Puckett.

20 MR. PUCKETT: Sure, sure, thanks.
21 Thanks, Michael.

22 The issue with regards to copper is
23 the natural evolution of the network. We went
24 from open wire to copper many, many years ago,
25 probably before most people in this room. We

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2 went from mechanical switching to computer
3 controlled switching, then to digital
4 switching. So the networks evolved from one
5 technology to others over the years. We used
6 to have dial phones, then you had touchtone
7 phones. So this is just another progression
8 to go from copper to fiber. Will copper be
9 around for a while? I think it will.

10 And while I'm at it, just to, you
11 know, give you some ideas, I did a quick
12 survey of some of the upstate members, the
13 smaller companies, to try to get an idea of,
14 again, to the broadband issue that's been
15 raised, of what they're doing on copper with
16 DSL. And their speeds are ranging from six
17 meg up to 50, and even in one case 100 meg
18 over copper with DSL. Now, certainly distance
19 has a lot to do with that and bonding of cable
20 pairs and things like that. But a number of
21 companies are in the 20 to 25 to 30 meg range
22 in providing DSL services.

23 What's interesting, and a number of
24 the companies also do fiber to the home to
25 some extent, some more than others, and they

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2 that's what you get with competition. So
3 that's where we're at.

4 MR. CORSO: Okay. I am -- I'm not
5 going to -- I'm going to struggle not to ask
6 follow-up questions, to allow the panel to
7 speak and see if there's cross questions from
8 each other, but I appreciate that answer, Bob,
9 thank you.

10 MR. PUCKETT: Sure, yup.

11 MR. CORSO: Debra.

12 MS. GOLDMAN: Oh, I was going to
13 let Verizon answer first.

14 MR. CORSO: Oh, you were going to
15 let them? Okay.

16 MS. GOLDMAN: Let me say that --

17 MR. CORSO: That's okay.

18 MS. GOLDMAN: -- I'd like to hear
19 from Verizon first.

20 MR. CORSO: Sure, okay.

21 Richard?

22 MR. BOZSIK: Thank you, Debbie. I
23 didn't realize you were -- okay.

24 Well, look. I think it's -- I
25 think it's unrealistic to expect that the

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2 twisted pair copper network is capable of
3 offering the services that the fiber network
4 or a fiber coaxial network or a wireless
5 network is going to -- can provide today and
6 be able to provide in the future. But that
7 said, I mean, the copper network does indeed
8 provide -- meet the basic needs of many
9 customers, on voice service as well as on DSL
10 service, broadband service that we provide.

11 You know, the long term economic
12 viability, which was part of the question that
13 we wanted to talk about I think for this panel
14 is, it's really, it's sort of left up -- not
15 sort of, it's definitely left up to the
16 customer's preference. And, you know, based
17 upon what we see obviously in the trends, it's
18 extremely unlikely that the consumer
19 preferences for copper twisted pair services
20 will grow. But that said, I mean Verizon, and
21 I'm sure the independent companies as well, is
22 doing everything needed to maintain the copper
23 network so that it continues to provide those
24 services to the consumers at very good service
25 quality metrics, as reported to the

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2 Commission.

3 And one thing to keep in mind, you
4 know, we were talking earlier about these --
5 about vulnerable customers. But the customer
6 trouble report rate which is provided to the
7 Commission provides the results for all
8 customers in the State of New York. And based
9 upon that information, it clearly shows that
10 we're doing a very good job in maintaining the
11 copper network to provide the services that
12 customers expect from us.

13 MR. CORSO: Debra, are you good to
14 go now?

15 MS. GOLDMAN: Yeah, thanks.

16 MR. CORSO: Okay.

17 MS. GOLDMAN: I don't think this is
18 the place for us to have a debate about the
19 details of the service quality reporting.
20 We've looked at the numbers. When you peel
21 back the numbers, I would not agree with your
22 assessment. But that's why we need a full
23 on-the-record evidentiary hearing, so that we
24 can really peel these back and look at has the
25 change in the service quality reporting, both

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2 what's required to be reported to the
3 Commission and what's available publicly and
4 what the benchmarks are that were changed in
5 2009, 2010, have this protected consumers. So
6 that's why we need this on-the-record hearing.
7 Not for you and I right here to be saying my
8 numbers show you this and my numbers show you
9 that.

10 MR. CORSO: So I'm going to
11 interject a second if I could.

12 MS. GOLDMAN: Yeah.

13 MR. CORSO: So here's the -- I want
14 to go back to the root of the question.

15 MS. GOLDMAN: I wanted to finish.

16 MR. CORSO: Okay.

17 MS. GOLDMAN: Certainly we're in
18 the midst of a technology transition. And CWA
19 has always been an organization, a union which
20 recognizes that there is constant change in
21 the technology, and that that means changes
22 both in the work we're trying to do and in the
23 services provided to consumers and to
24 businesses and organizations. And as Verizon
25 first announced its roll out of its fiber

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2 network over a decade ago, we understood that
3 this was going to mean change in the kind of
4 work that our members do. But at the same
5 time, it enabled all kind -- it was the global
6 standard, the best in a network. And for that
7 we are very pleased that Verizon, our
8 employer, took that step.

9 But then we began to look at where
10 it was deploying. And of course, first one
11 deploys where there is the opportunity to make
12 the most revenue. But then Verizon stopped.
13 And so you have these situations, and I think
14 we've presented these to the Commission over
15 the years, of what I call the donut hole
16 cities, Syracuse, Albany, Buffalo, where the
17 suburbs have FiOS and the cities do not. The
18 lower income, more heavily minority
19 communities do not. So for them, yes. Until
20 there is a competitive alternative to cable
21 broadband, for them the only alternative is
22 the copper facility. And that facility is
23 deteriorating before our very eyes.

24 And I brought just a sampling of
25 pictures. And I want to emphasize, these are

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2 20 pictures. I could have brought you
3 thousands of pictures throughout the State of
4 New York of what Verizon is letting happen to
5 this network. A network that was at one point
6 built and maintained properly, off the backs
7 of ratepayer money. Dangling terminals.
8 Double poles that are a danger to people's --
9 to the public safety. Unattached facilities.
10 Open splice boxes. Open pedestals. This is
11 now -- plastic tarps are what technicians now
12 have on their trucks when they do a splice and
13 need to cover something or see a pedestal.
14 And so you see exposure to the elements.

15 And what happens is, a customer
16 will have noise on their line, have -- be out
17 of service when it storms, it rains, it snows.
18 Call in or try and send that information in,
19 I'm not sure how online if they're out of
20 service, but online. And if they get through
21 to the repair bureau and get an appointment,
22 when the line may dry it may test and be
23 scrubbed out of the system and not reported in
24 the trouble reports, by the way. This is
25 something that needs to be examined when we do

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2 the on-the-record evidentiary hearing, what
3 are the ways in which these trouble reports
4 actually get into the system.

5 But the condition of the network is
6 not being properly maintained. The staffing
7 is down 40 percent over the past ten years.
8 Yes, we've lost a lot of landlines. That
9 number doesn't include the number of broadband
10 lines. But there's still a network that needs
11 to be maintained. And there aren't enough
12 people with enough time to do the proper
13 maintenance.

14 So if it's appropriate, I'd like to
15 share these pictures.

16 MR. CORSO: Yes.

17 MR. BOZSIK: Well, in the meantime,
18 if I could take the opportunity and address a
19 number of the issues that were just raised.

20 First of all, and we've mentioned
21 our response to this in our comments. First
22 of all, what Debbie was saying about
23 deployment of FiOS in areas that are not low
24 income is absolutely false. We've deployed
25 FiOS throughout the City of New York. We've

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2 deployed it in areas well below the average
3 state income level, including areas such as
4 Poughkeepsie and Schenectady, New York,
5 Newburgh, New York.

6 As far as the maintenance of the
7 copper network, as I mentioned earlier, what's
8 important to look at is the customer trouble
9 report rate. Not only that, and I know Debbie
10 mentioned earlier that PSC complaints are a
11 level set by the Commission. But one thing,
12 just to be clear, that's a level set by the
13 Commission to do -- to be used for
14 commendations. And what the results clearly
15 show is that the number of PSC complaints
16 going to the Commission have substantially
17 declined, or improved, let's say, over the
18 course of the past several years.

19 All said, the results are out
20 there. It shows that the customer trouble
21 report rate has improved. It shows that we're
22 doing a very good job of meeting the
23 Commission's expectations for vulnerable
24 customers. And it also shows quite clearly
25 that the number of PSC complaints has

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2 substantially declined, improved, in other
3 words.

4 MS. LERNER: So I'd like to comment
5 on this just very briefly. I do agree with
6 Mr. Puckett that there is still a continuing
7 need, a necessity for the copper network. It
8 is the backbone in some places, it is not
9 going away any time soon.

10 There are people we have spoken to,
11 consumers here in New York City, who have no
12 voice telephony available to them in the
13 Borough of Queens that came to our Queens FiOS
14 forum. And they said we don't have any
15 choices. We can't even get phone service, we
16 can't get cell phone service, we can't get
17 copper wire service, we don't have any phone
18 service. There are -- there's at least one
19 sitting Assemblywoman in Brooklyn whose
20 telephone goes out, her district office
21 telephone goes out every time it rains. Is
22 she making regular complaints to Verizon? I
23 expect so. But if they can't solve the
24 problem for a City Assemblywoman's district
25 office, how likely is the ordinary consumer to

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2 get results.

3 We have story after story. Which
4 is why we believe, and I agree with Debbie, we
5 need an evidentiary hearing. It's easy for he
6 said, she said to go back and forth and back
7 and forth. But until we actually see some of
8 the records under oath, it -- we are not
9 testing the industry's assertions in any
10 significant way.

11 And again, I can only speak from
12 the point of view of the consumers that we
13 hear from regularly. They call us and say we
14 don't know what to do, we've called the PSC,
15 we've called our elected representatives,
16 we're being forced off copper, we're being
17 told that it's not going to be maintained, we
18 have no choice but to go to FiOS. And I have
19 medical devices, I have other things -- these
20 do tend to be older consumers -- that I want
21 to maintain through the wired system. And
22 Verizon is telling me they will come in and
23 cut my wire and I have no alternative. And
24 they feel they're getting no assistance from
25 the PSC.

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2 So over this lengthy, and it is
3 lengthy and it will continue to be lengthy,
4 technology transition, somebody has to be on
5 the consumer side. That is the mission of the
6 PSC. And right now, unfortunately, I'm sorry
7 to say, the consumer feels you are not on
8 their side.

9 So there definitely is a demand for
10 copper. There will continue to be a demand
11 for copper. And that means an activist role
12 for the PSC.

13 MR. BOZSIK: Michael, if I can take
14 the opportunity and just respond a little
15 bit --

16 MR. CORSO: Sure.

17 Thank you, Susan.

18 Go ahead.

19 MR. BOZSIK: -- to what Susan had,
20 I believe, spoke about, and that's associated
21 with -- I think the issue that you were
22 talking about is a situation where we have
23 both in place a copper network as well as a
24 fiber network. And in those situations we are
25 migrating customers over from the copper

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2 network onto the fiber network at the same
3 price that they pay today, as well as they
4 were able to get the same services that they
5 currently purchase and are able to use over
6 the copper network.

7 (Cross talk)

8 MS. LERNER: Well, that's not what
9 the consumers are telling me. They're telling
10 me that they're -- in one instance I've got
11 somebody who has several different phone lines
12 on the Upper East Side, he's just pulling his
13 hair out. I've got people who have burglar
14 alarm systems or medical device systems, and
15 they say it's not comparable, that they don't
16 want to switch, they're being told they have
17 no choice.

18 MR. BOZSIK: Yeah. I --

19 MR. MCGOWAN: All right, guys, let
20 me just say, you guys are in a conversation
21 right now which is where I want to go to the
22 next question.

23 MR. BOZSIK: Okay.

24 MR. MCGOWAN: So Michael --

25 MR. CORSO: Yeah, that's great.

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2 MR. MCGOWAN: -- can I go to the
3 next question?

4 MR. CORSO: You can, absolutely.

5 MR. MCGOWAN: Thank you.

6 The next question is kind of a
7 series of questions, but I think ultimately
8 this question is designed to get at the
9 following thought. And I'm focused primarily
10 on voice here. Recognizing that there's a lot
11 of convergence and there's a lot of packages,
12 but I'm kind of trying to focus here on voice,
13 just to unpack it. And the basic question
14 that I'm trying to get at is, is competition
15 placing pressure, and is it placing adequate
16 pressure, on Verizon in terms of forcing
17 Verizon to respond to and satisfy non-core
18 customers. So, so let me start -- let me
19 start with the question, do non-core customers
20 throughout most of the state have sufficient
21 choice for voice products.

22 MR. PUCKETT: Yes.

23 MR. MCGOWAN: Yeah, this could be a
24 one word answer.

25 Richard?

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2 MR. BOZSIK: Definitely. I mean,
3 just take a look at the staff's assessment,
4 competitive alternatives.

5 MR. PUCKETT: Highlight voice,
6 connect voice, cable voice, over the top
7 voice, wireless voice, satellite voice. Yes.

8 MR. MCGOWAN: Deb?

9 MS. GOLDMAN: I'm thinking about
10 the person who came to the legislative hearing
11 last week and described that yes, she had
12 choice if she was willing to spend, I believe
13 it was \$10,000, for a line extension. And in
14 other words, it depends where you live for
15 voice.

16 But I would go back to, again,
17 we're talking about the 21st century
18 telecommunications system, and so we need to
19 be talking about choice for robust broadband
20 as well as for voice.

21 MS. LERNER: Well, I think I've
22 made it clear that I don't believe that the
23 different forms of telephony -- telephony are
24 comparable, that there are trade-offs. And I
25 don't believe that the consumer is getting

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2 enough information to make that determination
3 rationally. Certainly our experience on Fire
4 Island was that when people had no choice but
5 to go to wireless, they were infuriated. And
6 there are various situations where consumers
7 do have -- do want to have a choice, and they
8 are being forced onto wireless.

9 Again, I want to talk about the
10 idea of a orderly transition. I don't believe
11 that we are seeing that in the marketplace and
12 that's not the consumers' experience.

13 MR. MCGOWAN: Okay. So now let me,
14 I probably know the answer to this question,
15 but let me ask it anyway. Are wireless
16 networks providing competitive pressures, and
17 are they seen by the marketplace and consumers
18 as replacements for wire line networks.

19 Bob.

20 MR. PUCKETT: Maybe. It's a
21 customer by customer choice.

22 MR. MCGOWAN: Yeah, but what's the
23 data?

24 MR. PUCKETT: Well, my members --
25 well, my members have differences of opinion

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2 on the term substitutability. But it's a --
3 well, there are what, 30 to 50 percent are
4 abandoning landlines completely, the younger
5 generation, I should say. I go to more
6 meetings with Millennials, I guess they're
7 Millennials, and none of them have wired
8 services. None of them, not a one. It's
9 folks from our generation that still have
10 wired services. And I know we'll have
11 discussion about certainly a wired broadband
12 connection. But as far as voice and
13 substitutability with wireless, it's a person
14 by person choice. So I don't think you
15 could -- you know, some folks take wireless
16 for various reasons. And it's not always
17 based on service quality either or pricing or
18 any of those factors. So I'll just leave it
19 at that.

20 MR. MCGOWAN: Richard.

21 MR. BOZSIK: Yeah. I think the
22 data shows that many consumers are deciding
23 that the wireless network provides the
24 services that they're looking for, and for
25 that reason they're switching over to a

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2 wireless service, you know, especially for
3 voice. The results show it's about -- right
4 now about 50 percent of consumers have cut the
5 cord.

6 I think the one thing which is
7 important, though, that there is a distinction
8 between the services offered by wireless and
9 wire line and the networks themselves.
10 Because we can't forget that the wireless
11 network is dependent on the wire line network.
12 So when we talk about services, yes, I agree,
13 services are definitively one hundred percent
14 competitive as far as I'm concerned, and the
15 results clearly show that customers are making
16 that decision on their own to switch.

17 MR. MCGOWAN: Deb.

18 MS. GOLDMAN: The evidence in the
19 FCC's most recent broadband report provides
20 powerful evidence that there is a difference
21 between wire line and wireless in the eyes of
22 consumers. I already mentioned the capacity
23 or the amount of information that people
24 download on their smartphones, about two gigs
25 a month, versus on their home broadband --

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2 excuse me, their home broadband, their wired
3 broadband, which is about 58 or 60 gigs a
4 month. So there's a huge difference in
5 capacity.

6 There's a huge difference in price.
7 What with the pricing models for wireless and
8 data caps, people cannot afford to be using
9 wireless for the kind of robust broadband
10 connectivity that we want for kids to do their
11 homework, for people to apply for jobs, et
12 cetera. So there is definitely a difference
13 between wire line and wireless.

14 And I appreciate a lot the point
15 you made that between your smartphone and the
16 cell tower it may be wireless, but after that
17 the entire network is a wired network. And
18 there can be vast economies of scale if
19 there's a wire to support that wire cell tower
20 can be a basis for then building out and
21 extending robust into neighborhoods.

22 I wanted to mention one other point
23 that hasn't come up yet in the discussion.
24 And that also is the way in which the --
25 Verizon has been reporting its expenses and

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2 its revenues in its annual reports to the
3 Commission. And this is relevant to your
4 question in the sense that based on the way
5 those numbers are reported, Verizon has a
6 bottom line which shows that it has
7 significant losses in its local service, which
8 would be its POTS, plain old telephone
9 service, wire line local service. But if one
10 looks and digs beyond that bottom line, there
11 are lots and lots of questions that come up as
12 to whether the way Verizon is reporting its
13 expenses between that expense that would need
14 to be spent to build out the wire to the cell
15 tower or to the business park, the segment
16 that is the unregulated revenue, and then the
17 segment that is the plain old telephone
18 service, whether the way it's allocating its
19 corporate overhead, whether the way it's
20 allocating its marketing expense, for example,
21 in 2014 Verizon booked about \$150 million in
22 marketing expense for plain old telephone
23 service, and it made me ask when was the last
24 time anybody saw an ad for voice wire line
25 service from Verizon. So there are a lot of

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2 questions.

3 Is there a misallocation of
4 expenses going on in these annual reports? I
5 can't answer that question. The data that we
6 have is very high level. And I'm not making
7 an accusation here. But I am definitely
8 raising questions. We have looked at the
9 numbers. And there are very intriguing
10 questions. If 14 percent of Verizon's wire
11 line revenue comes from New York, then why is
12 it that 14 percent, or somewhere in that ball
13 park, of its \$2.8 billion operating profits
14 don't come from New York? Instead, you see a
15 bottom line which shows a \$2.8 billion loss.
16 A lot of intriguing questions that really beg
17 for the kind of examination that would happen
18 in an on-the-record hearing.

19 MR. MCGOWAN: Are you suggesting
20 that Verizon wire line is over-earning?

21 MS. GOLDMAN: No. I'm suggesting
22 that Verizon wire line -- that Verizon is
23 misallocating expenses to the bucket in the
24 financial reporting that this Commission
25 requires, and does provide to the public, that

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2 it is misallocating the expenses, to load
3 expenses onto the local service, as opposed to
4 expenses that could be allocated to the
5 unregulated services; and therefore, then
6 Verizon is able to come and say well, local
7 service is unprofitable. I am not saying that
8 this is the fact. I am saying there are
9 intriguing questions that need to be explored.

10 MR. BOZSIK: Peter, if I could just
11 very briefly comment. I know we are taking up
12 a lot of time on certain issues.

13 MR. MCGOWAN: And it's not really
14 the question that I was posing.

15 MR. BOZSIK: Yeah, but let me just,
16 I feel -- I feel obliged to comment on it.

17 The methodology that's used to
18 allocate these costs are consistent with the
19 FCC's practices on doing so. We're in
20 compliance with the FCC's directives
21 associated with that.

22 Now, in regards to our income, our
23 income that's reported to the Commission is at
24 a net level. That includes regulated and
25 unregulated services. The focus needs to be

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2 on the bottom line of the company.

3 Thank you.

4 MR. MCGOWAN: Susan, you had a
5 question.

6 MS. LERNER: Yeah. I did want to
7 say that I do agree --

8 MR. MCGOWAN: The question is about
9 whether -- whether there's -- whether
10 non-core customers have a choice.

11 MS. LERNER: Well, we -- I actually
12 wanted to talk about --

13 MR. MCGOWAN: Yeah.

14 MS. LERNER: -- the question is
15 whether wireless network is a suitable
16 replacement.

17 MR. MCGOWAN: Right.

18 MS. LERNER: -- for wire line, and
19 I do agree with Mr. Puckett. I've had
20 numerous conversations with Millennials who
21 have switched to wireless and said oh, and
22 then I found out I couldn't get X, Y or Z, but
23 I've already switched. So I think there is a
24 great overlap, but it's not an entirely one
25 hundred percent transition.

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2 And again, I'm back to the consumer
3 doesn't really have the information to know
4 what they are giving up. Somebody who moves
5 into a building where they can only use the
6 door buzzer through wire line has to get a
7 wire line, even if they have a wireless phone.
8 Somebody who wants to have a burglar alarm
9 system in their home may need to get a wire
10 line system. And it may not be available to
11 them, as I've said.

12 So I think you have to take a look
13 at the question of yes, there's a great
14 overlap in the services, but there are areas
15 where there isn't overlap, and there's very
16 little information. And, as far as we can
17 tell, no competition to make up that gap.
18 Which is really surprising to me. If the
19 marketplace is so vigorous, why are there not
20 creative people who are trying to invent
21 wireless forms of the servicing different
22 medical devices that right now you can only
23 service through your wire line phone.
24 Wireless connectivity for burglar alarms.
25 Might it have something to do with the fact

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2 that the wireless system currently is just not
3 as reliable as the wired system. So I think
4 there needs to be more inquiry and I think
5 there needs to be more information to
6 consumers.

7 MS. ZIBELMAN: Peter, before we
8 move on can I -- and I'm sorry I'm late, but I
9 do have a question for the panel.

10 MR. MCGOWAN: That's Audrey
11 Zibelman.

12 MS. ZIBELMAN: Yes.
13 So, first of all, I appreciate
14 everyone being here. And Susan said something
15 that intrigued me, and I would be really -- if
16 you haven't pursued it before, I would like to
17 pursue it. If you have pursued it before,
18 just if I could get a brief answer.

19 And Susan, you made a point, you
20 said that -- during your conversation you said
21 something about the fact that we need an
22 orderly transition. And I was hoping that we
23 could -- you could expand really on your
24 concept of what an orderly transition from
25 copper to X would be. And I'd also think it

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2 choice. So at a minimum I think that that's
3 necessary.

4 And I think that there needs to be
5 some controls over the situation that I was
6 just going back and forth with the Verizon
7 representative, who basically says that at a
8 certain point Verizon makes the decision for
9 the customer. We have a legacy system and a
10 FiOS system, and we are turning off your
11 legacy system. You have one month or two
12 months until we come and we are just going to
13 cut the cord. That should be regulated in
14 some way. What kind of advance notice does
15 somebody get if they are being forced to
16 switch as opposed to actually making the
17 choice. So those are two basic things that I
18 would suggest.

19 MS. GOLDMAN: Chair, thank you very
20 much, that's really a great question. And
21 obviously we are in a period of transition.
22 And the question is, in the old days, in the
23 monopoly days, there were abilities to ensure
24 that as we moved to new technologies,
25 everybody was going to benefit at some point.

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2 And now those levers are diminished in a
3 competitive environment.

4 But the question is -- and the FCC
5 has been coping with this as well in their IP
6 transition dockets. And one of the things
7 that the FCC did first was they said there are
8 four principles that are the fundamentals of
9 our communication policy, universal service,
10 public safety, consumer protection -- what is
11 the fourth. I can't believe I can't remember
12 it. But there's a fourth in there.

13 MS. ZIBELMAN: Hey, it's a quiz,
14 what's the fourth.

15 MS. GOLDMAN: Universal service,
16 public safety, consumer protection, and I'll
17 get you the fourth. And within that they then
18 said what are the kinds of rules that we need
19 in order to protect those enduring values.

20 They have, in their copper
21 retirement order, come up with certain rules.
22 Unfortunately, those rules have not yet taken
23 effect. But one of the key rules there is
24 that there has to be adequate advance notice
25 to customers when there is going to be a

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2 change in the underlying technology, not the
3 service, but the underlying technology that is
4 used. So that if a customer is, and this is
5 retail or wholesale, for retail, 90 days
6 advance notice, for wholesale, 180 days
7 advance notice. That's very important.

8 The other piece that's very
9 important is there's full transparency. And I
10 think we could talk about some programs right
11 now that Verizon operates in which it does not
12 give full transparency to what is really being
13 done when they are switching the technology,
14 underlying technology.

15 The other thing that the FCC has to
16 cope with and we're all having to cope with,
17 and I think it's a disaster waiting to happen,
18 is what happens now that we are moving toward
19 technologies that aren't dependent on line
20 power for public safety. The FCC's decision
21 was we'll allow this to happen as long as the
22 consumer is told once, only once, that if they
23 move to a VOIP system there's no line power.
24 And that once is when they order the service.

25 Now, when I'm on the phone with my

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2 customer service rep and asking about all
3 these complicated packages and what they cost,
4 one of the things I may not be really paying
5 attention to is that I'll be losing the line
6 power. And we recommended that they be told
7 multiple times, including when the technician
8 comes out to do the change. That's when the
9 person is really paying attention. And that
10 they be told a whole range of issues so that
11 there's protection.

12 The other thing the FCC -- and this
13 is something that the New York PSC could --
14 that's a floor, what the FCC did.

15 Let me just --

16 MS. ZIBELMAN: Yeah.

17 MS. GOLDMAN: -- make one more
18 point on the backup battery. The FCC said the
19 consumer needs to be notified that a backup
20 battery is available, notified once. But it's
21 at the consumer's expense. And there --
22 something else the New York PSC could look
23 into is that the provision of the initial
24 battery and the battery packet, that
25 equipment, is paid for by the provider,

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2 whether it's a what we used to call a cable
3 company or what we used to call a telephone
4 company. So there are things that can be
5 looked into.

6 But the key thing in this
7 transition is that as we incent investment in
8 upgrading networks, which is what we all want
9 on this panel, incentment for investment in
10 upgraded networks that provide robust
11 broadband, that until those individuals and
12 businesses and schools and libraries are part
13 of the group that gets that investment, it
14 can't be a zero sum game. That they have to
15 continue to have access to competitive choice
16 of quality landline providers.

17 MS. LERNER: And I failed to
18 mention the obvious, which is to examine
19 whether wireless, because it is now taking
20 such a large number of telephony clients, has
21 become a basic service.

22 MS. ZIBELMAN: So just if --
23 because I'd like to hear the other panelists,
24 so just, Deb, just to be clear, what you're
25 suggesting is, is that we should look at the

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2 FCC rules as a base, and that may be something
3 that we could at the Commission level identify
4 as an area of standardization.

5 MS. GOLDMAN: As a floor.

6 MS. ZIBELMAN: As a floor.

7 MS. GOLDMAN: In some places
8 they -- maybe what they're doing is adequate.
9 In other places, and I think the retirement
10 order has some pieces that you could see it as
11 a floor. And other commissions are looking at
12 whether this is a floor. And then you have
13 huge areas of consumer education that really
14 are appropriate as well.

15 MS. ZIBELMAN: Rich, I'm interested
16 in your thoughts. But also --

17 MR. BOZSIK: Yeah.

18 MS. ZIBELMAN: -- could you
19 specifically respond to the whole issue of
20 VOIP and reliability and battery backup?

21 MR. BOZSIK: Yeah, I was going to,
22 yes, definitely.

23 Debbie is correct, the FCC had a
24 proceeding on network transition, and in that
25 proceeding came to the conclusion of certain

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2 time frames to notify customers. It's also
3 sort of part of a process on the retirement of
4 the copper cables.

5 (Pause in the proceedings for the
6 court reporter)

7 MR. BOZSIK: What I was saying is
8 the time frames that were determined by the
9 FCC in its recent decision.

10 There is, just so everyone is
11 aware, and Susan, perhaps this is more for you
12 and obviously for the chair, is that Verizon
13 does transition customers from the copper
14 network to the fiber network, whether it be
15 because a customer may have service issues on
16 the copper network and fiber is available,
17 we're restoring the customer service, the
18 service, the same as we provided customers on
19 copper, we're restoring the customer service
20 on fiber. In addition, there is an effort to
21 retire copper cable and certain -- copper
22 cables in certain wire centers, and in that
23 effort we are reaching out to consumers and
24 advising them of the time frames needed,
25 consistent with the FCC's docket.

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2 Just talking a little bit about the
3 battery backup. In the situations where
4 Verizon identifies that the problem is with
5 the copper network and we have fiber
6 available, we're migrating the customer
7 service onto the fiber network and we're
8 offering the customer a battery backup at no
9 additional charge. They get the same service
10 that they have from us. We need to install
11 fiber and we provide them a battery backup.

12 The same is true for this network
13 migration effort that we have underway. It's
14 more of a proactive effort to reach out to
15 consumers and move them over to the fiber
16 network. In that situation we provide them a
17 battery backup. And I think worth noting is
18 the far majority of consumers that are moved
19 over to the fiber network are given a battery
20 backup that lasts 24 hours, which far exceeds
21 what the FCC's standard was in their decision.

22 MS. ZIBELMAN: But to pick up on
23 Susan's point, and just -- I think you
24 answered it, but is that -- and then I'll
25 stop -- but I'm just curious. I mean, if we

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2 say -- we can all agree there can be an
3 orderly transition and that the substitute
4 for, and that's why I don't know, for copper
5 may be a broadband, FiOS, some other landline,
6 not necessarily wireless in and of itself, and
7 then my question is, if that's the
8 Commission's determination, we can have an
9 orderly change, then the discussion is, is if
10 you're going to substitute one for the other,
11 what will be the kind of the requirements, the
12 rules of the road, the rules of engagement to
13 say to go from one to the other you have to be
14 able to offer X, Y, Z. And I think, you know,
15 questions like notice information, what's
16 equivocal, is that something that I guess all
17 of you would feel like that would be a useful
18 exercise? Because it seems like the FCC
19 started to go there but doesn't -- didn't
20 really define, you know, how do we -- how do
21 we get from here to there without disruption.

22 MR. BOZSIK: What I think is
23 important to note is that the service that the
24 customer currently purchases, assuming they're
25 on copper, when they're moved over to fiber,

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2 they get the exact same service. It's just
3 provided over a different means. So for
4 argument's sake, the customer has a tariff
5 service, fully regulated service today on
6 copper. We'll do the migration, we'll switch
7 them over to the fiber network, the customer
8 pays exactly the same price, has the exact
9 same services that they purchased, and it's
10 still a regulated service.

11 COMMR. SAYER: Rich, what about
12 medical devices and burglar alarms?

13 MR. BOZSIK: Yes. They work.

14 MS. GOLDMAN: I think --

15 MR. PUCKETT: I think what this
16 shows is education. And I think that is a
17 role the PSC has always had and I think it
18 should continue.

19 Chairman, you weren't here earlier
20 when I was suggesting, we were talking about
21 the state of regulation, and from the
22 incumbent carriers' perspective, you know, the
23 Commission has made some modest changes in
24 light of the competitive environment we're in.
25 I'd be the first one to say, and I sit up

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2 here, and listening to some of this discussion
3 it sounds like some people miss the good old
4 monopoly days where the command and control at
5 the Commission orders Verizon you shall do
6 FiOS to a hundred percent of your customers
7 across the state. Well, we're in a
8 competitive environment now. Everybody has
9 been screaming for that for years, policy
10 makers, consumers. We're there now. And so
11 things have changed. And we can't go back to
12 the monopoly environment. Why would we want
13 to regulate -- expand regulation to now
14 include all these modalities that have grown
15 from nothing to 20 million customers, or cable
16 now being the dominant provider of landline in
17 New York, is simply in my mind crazy thinking.
18 And I know it's tough, and we all agree there
19 are certain situations that we need to take
20 care of on both sides of the debate. But
21 having said that, the last thing we need is
22 thinking in terms of treating the providers in
23 the state as if it's still a monopoly
24 marketplace, and I'm sorry.

25 MS. GOLDMAN: You're absolutely

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2 right. And I really sympathize with the
3 challenge that you're discussing, which is, in
4 this environment how do we ensure that the
5 transition occurs in a way that some people, a
6 significant portion of people, are not worse
7 off. That should be the standard. And the
8 evidence we think is that right now there are
9 a significant number of people in this state
10 who have -- do not have good choice for robust
11 broadband. And that's the challenge. How do
12 we address that.

13 In terms of your question, one of
14 the things I struggled with in writing our
15 comments to the FCC, and finally it came into
16 my head, we need to differentiate between a
17 change in technology which delivers the same
18 or superior service, and a change in
19 technology which delivers different and
20 potentially inferior service. And it's this
21 basket when there -- which can sometimes
22 result not just in affirmative action but it
23 can also be a result of inaction. So not
24 keeping up when the only landline competitor
25 is a copper network. Not properly maintaining

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2 and repairing it year after year after year,
3 is not incenting investment and upgrading to a
4 next technology, and it's leaving people in
5 those areas with inferior service. That's the
6 real challenge. There is de facto abandonment
7 going on right now, and how to address it is
8 really the issue.

9 MS. LERNER: And we're not
10 suggesting a return to the monopoly situation.
11 But we are asking for a reality check on the
12 situation in which most consumers find
13 themselves in, and that is they are at the
14 mercy of a duopoly between two gigantic
15 companies, feeling that they have no recourse,
16 and that state government has basically left
17 them out on their own. And that's why we feel
18 that there needs to be a more proactive,
19 pro-consumer stance.

20 MR. MCGOWAN: Okay. Let me try --
21 one of the things that I'm hearing here and
22 that I've observed as I've tried to get ready
23 for this is that the powering issue is a
24 critical issue, people care about that. It's
25 pretty clear to me that the bottom line is the

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2 systems that we're gravitating to, consumers
3 are having to -- they're becoming much more
4 reliant on the commercial electric system.
5 And I think it's true that some of them may
6 not know that. Some of them may know that and
7 are accepting it. But it seems clear that we
8 have to clarify what are the policies that
9 companies are actually using as they're
10 migrating to voice in terms of backup power,
11 and we have to help customers understand and
12 then give them ways of responding to their
13 needs if their need is I want to have -- I
14 want to have some protection from an
15 electrical system that goes out.

16 Relatedly, it's been very difficult
17 I think to keep track of the evolution of
18 interoperability with these different systems
19 with different devices and different things
20 that are being used in terms of alarm systems,
21 in terms of medical devices. And I think we
22 need to gather some more data on that and try
23 to understand how these systems do or do not
24 interoperate with some of these devices, and
25 how will those devices that are being, you

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2 know, produced in the marketplace, are either
3 migrating themselves or are not migrating
4 themselves. I'm not sure what we do with
5 that, but we clearly need to learn much more
6 about that so that customers can become better
7 educated.

8 So I think I want to go now,
9 Michael, if you could help me with a couple of
10 charts, I know you guys said you weren't going
11 to get into data, but I still want to -- I
12 think an important question that we're trying
13 to focus on here is to what extent is the
14 regulatory system that we are now operating
15 under, which is a light regulatory touch,
16 especially for non-core -- oh, okay, all
17 right. I go to -- I'm looking for the CTRR.
18 Just keep going? There we go.

19 Again, the question that I'm trying
20 to explore here is to what extent is
21 competition placing pressure on Verizon to
22 response to customers' needs in non-core
23 situations. I think I'm hearing some people
24 say not much, but I'd like to hear Verizon's
25 response to this.

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2 This is the chart of CTRR, which is
3 an overall measure of reliability. I think
4 this comes out of Verizon's statewide look at
5 CTRR. And this is the rate of customer
6 reported troubles on the network. Again, this
7 is statewide. I think it's more interesting
8 to look at this on a regional basis. But this
9 I think is showing whatever the trend is. Let
10 me -- this --

11 MS. GOLDMAN: Could you -- it's
12 hard to see. Could you tell us --

13 MR. McGOWAN: Yeah.

14 MS. GOLDMAN: -- what the red and
15 the blue --

16 MR. McGOWAN: The blue --

17 MS. GOLDMAN: Go back to the other
18 one.

19 MR. McGOWAN: Yeah. This is -- I
20 believe this is the rate of troubles per I
21 think hundred customers.

22 MR. BOZSIK: That's a different
23 graph, Peter.

24 STAFF MEMBER: You've got to go
25 back one more.

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2 MR. MCGOWAN: Oh, this is out of
3 service, okay. So there.

4 Okay, so this is the rate. And in
5 general that line is kind of like the
6 regression line. The blue line is the
7 regression line. It shows kind of an average,
8 if you will. And we see that it's about two
9 percent. So I think roughly two percent of
10 the access lines there's a trouble. I think I
11 calculated this once, and that produces
12 roughly 46,000 troubles per month, which the
13 company then has to respond to. A certain
14 percentage of those are out of service. I
15 think it's roughly 80 percent of the troubles
16 end up being an out of service condition.

17 So typically the Commission uses
18 3.3 as a gauge for how many central offices
19 are meeting the CTRR rate. So the Commission
20 doesn't use this particular line as a metric.
21 But I think it's a good way of depicting what
22 the network is producing in terms of how --
23 how many times are troubles being generated on
24 the system. So that's the CTRR.

25 And I wanted to just compare this

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2 to what staff had used in its assessment,
3 which was a similar depiction of this but it's
4 a rolling twelve month average. So if we go
5 back, we see that there are some spikes. I
6 think, if I remember correctly, some of the
7 spikes are around giant storms like Sandy,
8 where you have a huge increase in the number
9 of troubles that have to be then responded to.
10 So when you do this on a twelve month rolling
11 average, it gets a little bit more smoothed
12 out.

13 And the reason I wanted to put this
14 up here is because when staff did its
15 assessment, it only had it through a certain
16 timeline, so I wanted to make it more current
17 and see where that line was trending, and we
18 see that. I think it was trending in a
19 particular direction at the time because it
20 was still being influenced by the increase in
21 troubles from Irene and Sandy. And we now see
22 this beginning to come back down.

23 So that's an important measure that
24 we've always used. I think it's still an
25 important objective piece of data that we have

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2 to analyze and see what it means.

3 Oops.

4 And then I think another important,
5 but not the only piece of data, is the extent
6 to which, when there is a trouble, how well
7 does the company respond to that trouble to
8 clear the trouble. So this is a measure of
9 the extent to which these troubles are cleared
10 in a 24 hour period. And again, the
11 Commission has a regime that measures this and
12 enforces this for core customers. This is
13 showing all customers, so it's core and
14 non-core. The objective that the Commission
15 has set forth is it should be at 20 percent.
16 So we see that this data for all customers is
17 well above -- at the most current point, is
18 well above the 20 percent number.

19 So again, I think it might be
20 useful to look at this also on a regional
21 basis, because this is statewide, and I think
22 it's useful to break this down into regions.
23 I couldn't do it today because there are
24 certain confidential issues.

25 But Rich, let me turn to you and

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2 say what would your answer be to the question
3 is Verizon responding to customers' concerns,
4 or how is Verizon being responsive, is
5 competition providing enough pressure on
6 Verizon to respond to customers' concerns.

7 MR. BOZSIK: You know, I think it's
8 important to, and if I can, just address one
9 issue that Debbie had raised earlier about
10 this term de facto retirement. I think the
11 information in that first chart that you were
12 showing on the customer trouble report rate is
13 a clear indication that the company is by no
14 means having a de facto retirement of the
15 copper network in process. Keep in mind, and
16 we provided this information in our comments,
17 that the company has spent about five and a
18 half billion dollars on the copper network
19 over the course of the past seven years. Some
20 of it capital, some of it expense dollars.

21 Now, as far as meeting the
22 customers' expectations, you can clearly see
23 by the customer trouble report rate that we're
24 exceeding the metrics that were established by
25 the Commission in the rate of return

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2 regulation era. I mean, that was decades ago,
3 right. The whole idea behind establishing
4 these metrics was to ensure that the company
5 was providing good service quality to its
6 consumers while at the same time was able to
7 get a guaranteed rate of return. Well, the
8 one component stopped 20 years ago, and that
9 was the guaranteed rate of return issue, and
10 we can get into that as much as we want. But
11 the reality is that we are providing better
12 service today than we have in the past. And
13 that trend shows improvement over time. So
14 you asked me whether or not I think
15 competition is playing a role? Yes, of
16 course.

17 Now, if we want to talk about this
18 other chart, what this shows is that overall
19 the customers that do experience an
20 out-of-service condition, one thing to keep in
21 mind, right, what we are talking about is only
22 a fraction of a fraction of the customers who
23 have, first of all, reported a service issue,
24 which has gotten smaller and smaller over
25 time, and what are talking about here is how

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2 well we're doing in restoring their service
3 within 24 hours. And basically what this
4 shows is that about 70 percent of the time
5 we're doing it, okay. With an understanding
6 that I think we have to fall back to what the
7 Commission determined in its service quality
8 improvement plan, that there are indeed
9 competitive alternatives for the far majority
10 of customers. The focus needs to be on those
11 customers that the Commission considered
12 vulnerable. The focus should be on how well
13 we're doing on meeting that objective for
14 vulnerable customers. All said and done, I
15 think we're doing an outstanding job of
16 meeting overall out-of-service conditions in
17 the State of New York, and that information
18 clearly shows that it's improving.

19 MR. MCGOWAN: So let me ask others
20 to weigh in on the question of whether
21 competition is having the desired effect on
22 service quality performance.

23 MS. GOLDMAN: This again
24 underscores why we have to be having this
25 discussion in the context of a full

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2 evidentiary hearing, where there is discovery,
3 where there is cross examination.

4 We got information in response to a
5 Freedom of Information inquiry that provided
6 us data about trouble reports. And I'm
7 looking at our analysis of that data showed
8 that -- and one should -- go back to the
9 trouble report chart. This is an aggregate of
10 all central office entities in the state. So
11 that individual central offices can be missing
12 the trouble report. But if there are some
13 that are making it, that can smooth out those
14 that are not. And so one really needs to look
15 at what is -- and this is what used to be
16 happening under the old rules -- what is
17 happening in each area served by each central
18 office. So that one has a sense of where are
19 the areas that are not getting the proper
20 maintenance, repair, investment.

21 When we looked at that, we found
22 that, on the aggregate, Verizon central office
23 entities missed the PSC statewide trouble
24 report benchmark in eight out of twelve
25 months. This was through 2015. We got new

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2 data last week to update it. And with the
3 update we found that between January 2012 and
4 December 2015, Verizon missed the trouble
5 report benchmark in more than half of the
6 reporting periods.

7 But if you then go and look at
8 central office by central office, there the
9 numbers were quite astounding. Verizon
10 central office entities missed the PSC
11 statewide customer trouble report benchmark in
12 22 out of 41 months. And I'm looking through
13 my notes. Verizon central office entities,
14 each individual one between January 2012 and
15 May 2015 missed the benchmark over a thousand
16 times.

17 Then we looked at the current
18 system to address when there are missed
19 benchmarks. If Verizon misses a benchmark in
20 three out of five months, it must file a
21 service improvement report, an SIR, and say
22 what it's going to be doing to address the
23 problems. And we then looked at the record of
24 these SIRs. And in multiple times Verizon
25 would miss -- have to file one of these

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2 reports, and then the next five month period
3 file another report, and then the next five
4 month period file another report. So these
5 are not proving to be an effective way to
6 ensure the proper response.

7 Now, we can go back and forth about
8 our numbers. And of course what is the
9 statement, you know, data, data, data, and we
10 can tell different stories. This is why we
11 need to be looking at this really in the
12 context of a full on-the-record evidentiary
13 hearing. For example, the OOS information
14 that you just provided, even in response to
15 our Freedom of Information we were not given
16 data about OOS, about -- OOS, I'm sorry,
17 response, service response intervals for
18 non-core customers. We weren't given this.
19 So I can't sit here now and give you any
20 response to that chart. I'd like to. I hope
21 it's accurate.

22 MR. MCGOWAN: This chart was
23 actually provided in Verizon's comments, I
24 believe.

25 MR. BOZSIK: It was. It was.

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2 MS. GOLDMAN: Okay.

3 MR. BOZSIK: I think it's important
4 to put things in perspective.

5 MS. GOLDMAN: But I haven't seen
6 the data.

7 MR. BOZSIK: Yeah, sure.

8 MS. GOLDMAN: The chart might have
9 been provided, but if I don't see the data,
10 the raw data, I cannot say -- I hope it's
11 accurate. Of course we want customers to be
12 getting good service. I hope it's accurate.

13 MR. BOZSIK: Yeah, let me just
14 chime in, if I may, for a second. There's a
15 number of things that Debbie had raised
16 which -- which don't tell the entire story.

17 First of all, Debbie, I'm sure you
18 know you have access to the customer trouble
19 report rate for all of these wire centers.

20 The number of what you referred to
21 as SIRs have shown clear improvement over the
22 course of the past several years. With the
23 results for last year being at the lowest
24 level as far back as I can recall. In
25 addition, you know, this whole idea with

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2 number of SIRs that we've reported, I mean,
3 you're giving a raw number but you're not
4 putting it in perspective. For instance, in
5 the comments that you filed, I think you said
6 that we missed it 252 times and we had to file
7 an SIR. But what you failed to mention is how
8 many opportunities there could have been to
9 file an SIR. And in that situation it was
10 over 22,000 individual SIRs that could have
11 been filed. In other words, we didn't file in
12 over 90 -- or about 99 percent of the time.

13 Look, the data, the data -- the
14 lead organization has this information.
15 They've seen it, it's right here before us.
16 You have access to the public information.
17 And it clearly shows that we're doing a very
18 good job on providing excellent service to our
19 customers.

20 Now granted, there may be
21 situations, we all understand there may be
22 situations that it takes longer to repair
23 customer service. Understood. We try to
24 resolve that customer service as best we can.
25 And obviously in a competitive market we have

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2 to try to achieve that. That said, given the
3 information that we see before us, the trends
4 clearly show that overall the service quality
5 is getting much better.

6 MR. MCGOWAN: All right. We're
7 going to run out of time pretty soon here.
8 And so I'm wondering which questions I can
9 still --

10 MS. LERNER: Seven.

11 MR. MCGOWAN: You want seven, okay,
12 let's go to seven. Okay, so should the
13 Commission's definition of basic service
14 requirements be modified. I didn't bring the
15 definition with me, it's been around for a
16 long time. It basically spells out the
17 features that a phone service should have,
18 like dial tone, access to 911, I think access
19 to long distance, et cetera.

20 So Susan, do you want to speak to
21 that? I bet you do.

22 MS. LERNER: I do. We do believe
23 that the basic service requirement should be
24 examined and should be modified, because it
25 really is set for a technology in a

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2 marketplace that is not current. And so I
3 think that it's exactly the kind of open
4 discussion which the PSC should be having. I
5 didn't prepare for this panel, I didn't come
6 with a list of things which I think should go
7 off or go on, but I do believe that it is past
8 time for the PSC to look at its definition of
9 basic service.

10 MS. GOLDMAN: I'll be brief. Yes.
11 You need to add data transmission at a
12 designated speed capacity to the basic service
13 definition.

14 MR. BOZSIK: Well, I'll add to
15 that. I agree that it needs to be revised.
16 Let's not forget the definition of basic
17 service was established by the Commission in
18 the mid-nineties. Lots of things have changed
19 since then. And I know the Coalition made a
20 filing that was asking for the inclusion of
21 976 fax machines, a number of other issues. I
22 mean, look, the world has changed, I think we
23 have to accept that. There's a lot of things
24 that were included in this definition. For
25 instance, directory listings that are not of

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2 importance to consumers today, and we can
3 clearly see that by the fact that consumers
4 are switching over to different technologies,
5 wireless in particular. You know, directory
6 listings is a perfect example, as well as
7 operator assistance calls. That stuff was all
8 in the definition back in the 1990s. Twenty
9 years later the world has changed. I think we
10 need to cut back on that definition.

11 MR. MCGOWAN: Bob, do you want to?

12 MR. PUCKETT: Yes. Obviously some
13 folks here would probably want to add to it,
14 some folks would like things removed. I think
15 locality charges, I thought the PSC eliminated
16 those 15, 20 years ago, if I'm not mistaken.
17 So I'm not sure of the relevancy. And so
18 there certainly is a debate here of what
19 should be on it.

20 With regards to the broadband speed
21 issues, I will just defer that to the legal
22 panel later on.

23 MR. MCGOWAN: Okay. So let me --
24 let me kind of wrap up here by just asking the
25 panelists whether there is -- is there a

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2 question that you think we should be
3 addressing that we didn't address?

4 COMMR. SAYER: And could I add to
5 that? Is there specific action that you're
6 recommending that the Commission should take
7 that you haven't discussed yet.

8 MR. PUCKETT: There are actions, I
9 think they could -- well, there's certain law
10 changes that we've advocated for that would, I
11 think, help the PSC. I mean, some of the laws
12 that have been talked about were passed in
13 1910 and 1911, I mean, when we had telegraph
14 service, and they're still on the books.
15 We're still, the incumbents are regulated. I
16 guess -- I guess all regulated carriers are
17 covered by those laws.

18 You know, for a lot of my members
19 some things. Less reporting perhaps. More
20 flexibility on even basic service pricing, to
21 the extent your prices are below the statewide
22 benchmark, a number of my companies would
23 certainly be interested in. Again, if you
24 have a benchmark and you deem that a just and
25 reasonable rate for the entire state, why not

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2 allow flexibility anywhere below that
3 benchmark, you know, whether it's a
4 competitive environment or not, and not having
5 to go through all those tests, and some folks
6 may not be aware of all of these things, but,
7 you know, those sorts of things. And we've
8 talked to the Commission about them before.

9 MR. BOZSIK: Yeah, thank you. I
10 mean, that's a great question, Commissioner.
11 I mean, I think the Commission has, and I'm
12 sure staff and staff's report accepts the fact
13 that there's competitive alternatives for
14 voice customers. And I think the Commission
15 took the right steps to let the light touch
16 regulatory approach flourish for broadband
17 services as well as for wireless.

18 I think what the Commission needs
19 to do is acknowledge that there's definitely
20 competition in the voice market and take the
21 extra step needed to further lighten up the
22 regulatory requirements on the wire line
23 providers. I mean, the reality is, a lot of
24 the regulations that were established were
25 established when we were and Bob's companies

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2 were in a rate of return regulation with no
3 competition. The world has changed, without
4 question the world has changed. And we've
5 seen a huge decline in the number of access
6 lines that we provide service to.

7 With that all said, I think what
8 the Commission needs to do is exactly what it
9 did for wireless and for broadband, is to take
10 a step back and let the market run its course.
11 Ultimately consumers will decide what's --
12 what best fits their needs. Now, granted,
13 there may be an opportunity for the Commission
14 to become involved in the future. But only if
15 there's a failure in the market should the
16 Commission exercise its regulatory authority.
17 That's my feeling.

18 MR. PUCKETT: If I could, before
19 you move on, Gregg, one more item I had
20 forgotten, I mentioned there are certain laws
21 out there that obviously impact the way you
22 have to operate. And one item I missed that I
23 think is critical is this outdated concept of
24 getting franchises from every municipality
25 where you want them provide video services. I

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2 can go out there and build a broadband network
3 or a voice network by filing a -- and maybe
4 not even with a broadband network but I can
5 get a CPC -- a CPC from the Commission, which
6 is a two page form, and I can build that
7 network anywhere, any time, serve any customer
8 I choose. But then when I want to put a video
9 signal over that network, I then have to go
10 and negotiate with every village, town,
11 municipality in the state and then come to the
12 PSC and have them approve it as well. So it's
13 simply an outdated model of regulation that
14 hopefully some day the laws can change to
15 provide a little more flexibility for that.

16 MS. GOLDMAN: We may be interested
17 in working with you on that.

18 We do -- many of our providers
19 operate in a competitive environment. I think
20 I would add to the comments that I have made
21 that we need to have an on-the-record hearing
22 looking at the state of telecommunication,
23 asking the kind of questions we've been
24 exploring here, looking at how can we really
25 go -- strengthen and go back to stronger sort

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2 of a quality regulation. What I'd add to is
3 it should be the same service quality
4 regulation, public reporting, benchmarks,
5 penalties that would apply to all providers,
6 not just one segment of the industry. I think
7 there we could find common ground. And to
8 also reexamine the definition of basic telecom
9 services.

10 MR. MCGOWAN: Okay. That's the end
11 of panel one. We're going to take a break
12 until one o'clock and resume with panel two,
13 which is going to explore broadband issues.
14 Thank you all very much.

15 (Time noted: 12:20 p.m.)
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February 24, 2016

111

1 Proceedings - 2/24/16 - Panel 1

2 C E R T I F I C A T E

3
4 STATE OF NEW YORK)
5) SS:
6 COUNTY OF ORANGE)

7
8 I, KARI L. REED, a Registered
9 Professional Reporter (Stenotype) and Notary
10 Public with and for the State of New York, do
11 hereby certify:

12 I reported the proceedings in the
13 within-entitled matter and that the within
14 transcript is a true record of such
15 proceedings.

16 I further certify that I am not
17 related, by blood or marriage, to any of the
18 parties in this matter and that I am in no
19 way interested in the outcome of this matter.

20 IN WITNESS WHEREOF, I have hereunto
21 set my hand this 1st day of March, 2016.

22
23 _____
24 KARI L. REED
25

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