



May 25, 2021

VIA E-File

Secretary Rosemary Chiavetta
Pennsylvania Public Utility Commission
Secretary's Bureau
PO Box 3265
Harrisburg, PA 17105-3265

**Re: Proposed Rulemaking to Comply with the Competitive Classification of
Telecommunication Retail Services Under 66 Pa. C.S. 3016(a); General Review of
Regulations 52 Pa. Code, Chapters 53, 63, and 64
Docket L-2018-3001391**

*Comments of the Coalition for Affordable Utility Services and Energy Efficiency in
Pennsylvania (CAUSE-PA)*

Dear Secretary Chiavetta,

On August 27, 2020, the Public Utility Commission (Commission) issued a Proposed Rulemaking Order at Docket L-2018-3001391. A Notice of Proposed Rulemaking (NPRM) was subsequently published in the *Pennsylvania Bulletin* on April 10, 2021, opening a 45-day initial public comment period.¹ In response to the Commission's NPRM, the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA) submits these brief comments.

¹ See 51 Pa.B. 1999.

The purpose of this proposed rulemaking is for the Commission to be responsive to “changes in competitive market conditions in the telecommunications industry” and, specifically, “to address whether the increases in competition and the subsequent reclassification of certain wire centers as competitive because of the presence of viable competitive alternatives warrant the elimination of certain regulations applicable to jurisdictional telecommunications carriers in both competitive and noncompetitive areas.”² This rulemaking is corollary to an Advance Notice of Proposed Rulemaking (ANOPR) published on August 4, 2018, which the Commission initiated to gather feedback on potential regulatory amendments stemming from a 2014 Order which reclassified 153 wire centers owned and operated by Verizon Pennsylvania, LLC and Verizon North LLC (collectively “Verizon”) as “competitive” centers (herein Reclassification Order).³

In addition to reclassifying 153 wire centers, the Commission’s Reclassification Order a granted Verizon a five-year waiver of certain provisions in Chapters 63 and 64 of its regulations. The ANOPR explored the impact of making the temporary waivers permanent. But doing so would have resulted in sweeping changes to the regulatory structure and, in turn, would have made it difficult for many Pennsylvanians to access stable telecommunication services in their home.

The Office of Consumer Advocate (OCA) provided detailed comments in response to the ANOPR, highlighting the financial cost to consumers and explaining that many of the suggested regulatory amendments could make it more difficult for economically vulnerable consumers to access quality, stable telecommunications service. CAUSE-PA notes that the Commission referenced the OCA’s comments throughout the NPRM Order, and adopted many of the OCA’s recommendations. CAUSE-PA fully supported and endorsed OCA’s comments in response to the ANOPR and we, likewise, endorse and support OCA’s comments to this NPRM.

In addition to noting our strong support of OCA’s comments, we offer the following brief comments in response to this NPRM.

In crafting appropriate regulations for the provision of telecommunication service, it is critical to recognize that while telecommunications technology has and continues to evolve, and increased options are available in many areas of the state, there remains a significant divide

² NPRM at 4.

³ See 48 Pa.B. 4792; Joint Petition of Verizon Pennsylvania LLC and Verizon North LLC for Competitive Classification of All Retail Services in Certain Geographic Areas and for a Waiver of Regulations for Competitive Services, Docket Nos. P-2014-2446303, -2446304 (order entered March 4, 2015) (“Reclassification Order”).

between those who have access to stable and affordable telecommunication service and those who do not. For many Pennsylvanians, especially those in rural and low income communities, basic wireline telecommunication service still provides a very real lifeline – allowing Pennsylvanians to connect with their workplace, school, healthcare providers, social and legal services, assistance programs, family, friends, and other supportive networks. Indeed, the critical necessity of stable and affordable telecommunication has never been more clear than during the COVID-19 pandemic, when government offices, libraries, schools, County Assistance Offices, and other sources for public assistance and information were closed to the public. Indeed, for over a year, the *only* means that many Pennsylvanians had to connect with school, work, and vital health and human services was over the phone or online.

CAUSE-PA supports the Commission's proposal for the broad retention of key regulations included in 52 Pa. Code Chapters 63 and 64, as the retained provisions of these chapters provide important consumer protections which help to ensure the availability of reliable telecommunications services. As stated in our comments to the ANOPR, CAUSE-PA's primary concern for telecommunication service in Pennsylvania is that economically disadvantaged households have universal access to basic service at reasonable and affordable rates. This has been a foundational principle of national telecommunications policy since the passage of the Federal Communications Act of 1934, and was reaffirmed by the Pennsylvania General Assembly when Chapter 30 was enacted in 1993 - and re-enacted in Act 183 of 2004.

To that end, and in specific response to Chairman Brown Dutrieuille's questions in her Statement issued in conjunction with the NPRM, we offer the following:

1. Yes, there is a need to impose ongoing regulatory standards to address the inspection, testing, surveillance, and interference minimization on the providers' networks to ensure the safety and reliability of our network. It is important that quality remains the focus of telecommunication service delivery, regardless of the technology deployed.
2. Yes, there is a need to for Commission-approved standards for documentation and reporting of response times, resolutions, trouble reports, interference, and service outages, as this information will be critical to monitoring the integrity and stability of our networks and the quality of our providers' services.
3. Yes, the Commission should retain regulations imposing standards for installation, interference, trouble reports, and service outages, and impose new regulatory standards

- imposing automatic remedies that do not impose undue hurdles for consumers to access relief. Consumers should not be required to pay for service quality that they do not receive.
4. Yes, there should be a threshold for service quality standards for installations, interference, trouble reports, and service outages that trigger notification to consumers – as well as reports documenting the source of the problem and the resolution. Reports filed with the FCC should be automatically filed with the Commission to allow for close monitoring of service quality standards and each companies’ adherence thereto to help determine whether further corrective action is needed to ensure quality service remains accessible in Pennsylvania.
 5. Yes, the Commission should require providers to continue offering robust consumer education for new and existing customers, and these requirements should be included in the regulations.
 6. Yes, absolutely. Robocalls are a problem in Pennsylvania, and there must be regulatory restrictions to prevent a resurgence of nuisance calls. Robocallers often target vulnerable lower income consumers and Seniors, who are especially susceptible to predatory offers of savings and other scams through the use of robocall technology.
 7. Yes. The number of households that require operator assistance is likely small, but it is likewise the case that those who require operator assistance are likely to have unique vulnerabilities that require additional help to connect. Consumers who need assistance should be able to access customer assistance with ease, and without long wait times. We support continued regulation of mandatory time-periods for operator assistance for this reason.
 8. Yes. The quality of service that a consumer receives should not vary based on the technology deployed – whether that technology is through a traditional or fiber network.

The need for regulatory protections to ensure that basic telecommunication service remain an affordable and accessible option for consumers is perhaps even more essential today than it was in 2004 when Act 183 was passed. Indeed, the sheer fact that a competitive service provider offers service in a given area does not ensure that the service offered is affordable or accessible to those in need. Individuals in rural communities across the Commonwealth – even just a few miles outside of our urban centers – often do not have access to alternatives that offer reliable service to their homes. Even in Pennsylvania’s urban areas, where mobile and broadband service is relatively ubiquitous, many households - especially seniors and homebound individuals - still rely on wireline service as their primary mode of communication. This is sometimes out of necessity when

a consumer is unable to get a stable wireless signal in their home. Low income consumers are also more likely to be unbanked or have adverse credit history, which can create additional challenges for low income families to connect and maintain service in their homes. These are just some of the many reasons why it is critically important that universal service of basic telecommunications regulatory provisions remain intact.

While beyond the scope of the NPRM at hand in this proceeding, we note here that it is critically important for the Commission to continue to monitor developments in telecommunication technology to ensure that communication services are readily accessible to those most in need.

In closing, CAUSE-PA again notes its strong support for the Commission's decision to retain key portions of Chapters 63 and 64, and for the thoughtful comments and recommendations offered by the Office of Consumer Advocate in this proceeding. We are grateful to the Commission for its careful consideration of these important issues, and respectfully reserve the right to file reply Comments in response to comments issued by other interested parties to this proceeding.

Respectfully submitted,

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