

Resolution Urging the FCC to Partner with States to Protect Residential and Business Consumers During the Technology Transition

WHEREAS, On November 25, 2014, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking and Declaratory Ruling (NPRM) (In the Matter of Ensuring Customer Premises Equipment Backup Power for Continuity of Communications, PS Docket No. 14-174, FCC 14-185, ¶ 2 at 2), in which the FCC sought comment on ways to ensure reliable backup power for consumers to dial 911 and protect consumers through better information about retiring legacy facilities and discontinuing services; and

WHEREAS, In the NPRM (¶¶ 3-6), the FCC proposed rules establishing battery replacement and backup power expectations for end-user consumers of Internet protocol (IP)-based services, requiring consumers be given adequate notice of copper retirement network and service changes; and

WHEREAS, In the NPRM, the FCC proposed rules to maintain wholesale access in order to preserve competition; and

WHEREAS, State public service commissions and other state agencies (States) share responsibility, statutory authority and oversight with the FCC regarding consumer protection, competition and access to 911/E911 public safety services, using different regimes and approaches to network reliability and public safety; *and*

WHEREAS, Several States are examining the intrastate impacts of battery backup and copper retirement or transition, within the States' regulatory and legal parameters including any State basic services, or other, rules and laws; *and*

WHEREAS, States have a long history of partnering with the FCC to the benefit of consumers on numbering administration and number routing issues, such as area code relief, number conservation and number portability and these issues will continue to have importance to States as the transition to IP technology moves forward; *and*

WHEREAS, The FCC has partnered with States to conduct consumer education and provide consumer notices regarding VoIP's 911/E911 limitations, Lifeline Awareness Week, and the Digital Television (DTV) transition; *and*

WHEREAS, NARUC adopted resolutions at its 2013 Summer Meeting encouraging the States and the FCC to optimize consumer protection and the public interest by working together in a collaborative process on several issues, including network power outages, next generation telecommunications network technologies, the federal Lifeline service program, and billing complaint trends; *and*

WHEREAS, The FCC recognized the important role that States play concerning 911 service and power outages in its November 25, 2014 Policy Statement and Notice of Proposed Rulemaking (In the Matter of 911 Governance and Accountability, PS Docket Nos. 14-193, 13-75, FCC 14-186, ¶ 2 at 2), by stating that: "State regulators and local emergency response agencies play

critical roles in ensuring that 911 is available when needed and that every 911 call will be answered, and it is undoubtedly in the public interest that the Commission should work in close partnership with these stakeholders to carry out its responsibility”; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its 2015 Winter Committee Meetings in Washington, D.C., urges the FCC to reaffirm its commitment to a collaborative, joint approach with the States to further the goals and directives contained in the NPRM regarding consumer protection and public safety; *and be it further*

RESOLVED, That the FCC should, in any order issued pursuant to the NPRM, adopt rules that respect and do not diminish, impede or otherwise infringe upon state authority in these areas; and be it further

RESOLVED, That the FCC should ensure that competition, and current consumer protections, including privacy, complaint resolution, basic service, and service quality, remain in effect regardless of the technology used to provide service, and should endorse the States’ continued enforcement of these protections where they exist under State law; and be it further

RESOLVED, That the FCC should require all providers of fixed IP-based networks to notify and educate their consumers of any backup power requirements of their services, including battery life spans and procedures for ordering, installing, replacing, and disposing of batteries, as well as actions consumers may take to extend battery life during a power outage; and be it further

RESOLVED, That the FCC should partner with the States to ensure that consumers are fully informed on the backup power requirements of their IP-based services, regardless of the technology used by the consumer, and to advance the FCC’s and States’ mutual goals for consumer protection and public safety.

Sponsored by the Committee on Telecommunications and the Committee on Critical Infrastructure

Adopted by the NARUC Board of Directors February 18, 2015