

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Comment Sought on Transition from Circuit-Switched Network to All-IP Network)	GN Docket No. 09-47
)	
)	GN Docket No. 09-51
)	
)	GN Docket No. 09-137

**COMMENTS – NBP PUBLIC NOTICE #25
of the
ORGANIZATION FOR THE PROMOTION AND ADVANCEMENT
OF SMALL TELECOMMUNICATIONS COMPANIES**

I. INTRODUCTION

The Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) hereby submits these comments in response to the FCC’s National Broadband Plan Public Notice #25, in the above-captioned proceedings.¹ The Public Notice seeks comments identifying the relevant policy questions that should be asked in a prospective Notice of Inquiry (NOI) regarding the transition from the public switched telephone network (PSTN) to an all-broadband network utilizing Internet protocol (IP).

OPASTCO is a national trade association representing approximately 520 small incumbent local exchange carriers (ILECs) serving rural areas of the United States. Its members, which include both commercial companies and cooperatives, together serve more than 3.5 million customers. Almost all OPASTCO members are rural telephone companies as defined in 47 U.S.C. §153(37). OPASTCO commends the Commission’s

¹ *Comment Sought on Transition from Circuit-Switched Network to All-IP Network*, GN Docket Nos. 09-47, 09-51, 09-137, NBP Public Notice #25, DA 09-2517 (rel. Dec. 1, 2009) (Public Notice).

decision to begin addressing the transition from the PSTN to an all-broadband network at this time.

II. THE COMMISSION SHOULD ISSUE AN NOI THAT BEGINS TO CONSIDER HOW PUBLIC POLICY CAN BEST FACILITATE THE TRANSITION TO AN ALL-BROADBAND NETWORK

OPASTCO applauds the release of the Public Notice, as it comports with OPASTCO's recently filed universal service and intercarrier compensation reform proposal.² Among other things, that proposal calls for the PSTN to be fully converted to an all-broadband network following a seven-year transition period. As the Public Notice correctly observes, policy serves an important role in ensuring that consumers are protected from the loss of essential services, and remain informed of the choices presented by the transition. Policy also provides a glide path for all industry players, enabling more efficient planning and adjustment over the course of the transition.³ Therefore, OPASTCO supports the issuance of an NOI that would examine the transition more closely.

Specifically, the Public Notice seeks comment on the relevant policy questions that an NOI regarding the transition from the PSTN to an IP-based broadband network should address, in order to assist the Commission in considering how best to monitor and plan for the transition.⁴ OPASTCO suggests that the following questions be among those included in the NOI:

² See, for example, *ex parte* letter from Stuart Polikoff, Vice President – Regulatory Policy and Business Development, OPASTCO, to Marlene H. Dortch, Secretary, FCC, GN Docket No. 09-51, WC Docket No. 05-337, WC Docket No. 06-122, CC Docket No. 96-45, CC Docket No. 01-92, WC Docket No. 03-109 (fil. Nov. 30, 2009).

³ Public Notice, p. 2.

⁴ *Id.*, p. 3.

- How long should the transition to an all-broadband network take? How will policymakers identify when carriers and consumers are prepared for the transition to be complete?
- What rules, if any, might be needed to guarantee that legacy networks will continue to remain operational until the last consumer served by that network is transitioned to an all-broadband network?
- Would it be beneficial to establish a date certain at which time carriers are no longer obligated to provide PSTN-based services? Should the transition happen simultaneously nationwide, or should different markets complete the transition at different times?
- Are there elements of the PSTN that will need to be maintained after the transition is complete? If so, which elements, and how long should they be maintained and, if necessary, supported?
- Prior to the completion of the transition, how will ILECs currently under rate of return regulation be ensured of full cost recovery for the PSTN investments they have previously made as carriers of last resort (COLRs)?
- Should the transition be transparent to those customers who only desire voice service (*i.e.*, they do not want broadband Internet access)? If so, how would this be accomplished?
- Are regulations needed to ensure that current levels of quality and reliability for voice service are maintained on an all-broadband network?
- Is it necessary to ensure that rates for voice service do not increase dramatically for those customers that do not want Internet access and only want to use their broadband connection for voice?
- How can reliable voice service be ensured for consumers to whom it is cost-prohibitive to provide a fixed broadband connection?
- How should consumer complaints be handled in an all-broadband environment, when consumers may obtain “over-the-top” applications and services, including voice services, from anywhere in the world? Once the transition is complete, should broadband service providers’ responsibility be limited to complaints regarding a customer’s last-mile broadband connectivity?
- How will consumers be ensured of access to at least one reliable and affordable high-speed fixed broadband network, no matter where they live? Do there need to be COLRs for broadband service?

- If some broadband providers have COLR obligations while others do not, are there further regulatory distinctions that would be appropriate to make between them?
- Are rules necessary to ensure interoperability between smaller and larger networks?
- Are rules necessary to ensure that smaller networks have affordable, non-discriminatory access to those other networks?
- During and after a transition to an all-broadband environment, what is the appropriate division of responsibility between federal and state regulators?
- In an all-broadband environment, there is a clear distinction between the network (*i.e.*, the physical layer) and the applications and services that ride over the network (*i.e.*, the service layer). How should regulations distinguish between these layers, if at all?
- During and after the transition, will there still be a need for study areas, service areas, or rate centers, as they are known today?
- What impacts will the transition have on the North American Numbering Plan, and how, if at all, should the numbering regime be altered?
- What other types of carrier obligations – for example, public safety and consumer protection – are necessary in an all-broadband environment? How, if at all, should these obligations differ from the obligations that exist today for the PSTN? (Ex., E911, customer proprietary network information, etc.) With respect to E911, will public safety answering points need to be required to become IP-enabled?

III. CONCLUSION

OPASTCO supports the issuance of an NOI that examines the transition from the PSTN to an all-broadband network. The questions listed above should be included in this inquiry.

Respectfully submitted,

**THE ORGANIZATION FOR THE
PROMOTION AND ADVANCEMENT OF
SMALL TELECOMMUNICATIONS COMPANIES**

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