

State of California

Public Utilities Commission
San Francisco

MEMORANDUM

Date: March 7, 2014

To: The Commission
(Meeting of March 13, 2014)

From: Helen M. Mickiewicz, Legal Division
Roxanne Scott, Communications Division

Subject: Filing of Comments with the FCC re IP Transition Ongoing
Data Collection Initiative

RECOMMENDATION: The Commission should file Comments in support of the Federal Communications Commission's (FCC's) "Proposal for Ongoing Data Collection Initiative" to collect information, beyond the IP experiments or trials, on the consumer experience with the Internet Protocol (IP) technology transitions occurring in the communications industry.¹ As the FCC notes: "Gathering data on how the technology transitions affect the enduring values of consumer protection, universal service, competition and public safety is essential to developing a common set of facts that will enable data-driven decision-making."² Comments on the Ongoing Data Collection Initiative are due March 14, 2014.

BACKGROUND: On January 30, 2014,³ the FCC adopted Orders intended to accomplish the following:

[K]ickstart the process for a diverse set of experiments and data collection initiatives that will allow the [FCC] and the public to evaluate how customers are affected by the historic technology transitions that are transforming our nation's voice communications services – from a network based on time-division multiplexed (TDM) circuit-switched voice services running on copper loops to an all-Internet Protocol (IP) network using copper, co-axial cable, wireless, and fiber as physical infrastructure."⁴

¹ *In the Matter of Technology Transitions, Part V, Data Collection Proposal for Ongoing Data Initiative*; GN Docket No. 13-5; rel. January 31, 2014. (FCC 14-5)

² *Id.*, ¶171.

³ Order *In the Matter of Technology Transitions* (GN Docket No. 13-5); *AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition* (GN Docket No. 12-353); rel. January 31, 2014. (FCC 14-5).

⁴ FCC 14-5 at ¶1.

The FCC will collect data on these experiments. It is also proposing, however, to continue data collection on the IP transition beyond the experiments or trials given that these experiments will be limited in scope and/or geography. The FCC views this Ongoing Data Initiative as a means to evaluate, and expand as appropriate, the FCC's existing data gathering efforts, and to obtain a more comprehensive overview of the technology transitions already underway.

The FCC proposes that the diverse data collection efforts be guided by overarching basic principles. It also proposes and seeks comment on three distinct ways to enhance the [FCC's] collection data efforts related to the technological transitions, as set forth below:

- 1) improving [the FCC's] consumer complaint and inquiry processes and data to better understand the technology transitions from the consumers' perspective;
- 2) conducting structured observations of NG911 deployment; and
- 3) other ways of improving information on key questions of consumer values and decision-making in the transitioning communications world.⁵

The FCC notes that these efforts are not exhaustive, and welcomes ideas regarding other ways it could gather information on the transitions and their impact on "enduring network values."⁶

DISCUSSION AND RECOMMENDATIONS:

A. Principles for Data Collection

The FCC expects all of its data collection efforts regarding the transition to be guided by four common principles on which it seeks comment:⁷

- 1) Data should be gathered and collected data through an open, transparent process.
- 2) Data should be collected from multiple sources, including outside experts and advisors; collaboration with other federal agencies, state, local, Tribal governments and leaders; automated data gathering; and crowd-sourcing;
- 3) Clear and consistent definitions and metrics are a necessary precondition to enabling the analytical comparisons and aggregation of feedback necessary to provide a comprehensive picture of the technology transitions experience; and

⁵ *Id.*, ¶172.

⁶ *Id.*

⁷ *Id.*, ¶173.

- 4) All data the FCC gathers is to be made publicly available as a resource to all interested parties, while protecting privacy.

Recommendation: Staff recommends that the Commission support these four principles.

B. Gathering Data to Document Technology Transitions from the Consumer's Perspective⁸

Apart from the IP Transition Trials and Experiments, the FCC proposes to take affirmative steps to gather information on how consumers are experiencing the technology transitions. The FCC wants to ensure that consumers know how to give the FCC feedback on their transition experiences, to create an inclusive data-sharing environment with state, local, and Tribal governments, and to optimize its collection and analysis of consumer complaint and inquiry data. Specifically, the FCC seeks comment on how it can (1) make better use of its data on consumer complaints and inquiries; (2) work with state, local, and Tribal government organizations to ensure a comprehensive and consistent data gathering and evaluation effort that reflects consumer experiences; and (3) increase the transparency and accessibility of the data it collects.

Recommendation: Staff recommends that the CPUC support the FCC's proposal to collect on an ongoing basis feedback from consumers on their experiences with the change from legacy to IP services.⁹

1. Enhancing FCC's Consumer Complaints and Inquiries Data¹⁰

The CPUC should support the FCC's proposal to improve its consumer complaint and inquiry system including enhancing its complaint intake, analysis, and reporting functions, and improving the searchability of its consumer complaints database. In addition, the CPUC should support the FCC's proposal to develop common metrics, categories, and definitions for measuring the impact of the transition on consumers. And, the CPUC should recommend that in addition to gathering data from consumers, service providers, and governmental entities, the FCC should seek to gather data via private surveys by neutral professional entities.

2. Working with State, Local and Tribal Governments¹¹

CPUC should support the FCC's proposal to leverage existing data collection efforts across the states, localities, and Tribal Nations, and allow for comparisons of consumer experience in different parts of the country and enable an aggregation of consumer data nationwide to create a more comprehensive picture of the consumer experience as networks transition. In this regard, the CPUC can apprise the FCC of how CAB collects and categorizes consumer complaints. The CPUC should support the FCC's decision to work with the Federal-State Joint Conference on

⁸ *Id.*, ¶174.

⁹ *Id.*, ¶¶177-183.

¹⁰ *Id.*, ¶¶177-179.

¹¹ *Id.*, ¶¶180-183.

Advanced Telecommunications Services to develop best practices among the states for gathering and evaluating consumer complaints. The FCC proposes that for states such as California¹² that have enacted laws limiting state authority over VoIP services, consumer complaints could be addressed by the FCC. The CPUC should recommend that the FCC provide access for each state to detailed state-specific IP-related complaint data; such access will help states evaluate the adequacy of existing consumer protections.¹³

3. Increasing the Transparency of the Consumer Data the FCC Collects¹⁴

Staff recommends that the CPUC urge the FCC to make publicly available, via its website, as much information as possible on the consumer complaints it receives, while protecting the privacy of the complainants. Complaint information could be aggregated in various ways to facilitate analysis of the impact of the transition, to identify problem areas, and to identify problem service providers. The CPUC should stress that maintaining consumer privacy should be the key factor when determining how data is made public. And the CPUC should support recommendations from the FCC's Consumer Advisory Committee (CAC), including the addition of a direct link to the complaint data on the FCC home page, allowing public access to complaint data, and providing a more detailed breakdown of complaints, among other recommendations.¹⁵

The FCC also seeks comment on how it can supplement its data-gathering process on the impacts of technology transitions beyond consumer complaints and inquiries. As noted above, Staff recommends that the Commission urge the FCC to employ private, neutral parties to conduct surveys of the consumers' experiences with the transition.

C. NG911 Structured Observation

The FCC proposes and seeks comment on ways it can collect and make available data outside of the trials to facilitate NG911 deployments, while preserving and enhancing the enduring network value of public safety.

Recommendation: Staff recommends that the FCC make data related to NG911 deployments available to state commissions in order to assess any state laws, regulatory, or operational issues that may need to be addressed to ensure that public safety is preserved during such a transition.

Assigned Staff: Roxanne Scott, Adam Clark, Karen Eckersley for Communications Division; Helen Mickiewicz, Chris Witteman for Legal; Phil Enis, Risa Hernandez for CSID.

HMM/RS:nas

¹² See Pub.Util.Code§710 (Chapter 733, Statutes of 2012).

¹³ *Id.*, ¶182.

¹⁴ *Id.*,

¹⁵ *Id.*, ¶187.