

## RESPONSE TO RCRC AB 2395 OPPOSITION LETTER DATED 4-11-16

<b>RCRC CLAIM</b>	<b>RESPONSE</b>
<p>“We question whether a replacement is viable in areas that do not currently have either adequate wireless capabilities or Voice Over Internet Protocol, meaning the incumbent landline infrastructure will be the default but yet operated by another entity.”</p>	<ul style="list-style-type: none"> <li>• If a qualified alternative service is not available to the affected customers in the affected area, as confirmed by the CPUC, a telephone company cannot withdraw service. [Section 711(b).]</li> <li>• The bill addresses discontinuance of legacy services – not the sale or abandonment of copper infrastructure.</li> <li>• Federal copper retirement rules will remain in place.</li> </ul>
<p>“Of utmost concern in this relinquishment scenario is that rural communities would be left with little or no opportunity to see an investment in modern, alternative infrastructures.”</p>	<ul style="list-style-type: none"> <li>• AB 2395 encourages, rather than discourages investment in new technology.</li> <li>• Discontinuance of POTS service cannot occur unless an alternative, more advanced service is available from the legacy telephone company or other providers.</li> <li>• Traditional telephone companies will be motivated to build modern infrastructure in areas that are not served by alternative providers in order to transition away from the costly and outdated POTS network.</li> </ul>
<p>“Under the bill, the CPUC has 120 days (four months) to review a legacy carrier’s petition for relinquishment. We believe that is an incredibly short timeframe for such an undertaking . . . . But even more disturbing is that if the CPUC fails to complete its review within 120 days, the relinquishment is deemed approved.”</p>	<ul style="list-style-type: none"> <li>• The bill provides a process for an orderly, well-planned transition from legacy POTS voice service to newer and more advanced services – that will better serve all communities, including rural communities.</li> <li>• The bill does not contemplate a lengthy, complex proceeding by the CPUC to confirm that the identified alternative services are available for the affected customers.</li> <li>• The “deemed approved” provision will ensure that the CPUC completes the process within the necessary time frames.</li> </ul>

<p>“AB 2539 contains other provisions of serious concern – only a 30-day-after-relinquishment time period to petition the CPUC for a review.”</p> <p>“Again, even if the CPUC ‘does the right thing’ it can only order a temporary restoration.”</p>	<ul style="list-style-type: none"> <li>• The bill provides 90 day notice before POTS service is withdrawn.</li> <li>• The customer has 30 days in which to challenge the availability of the alternative service at their location.</li> <li>• If the alternative service is unavailable or does not work at the customer’s location, the withdrawing provider must continue to provide service for 12 months.</li> <li>• The bill was amended in Committee to ensure that service will continue after that 12 month period unless and until an alternative service becomes available.</li> </ul>
<p>“We cannot support changes in the regulatory and statutory environment which furthers this gulf between who gets access and who does not.”</p>	<ul style="list-style-type: none"> <li>• All customers – including rural customers - will retain the services they have until a qualified alternative service is available.</li> <li>• The intent of AB 2395 is to help close the digital divide creating a path for the transition from legacy POTS to IP and other advanced service for all Californians.</li> </ul>