



Public Service Commission of the District of Columbia
1325 G Street N.W., Suite 800
Washington, D.C. 20005
202-626-5120
www.dcpsc.org

Press Release

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Contact: Kellie Armstead Didigu, Media Relations Specialist
Email: kdidigu@psc.dc.gov
Office: 202-626-5124

Commission Takes Steps to Protect Customers during the Copper-to-Fiber Transition

(Washington, D.C.) Today, the Public Service Commission of the District of Columbia (“Commission”) took steps to protect telephone customers during the transition from telephone service provided over copper facilities to telephone service provided over fiber facilities. The Commission directed Verizon Washington, DC Inc. (“Verizon DC”) to continue and improve its efforts to educate telephone customers about the differences between telephone service provided over copper facilities and telephone service provided over fiber facilities. The Commission’s directives to Verizon DC focus on ensuring that telephone customers know that when they choose telephone service provided over fiber facilities, they will not have telephone service when a commercial power outage occurs unless they have battery backup. The Commission also directed Verizon DC to continue to permit customers who wish to keep telephone service provided over copper facilities to keep this service. Since the Commission also determined that Verizon DC’s FiOS Digital Voice service is a Voice over Internet Protocol service, which the Commission is prohibited by DC Law from regulating, the Commission also directed Verizon DC inform customers choosing FiOS Digital Voice service that the Commission cannot handle any consumer complaints regarding FiOS Digital Voice service.

The Commission opened this proceeding, *Formal Case No. 1102*, in response to consumer complaints that Verizon DC was pressuring them to change their telephone service to telephone service provided over fiber facilities. Verizon DC, the Office of the People’s Counsel, and the Communications Workers of America, AFL-CIO, participated as parties in this proceeding. Additionally, numerous consumers, businesses, and community organizations filed comments with the Commission. The Commission held community hearings to obtain input from the public on November 5 and 10, 2014. The Commission also held evidentiary hearings on January 22 and 23, 2015 on nine issues relating to the copper-to-fiber transition.

In today’s Order, the Commission also indicates that it will open rulemaking proceedings to propose rules governing battery backup requirements and the retirement of copper facilities in the District of Columbia. These rulemaking proceedings will be designed to provide consumers with the information they need during the copper-to-fiber transition.

The following is a summary of today’s decision regarding the nine identified issues in this proceeding:

Regarding the first issue, the Commission determines that there are no local exchange services offered within a wire center area provided by copper lines connected to TDM-based switch equipment (“switched copper voice service”) that cannot also be provided by fiber lines connected to TDM-based circuit switch equipment (“switched fiber voice service”), but there are capabilities and functionalities of switched copper voice service that cannot be provided over switched fiber voice service. Additionally, there are services, capabilities, and functionalities provided by switched copper voice service that cannot be provided over fiber lines connected to IP softswitch equipment, particularly Verizon DC’s FiOS Digital Voice (“FDV”) service.

In relation to the second issue, the Commission finds that in some circumstances, switched fiber voice service and FDV service do not provide the same or better call and response capabilities for emergency services, crisis management, priority access, and security services, necessitating battery backup.

On the third issue, the Commission finds that there are no differences between the services provided by switched copper voice service and switched fiber voice service; therefore these services should be afforded the same regulatory treatment. FDV service and Voice over Internet Protocol (“VoIP”) services are different services, meriting different regulatory treatment.

Regarding the fourth issue, the Commission determines that switched fiber voice service must include the same services, capabilities, and functionalities as switched copper voice service, including access to power from the central office or through a battery backup unit (“BBU”).

Relating to the fifth issue, the retail quality of service (“RQS”) standards that exist currently apply to both switched copper voice service and switched fiber voice service; the Commission continues that mandate. In a new rulemaking, the Commission will establish battery backup standards applicable to all telecommunications service providers offering local exchange service.

On the sixth issue, the Commission finds that all FDV service is IP-enabled service and most FDV service is a VoIP service, as defined by the D.C. Code; therefore FDV service is not a service that is regulated by the Commission.

Relating to the seventh issue, the Commission finds no record evidence of areas in the District of Columbia where there are poorly performing copper-based facilities but no immediate plans to transition to fiber facilities.

For the eighth issue, while the Commission finds that many of Verizon DC’s disclosures to its customers regarding switched fiber voice service or FDV service are adequate, the Commission directs Verizon DC to amend its welcome kits and customer service scripts to include information about the BBU and a disclosure that FDV service is an unregulated service. The Commission also directs Verizon DC to amend its instructions to its technicians to obtain documentation of a customer’s choice regarding the installation of a BBU if the customer agrees to a service migration to fiber facilities.

Regarding the ninth issue, the Commission finds based on this record that Verizon DC does permit retention or return to copper facilities for customers who do not choose to purchase service provided over fiber facilities. The Commission will continue to require Verizon DC to permit customers to retain or return to copper facilities for as long as its current Price Cap Settlement Agreement is in effect or until otherwise ordered by the Commission.

Finally, the Commission directs Verizon DC to make changes to customer service and technician scripts, welcome kits, and tariffs to implement this Order and file a copy of these revised materials with the Commission within 30 days of the date of this Order.

The Public Service Commission of the District of Columbia is an independent agency established by Congress in 1913 to regulate electric, natural gas, and telecommunications companies in the District of Columbia.

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