



**Minority Media &
Telecom Council**

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December 16, 2013

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street S.W.
Washington, DC 20554

Dear Chairman Wheeler:

RE: FCC Docket #12-353: In the Matter of Technological Transition of the Nation's Communications Infrastructure; FCC Docket #13-5: Technology Transitions Policy Task Force Seeks Comments on Potential Trials

The Minority Media and Telecommunications Council ("MMTC") respectfully submits this letter commending the Commission and your leadership for focusing on the upgrade and modernization of the nation's antiquated telephone network infrastructure to speed and advance the "Fourth Network Revolution."¹

In your recent blog dated November 19, 2013, you underscored that "[h]istory has shown that new networks catalyze innovation, investment, ideas and ingenuity."² MMTC lauds the Commission for this foresight and views this modernization efforts as the vehicle which will optimize broadband applications including, but not limited to, telemedicine, e-learning, open government platforms; and, fortifying the Internet ecosystem in order to facilitate the expansion and aspirations of multi-platform products and services. The FCC's immediate goal to upgrade and modernize the network infrastructure in this country brings us one step closer to realizing the goals set forth by the Obama administration in the National Broadband Plan. The plan highlighted convergence in communications services and technologies and provided a roadmap aimed at creating extraordinary opportunities to

¹ See Wheeler, T. (2013, November 19). The IP Transition: Starting Now | FCC.gov. *FCC.Gov*. Blogsite. Retrieved December 11, 2013, from <http://www.fcc.gov/blog/ip-transition-starting-now>.

² Ibid.

improve quality of life and enhance social, civic and economic benefits for the American consumer.³

MMTC supports the Commission's proposed Order scheduled for early 2014 and challenges the Commission to ensure that no communities, particularly those largely consisting of low-income or fixed income populations, individuals with disabilities, rural residents and those citizens within "copper-only" footprints are left behind during the IP network transition. As you correctly noted in your blog, the challenge before us is to achieve a balance that navigates between two poles and encourages technological changes, while preserving those aspects of network services that consumers have come to expect.⁴ In the transition from the antiquated TDM-based telephone networks to modern IP-based broadband networks, MMTC requests that the Commission also ensure that low-income, aging, disabled, rural populations and small businesses that today remain heavily reliant on voice communications will receive the benefits of high-speed broadband during and after the upgrade of our legacy communications systems. In addition, as we and other civil rights organizations have previously stated, the Commission should aim to limit any potential negative impacts to the fewest people as possible and assuring that those without access to new networks and services – including the poor and those on fixed incomes – are not confronted with the unreasonable burden of bearing the disproportionate cost linked to the operation and maintenance of the legacy telephone network.⁵

In this letter, MMTC desires to highlight four areas of the IP network transition that will help further the goals of (a) competition; (b) universal access and consumer protection;

³ See Federal Communications Commission. (2010, March 16). National Broadband Plan - Chapter 4: Broadband Competition and Innovation Policy. *Broadband.Gov*. Report. Retrieved December 09, 2013, from <http://www.broadband.gov/plan/4-broadband-competition-and-innovation-policy/#s4-5>

⁴ See, *id.*

⁵ See Minority Media and Telecommunications Council. (2013, January 28). In the Matter of Technological Transitions of the Nations Communications Infrastructure, GN Docket No. 12-353: Comments Of The Minority Media And Telecommunications Council, National Association For The Advancement Of Colored People, 100 Black Men Of America, A. Philip Randolph Institute, International Black Broadcasters Association, Minority Business Enterprise Legal Defense And Education Fund, National Association Of Black County Officials, National Association Of Black Owned Broadcasters, National Association Of Neighborhoods, National Black College Alumni Hall Of Fame, National Black Farmers Association, National Coalition On Black Civic Participation, National Organization Of Black Elected Legislative Women, Rainbow Push Coalition, United Negro College Fund And United States Black Chamber, Inc. Federal Communications Commission. Retrieved from <http://apps.fcc.gov/ecfs/document/view?id=7022113741>

and (c) public safety. We respectfully request that the Commission consider the following as it moves forward on a proposed Order in January:

A. Market demonstration tests will be helpful and essential in considering the technical and social impacts of the IP Transition on vulnerable consumers and communities.

MMTC continues to support market demonstration tests and experiments to lessen consumer disruption, tests which will facilitate data collection and a seamless transition from outdated POTS networks to more robust networks, services and applications.⁶ We hope that local market tests will be sensitive to the communications needs of participant communities and we encourage the Commission's research to be undertaken with a particular regard for the "human subjects" protections due to consumers who, would be impacted positively or otherwise, by an experiment being performed in their communities.⁷ MMTC expects that these trials will render the data necessary to best address our existing and ongoing interest in the provision of service to underserved populations, explore issues of service affordability and the availability of competitive alternatives in the marketplace.

AT&T's commitment to test the full transition to an all IP network in local market demonstrations should provide abundant information that can help guide the Commission's broader goals and objectives. In a previous filing, MMTC expressed support for AT&T's Project Velocity ("Project VIP"), a corporate commitment of an additional \$14 billion over the next three years to deploy next-generation, high-speed fixed and mobile networks.⁸ In our view, this investment will facilitate the build out and delivery of next-generation IP-enabled services to more communities throughout the U.S.

B. Parallel processes are still needed to manage a transition that is already underway.

MMTC's support for local market demonstration tests do not minimize the need for an overarching policy framework that ensures the broader build-out and deployment of next generation, high-speed broadband networks throughout the nation. MMTC respects companies that are currently operating under-measured, incremental plans to identify strategies for migrating "copper-only" footprints to fiber or maximizing copper's benefits

⁶ See <http://broadbandandsocialjustice.org/2013/05/mmtc-commends-fcc-for-its-first-step-on-ip-transition-research-encourages-agency-to-move-rapidly-toward-beta-tests/>

⁷ Ibid.

⁸ See Press Release, "AT&T to Invest \$14 Billion to Significantly Expand Wireless and Wireline Broadband Networks, Support Future IP Data Growth and New Services" AT&T (November 7, 2012), available at <http://www.att.com/gen/press-room?pid=23506&cdvn=news&newsarticleid=35661> (last accessed December 04, 2013).

for those communities with certain build-out constraints until the existing rules governing POTS telephone networks are revisited.

MMTC encourages the Commission to begin the process of consumer education and awareness now so that consumers understand the future benefits of having a more robust and modernized communications system. While it is true that fewer and fewer consumers rely solely on voice-only telephone networks and that fixed line usage is declining, consumers should be made aware of the benefits provided by modern broadband networks, especially as services and applications for public benefits, banking, open government access, telemedicine and education migrate to online platforms. Moreover, consumer awareness of ongoing innovation in machine-to-machine communications will further enhance digital engagement as more consumers come to understand that the “Internet of things” enhances quality of life. To advance this goal, the Commission should encourage multi-stakeholder input from industry, public interest and community-based groups, as well as institutional groups to support consumer and community outreach and education on this issue.

C. Data collection will help support and promote service affordability, consumer protection and the availability of competitive alternatives in the marketplace.

As you recently reiterated at the December 2013 open Commission meeting, the FCC’s Technical Advisory Committee (“TAC”) has stressed data gathering from multiple sources as a critical component of the decision making process.⁹ MMTC agrees. Data collection regarding technical migration, service affordability, consumer adoption and satisfaction will support the goal of furthering universal access for underserved communities and other people in need. Data collected from both rural and urban areas will also allow us to better understand the implications of the IP network transition on all of America. In poor metropolitan areas, for example, existing network infrastructure may be old, outdated or non-existent. In 2011, for example, federal funds were necessary to support network infrastructure build-out in Washington, DC, one of the country’s most populated urban centers.¹⁰ Understanding the depth of the issues presented by the transition will provide for more feasible timelines, and suggest stages of development that will enhance deployment and provide a more competitive network environment.

Ensuring that modern broadband networks reach both urban and rural America - where people are disproportionately poor, aging and often more constrained by their disability - should be a fundamental goal of the “Fourth Network Revolution.” While broadband

⁹ See Wheeler, T. (2013, November 19). The IP Transition: Starting Now | FCC.gov. *FCC.Gov*. Blogsite. Retrieved December 11, 2013, from <http://www.fcc.gov/blog/ip-transition-starting-now>

¹⁰ See Heaton, B. (2011, March 31). Washington, D.C., Addressing Digital Divide With New Fiber Network. *Govtech.com*. News Site. Retrieved December 2, 2013, from <http://www.govtech.com/wireless/Washington-DC-Digital-Divide-Fiber-Network-033111.html>.

networks are far superior alternative to voice-only telephone networks, we support data gathering that sheds light on service affordability, and public policies that enhance service adoption. All communities should have affordable access to the broadband speeds and capacity necessary for 21st century services and applications. In the end, high-speed broadband networks will provide an additional gateway for consumers to be active and engaged online and we hope that data will help us avoid deepening barriers to adoption already experienced by more vulnerable populations.

D. IP networks should continue to provide core emergency and public safety benefits.

Finally, MMTC encourages the Commission to ensure that consumers continue to receive the emergency and public safety benefits historically provided by the nation's communications networks on newly deployed modern networks. MMTC encourages the Commission to ensure adequate back-up power resiliency and better understand how new broadband network architecture will affect emergency services communications like 911 service.¹¹ We also urge the Commission to monitor the interoperability between legacy and IP networks during the migration process to ensure continued access to devices, services and applications for the disability community.

* * * * *

In crafting the upcoming IP transition Order, we respectfully request that the Commission incorporate the four issues we highlight in this letter. These issues are critical to advance innovation, consumer protection, affordability and service availability for all Americans. Clearly, deployment of modern networks will contribute to greater scale, reliability and flexibility that enable a myriad of new and enhanced services for consumers. The path toward greater innovation, however, should not come at the expense of vulnerable populations. As a key element of the Commission's oversight of the transition, we hope that all interested stakeholders from diverse communities are given a seat at the table to help the Commission address these concerns at this very important moment in our nation's communications history.

¹¹ See Resnick, G. (2013, September 16). *Implications of the IP Transition for Legal and Regulatory Policy*. Powerpoint presented at the NATOA Annual Conference. Retrieved from <http://www.natoa.org/events/GaryResnick.pdf>

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Sincerely,

A handwritten signature in black ink, appearing to read "David Honig". The signature is fluid and cursive, with a prominent loop at the beginning and a long, sweeping tail.

David Honig
President

cc: Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
Jonathan Sallet, Director, Technology Transitions Policy Task Force