

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

**In the Matter of** )  
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**Policies to Respond to the Ongoing** ) **GN Docket No. 12-353**  
**Technological Transition of Voice Networks** )  
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**COMMENTS OF  
THE NATIONAL CONSUMER LAW CENTER, ON BEHALF OF OUR LOW-INCOME  
CLIENTS AND ADVOCATES FOR BASIC LEGAL EQUALITY, INC.**

**IN RESPONSE TO THE AT&T PETITION TO LAUNCH A PROCEEDING  
CONCERNING THE TDM-TO-IP TRANSITION**

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The **National Consumer Law Center (NCLC)** is a nonprofit corporation founded in 1969 to assist legal services, consumer law attorneys, consumer advocates and public policy makers in using the powerful and complex tools of consumer law for just and fair treatment for all in the economic marketplace. NCLC has expertise in protecting low-income customer access to telecommunications, energy and water services and publishes *Access to Utility Service* (5<sup>th</sup> edition) as well as NCLC's *Guide to the Rights of Utility Consumers* and *Guide to Surviving Debt*.

**The Advocates for Basic Legal Equality (ABLE)** is a regional nonprofit law firm in Ohio that provides a full range of free, high quality legal services to low-income individuals and groups to help them achieve self-reliance, economic opportunity, and equal justice. ABLE serves clients in thirty-two counties in Northwest and Western Ohio as well as migrant farmworkers and immigrant workers statewide. Established in 1969, ABLE has a long history of representing low-income clients in all types of administrative advocacy and complex civil litigation, including consumer protection and utilities matters. Since 1995, ABLE attorneys have actively worked on behalf of community organizations to expand access and ensure affordability of telecommunications services.

NCLC and ABLE, as part of a larger coalition low-income consumer groups representing consumers who rely the Lifeline program for connectivity, were active participant in the recent reform of the Lifeline program. We respectfully submit these brief initial comments FCC's December 14, 2012 Public Notice regarding AT&T's petition to open a proceeding to facilitate the TDM-to-IP transition.

As an initial matter, NCLC and ABLE support the "Initial Comments of the National Association of State Utility Consumer Advocates" (NASUCA) filed in this docket<sup>1</sup> as the appropriate "consumer" lens versus the positions put forth by industries who, by their very nature, are seeking to

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<sup>1</sup> NASUCA opening comments are also filed in 15 open dockets, which illuminates the broad reach and impact of this issue: WC Docket No. 10-90; GN Docket No. 09-51, WC Docket No. 07-135; WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45; WT Docket No. 10-208; CC Docket No. 02-23; GN Docket No. 10-127; WC Docket No. 11-119; WC Docket No. 12-61; WC Docket No. 09-223; WC Docket No. 09-222; RM-11358; WC Docket No. 10-188.

improve their bottom-line. As NASUCA points out, there needs to be preliminary action by the FCC on separations reform, classification of VoIP and VoIP interconnection and the Commission should allow the Technical Advisory Council to complete its work, before entertaining the AT&T proposal.<sup>2</sup> Our concerns are complementary to the extensive comments submitted by NASUCA and focus on the needs of consumers with extremely limited means and those who live in parts of the country that have been hard to serve.

Communications are an essential service, and the costs of exclusion, telephonic and digital, are magnified as modern society relies more and more on the ability of individuals to be accessible and to have access to each other and to their larger communities, education, health care, work, commerce, the financial system, government, decision makers, etc. While we look forward to the capabilities that come with the IP transition, we are very concerned that the tide rise for all consumers, including low-income and those living in harder to serve areas. What should not be lost in the “transition” is the ability of a consumer to have access to affordable, quality, ubiquitous connectivity. Consumers must be able to pick of the phone or device of their choice and have confidence that they can reach emergency service and will have connectivity in emergency situations; they will have a quality connection with the other party, even if that party is in a hard to serve part of the country; they will have true choice in the type of service and carrier of their choosing, and there will be basic affordable service available so no one is priced out of connectivity.

The evolution of the communications network has vital public policy implications for the nation which touches on commerce and economic development (e.g., supporting entrepreneurs in rural America and the ability of children of all means to become content creators and apps developers), financial services (e.g., the move from paper money to electronic payments), the delivery of health care (e.g., telemedicine), education and benefits programs, and ensures a vibrant and robust democracy

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<sup>2</sup> NASUCA’s Opening Comments at 34.

through new forms of civic engagement. A ubiquitous and robust communications network is tied to the health of the nation and state and federal regulators have an important and continuing role to play in ensuring quality, affordable, universal connectivity and consumer protections. It is particularly critical that the Commission remain consistent with its recent decision to reject proposals to preempt state obligations regarding voice service, including Carrier of Last Resort (COLR) obligations<sup>3</sup> as this is critical for ensuring universal connectivity.

We urge the Commission to reject AT&T's petition and to, instead, carefully and thoughtfully navigate the IP transition with an ever-fixed eye on ensuring the communications network is affordable, reliable, and ubiquitous for all consumers, including those with very modest means and those who live in remote parts of the country.

Respectfully submitted,

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<sup>3</sup> Connect America Fund Order para.82.