

SUMMARY - PUBLIC

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
INFORMAL COMPLAINT**

Hand Delivered

Enforcement Bureau
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Complainants:	Communications Workers of America 501 3 rd Street NW Washington, DC 20001 (202) 434-1100	Citizen Action of New York 94 Central Avenue Albany, NY 12206 (518) 465-2890
	Common Cause 805 15 th Street NW, Suite 800 Washington, DC 20005 (202) 833-1200	Progressive Maryland 35 University Blvd. East Silver Spring, MD 20901 (202) 907-9597
	Public Knowledge 1818 N Street NW, Suite 410 Washington, DC 20036 (202) 861-0020	Virginia Organizing 703 Concord Avenue Charlottesville, VA 22903 (434) 984-4655
	USAction 1101 17 th Street NW, Suite 1220 Washington, DC 20036 (202) 263-4520	Keystone Progress 2973 Jefferson Street Harrisburg, PA 17110 (610) 990-6300

Carrier: Verizon Communications Inc.
1300 I Street NW, Suite 400 West
Washington, DC 20005
(202) 515-2540

I. Introduction

1. Pursuant to Section 208 of the Communications Act and Section 1.716 of the Commission's rules, the Communications Workers of America (CWA), Common Cause, Public Knowledge, USAction, Citizen Action of New York, Progressive Maryland, Virginia

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Organizing, and Keystone Progress (collectively, “Complainants”) hereby submit this Informal Complaint submitting evidence that Verizon Communications, Inc. (Verizon) is engaged in unjust and unreasonable practices with regard to its copper facilities in violation of Section 201(b) of the Communications Act, and is failing to provide advance notice of actions that “will result in the retirement of copper” in violation of Section 51.325(a)(4) of the Commission’s rules.¹ In particular, Verizon has institutionalized the deception of consumers under an established internal policy – the “Fiber is the Only Fix” (“FITOF”) policy, which is described in detail herein, and under which technicians and other Verizon employees are required actively and purposefully to mislead their customers.

2. Complainants are therefore requesting that the Commission: (1) investigate these policies and practices; (2) require Verizon immediately to stop deceptive practices; (3) require Verizon to redress any actions taken against consumers under this policy; and (4) take any other action it deems appropriate.

3. To be clear, Complainants fully support efforts to upgrade customers to fiber service, as long as those efforts are in full compliance with applicable statutes and the Commission’s rules and with a view to transparency and disclosure to prevent any harm to consumers resulting from the wireline transition.

4. Universal, affordable telecommunications are essential to a well-functioning civil society. Even in the age of digital campaigns, voice telephony remains crucial to organizing for political change and to our democracy. It is how activists persuade voters, schedule volunteers, and build crowds for rallies. In this period of technology transitions, it is critical that telecommunications carriers are in full compliance with the Commission’s advance notice rules

¹ See 47 U.S.C. §§ 201(b), 208; 47 C.F.R. §§ 1.716, 51.325(a)(4).

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and are fully transparent in their interactions with consumers in order to ensure equity and promote the public interest.

II. Parties

5. **Complainants.** CWA is a labor organization representing 700,000 workers in communications, media, airlines, manufacturing and public service. CWA represents 35,000 Verizon employees including technicians who are directly responsible for operating and maintaining the physical facilities (such as poles, wires, cables, and conduits) that are used to provide telecommunications service to the public and customer service employees who respond to customer inquiries regarding repair, service, and billing issues.

6. Common Cause is a nonpartisan grassroots organization dedicated to upholding the core values of American democracy, with more than 400,000 members in all 50 states. Because a vibrant communications ecosystem is essential to full participation in civic society, Common Cause advocates for strong public interest protections.

7. Public Knowledge is a not-for-profit institution dedicated to preserving and protecting consumer rights. It has worked extensively to improve affordable, non-discriminatory access to broadband and telecommunications services.

8. USAction builds power by uniting people locally and nationally to win a more just and progressive America. USAction affiliates are located in 22 states, including Virginia, Maryland, Pennsylvania, New York, and Rhode Island.

9. Citizen Action of New York is a grassroots membership organization taking on issues that are at the center of transforming society. Citizen Action of New York has eight chapters and affiliates in major cities across New York State.

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10. Progressive Maryland builds power for working families by mounting issue campaigns and organizing people and consumers to take action on issues that will improve the lives of working families. Progressive Maryland is made up of over 23,000 members and supporters and over 30 affiliated religious, community and labor organizations.

11. Virginia Organizing is a non-partisan statewide grassroots organization dedicated to challenging injustice by empowering people and consumers in local communities to address issues that affect the quality of their lives.

12. Keystone Progress represents 250,000 working families and consumers in communities across Pennsylvania on issues of economic justice.

13. All inquiries and materials regarding this Informal Complaint should be directed to:

Debbie Goldman
Communications Workers of America
501 3rd Street NW
Washington, DC 20001
(202) 434-1100

14. **Carrier.** Verizon Communications Inc. is a broadband and telecommunications company, and is the largest U.S. wireless communications service provider.² On information and belief, Verizon has implemented its Fiber is the Only Fix policy in the states of Maryland, Pennsylvania, Delaware, Virginia, Rhode Island, New York, and Massachusetts, and possibly other areas. Verizon had revenue of \$131,620,000,000, operating income of \$33,060,000 and an operating profit margin of 25.12% in 2015.³

² *Implementation of Section 6002(b) of the Omnibus Budget Reconciliation Act of 1993 et al.*, WT Docket No. 15-125, Eighteenth Report, DA 15-1487, ¶ 15 (Dec. 23, 2015).

³ Verizon Communications Inc., *Form 10-K 2016* (2016), available at <http://www.verizon.com/about/investors/sec-filings>; see also Stock Analysis on Net, *Verizon Communications Inc. (VZ)* (last visited Dec. 31, 2015), available at <https://www.stock-analysis->

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III. Relevant Provisions of the Communications Act and the Commission's Rules

15. Section 201(b) of the Communications Act provides in relevant part that “all charges [and] practices . . . for and in connection with [interstate communication by wire provided by a common carrier] shall be just and reasonable, and any such . . . charge [or] practice . . . that is unjust or unreasonable is declared to be unlawful[.]”⁴

16. Section 51.325(a)(4) of the Commission's rules requires that ILECs “must provide public notice regarding any network change that . . . [w]ill result in the retirement of copper” (the “copper retirement rules”).⁵ For residential retail customers, 90 days advance notice is required.⁶ The “retirement of copper” is defined as:

(i) Removal or disabling of copper loops, subloops, or the feeder portion of such loops or subloops, (ii) The replacement of such loops with fiber-to-the-home loops or fiber-to-the-curb loops, . . . or (iii) The failure to maintain copper loops, subloops, or the feeder portion of such loops or subloops that is the functional equivalent of removal or disabling.⁷

17. The Commission has defined “removal” as the “physical removal of copper,” and defined disabling as “rendering the copper facilities inoperable . . . [for] long term[s] or permanent periods of time,” further explaining that “disabling” is not limited only to “affirmative acts” and that a “sufficient and long-term level of neglect can therefore constitute retirement.”⁸

The Commission stated that it would take “appropriate measures” where a carrier “de facto

on.net/NYSE/Company/Verizon-Communications-Inc/Ratios/Profitability#Operating-Profit-Margin.

⁴ 47 U.S.C. § 201(b).

⁵ 47 C.F.R. § 51.325(a)(4).

⁶ See 47 C.F.R. § 51.332(e)(4); *Technology Transitions et al.*, GN Docket No. 13-5 *et al.*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, FCC 15-97, ¶ 62 (Aug. 7, 2015) (“*Copper Retirement Order*”).

⁷ 47 C.F.R. § 51.332(a).

⁸ *Copper Retirement Order* ¶¶ 86-88.

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retires copper facilities without first complying with our copper retirement requirements . . . including enforcement action,” such as, for example, requiring the carrier to “repair[] the copper facilities or mak[e] available replacement facilities[.]”⁹

IV. Statement of Facts

18. Verizon has established the “Fiber is the Only Fix” (“FITOF”) policy, which it applies broadly to certain chronic/cluster voice-only customers that receive service from Verizon’s copper facilities (“copper customers”) in areas of Maryland, Pennsylvania, Delaware, Virginia, Rhode Island, New York, and Massachusetts where Verizon has deployed its fiber-to-the-premise network. The FITOF policy applies when any customer that Verizon has designated as a chronic/cluster copper customer calls in to report a service issue that needs a repair, such as static humming, cross talk, or noise on the line, the customer cannot be called, or the customer has no dial tone, among other possible issues. When the FITOF policy applies to the customer, Verizon technicians are instructed to inform the customer – prior to any assessment of or attempt to repair the service issue – that fiber is the **only** repair solution available to them and that her service will be disconnected if she declines. The FITOF policy is summarized below, and one internal Verizon document discussing the policy is attached.

19. Verizon’s FITOF policy sets out the procedures for technicians and other Verizon employees to follow when chronic/cluster copper customers report a service issue on Verizon’s copper network. The FITOF policy defines “chronic” as X number of outside plant related troubles in the past Y number of days and cluster as by association those served out of same terminal as chronic tagged addresses + field nominated defective plant areas. The number of service complaints required to trigger a chronic designation varies by state – in Maryland, for

⁹ *Copper Retirement Order* ¶ 90.

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example, a copper customer is chronic if the customer reports 2 service issues within a period of 12 months; in Pennsylvania, a copper customer is chronic if the customer reports 2 service issues within 18 months.

20. Once a customer is identified as “chronic,” all customers served on the same terminal as the chronic customer are designated cluster customers and are subject to FITOF, even if the cluster customers have never themselves reported a service issue (*i.e.*, chronic by association). In addition, customers who reside in an area that Verizon field personnel have nominated as defective plant areas are also subject to the FITOF policy, even if the customers have never themselves reported a service issue. As a result, FITOF applies to a substantial number of Verizon’s copper customers: Complainants understand that roughly 114,000 of Verizon’s copper customers in Pennsylvania and Delaware alone have been tagged for the FITOF policy.

21. Verizon appears to have at least two processes under this policy for attempting to convince customers – at a time that they have limited or no service and therefore may be under some duress – to make the switch to fiber. In some areas, a customer reporting a service issue is immediately directed to a customer service representative (not a repair center). The customer service representative informs the customer that fiber is the only fix for the customer’s service issue. In these instances, no repair ticket is generated.

22. In other areas – or when the customer sales and service center is closed – Verizon creates a “ghost” service order for the customer, and dispatches a technician to service the “ghost” order. Verizon’s FITOF policy specifically instructs the technician not to discuss the “ghost” order with the customer in advance, and to explain to the customer – upon arrival at the customer’s premises – that fiber is the **only** repair solution for the copper service trouble.

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23. The service ticket is described as a “ghost” service order because it is only visible internally. The customer is unaware of the service order, hence the term. Once the copper customer reports the problem, all service order related customer contact messaging is suppressed.

24. Verizon’s policy instructs that the technician should not discuss the “ghost” ticket or the actual purpose of the technician’s visit with the customer.

25. Verizon’s policy is specific that the technician must not fix the copper trouble. Instead, the technician is instructed to inform the customer that the technician can resolve the customer’s issue today by upgrading her voice service to fiber at no cost to the customer. If the customer accepts, the technician performs the fiber installation.

26. If the customer declines, though, Verizon’s policy instructs the technician to make another attempt to convince the customer to switch to fiber. If the customer still objects, the technician is instructed to inform the customer that she is in an area where Verizon is no longer repairing the copper lines so the only option is to migrate to fiber. The technician is further instructed to inform the customer that her service will be disconnected, and that the technician should call the Fiber Support Line to initiate the disconnect process.

27. If the customer still declines after speaking to the Fiber Support representative, the policy instructs that Verizon employees are to proceed with the 15 day disconnection process (note that this varies by state – the disconnect process is a 20 day process in New York, 25 day process in Pennsylvania, and 38 day process in Massachusetts and Rhode Island). Verizon emphasizes to the technician that in these circumstances, “**DO NOT FIX TROUBLE.**”¹⁰

¹⁰ Attachment A (internal Verizon document providing overview of FITOF policy and instructions to technicians) at 2.

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28. Verizon's policy specifies certain exceptions where the technician is required to repair the copper trouble, which are: (1) in cases of "noted Medical Emergency;"¹¹ (2) where the repair is an "easy fix" (which excludes cable repair); (3) if the customer obtains internet service through a different provider (ISP) other than CATV or Satellite; or (4) where the customer cannot be moved to fiber.

29. The FITOF policy states that customers are given a chance to have service restored via fiber instead of copper and that refusal of this type of restoration means that customers *self-elect* to have service disconnected. It also states that the purpose of the FITOF policy is to transition technicians from advising customers that fiber is the best/recommended fix for the customer's repair issue to advising them that fiber is the **only** fix for the customer's repair issue.

30. Additionally, in some instances, customers complain that Verizon has disconnected their non-FIOS service without any warning, and in those cases customers are left without any transition period at all.

V. Verizon's "Fiber is the Only Fix" Policy is Unjust and Unreasonable in Violation of Section 201(b) of the Communications Act, and Results in Verizon Failing to Provide Adequate Notice of Copper Retirements in Violation of Section 51.325(a)(4) of the Commission's Rules

31. Verizon's "Fiber is the Only Fix" policy specifically instructs Verizon's employees to knowingly and intentionally deceive copper customers. This policy and Verizon's conduct are unjust and unreasonable and therefore violate Section 201(b) of the Communications Act, which requires that "all charges [and] practices . . . for and in connection with [interstate

¹¹ *Id.* at 2.

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communication by wire provided by a common carrier] shall be just and reasonable, and any such . . . charge [or] practice . . . that is unjust or unreasonable is declared to be unlawful[.]”¹²

32. Consumer deception is a hallmark violation of Section 201(b) of the Communications Act. For example, in *United Telecom, Inc.*, the Enforcement Bureau (EB) found that United Telecom, Inc. had “apparently willfully and repeatedly violated” Section 201(b) when it, in part, “misrepresented its identity and the nature of the transaction in which it sought to engage consumers” in order to effectuate a change in the customer’s service without the customer’s full understanding of the situation.¹³ The EB made identical findings against Silv Communication Inc. (“Silv”) when Silv failed to address “misrepresentations [made by Silv’s] telemarketer” regarding the identity of the caller in calls intended to persuade the customer to change telephone service providers.¹⁴ In the *TerraCom/YourTel Order*, the EB charged – and the charged entities admitted – that TerraCom and YourTel violated Section 201(b) when the companies “represent[ed] in their privacy policies that they protected [customer information], when in fact they did not.”¹⁵ Indeed, deceptive practices directed against consumers by entities

¹² 47 U.S.C. § 201(b).

¹³ See *United Telecom, Inc. Apparent Liability for Forfeiture*, File No.: EB-TCD-12-00000800, Notice of Apparent Liability for Forfeiture, FCC 12-160, ¶¶ 1, 5 (Dec. 20, 2012); *United Telecom, Inc.*, File No. EB-TCD-12-00000800, Order, DA 14-41, ¶ 9 (Jan. 31, 2014) (Adopting a Consent Decree that included a “Compliance Plan” to facilitate United’s compliance with Section 201(b)).

¹⁴ See *Silv Communication Inc. Apparent Liability for Forfeiture*, File No. EB-09-TC-443, Notice of Apparent Liability for Forfeiture, FCC 10-80, ¶¶ 1, 5 (May 12, 2010); *Silv Communication, Inc.*, File No.: EB-TCD-00000396, Order, DA 13-1665 (July 31, 2013).

¹⁵ See *TerraCom, Inc. and YourTel America, Inc.*, File Nos.: EB-TCD-13-00009175, EB-IHD-13-00010677, Order, DA 15-776, ¶¶ 8(c), 20 (July 9, 2015).

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subject to 201(b) have repeatedly and consistently been found to constitute violations of Section 201(b).¹⁶

33. Verizon's FITOF policy institutionalizes and requires the deception of Verizon's copper customers. The intent of the technician's visit is to convince the customer to switch service to fiber. As detailed below, Verizon has established extensive internal measures to ensure that the customer does not become aware of Verizon's intent in advance.

34. Verizon takes purposeful and affirmative steps to ensure that the customer does not discover Verizon's real purpose, thus furthering its initial deception. First, the FITOF policy requires that all service order related customer messaging be suppressed, thereby potentially creating barriers for the customer from communicating with Verizon about the customer's actual service complaint or timeframe for repair.

35. Second, and even more troubling, Verizon's technicians are instructed that their *actual* purpose – to convince the customer to transfer to fiber – ***should not be discussed with the customer*** on the call ahead prior to dispatch. Rather, the technician is only to state that he or she is there to resolve the customer's service issue and to confirm access to the home. These measures are clearly intended to deceive the customer, who is taking time out of her day to make herself available to a technician who has no intention of conducting a repair to the copper

¹⁶ See *Locus Telecommunications, Inc.*, File No. EB-TCD-12-00000452, Forfeiture Order, FCC 15-117, ¶ 3 (Oct. 21, 2015) (finding a violation of Section 201(b) where the company "misled consumers" about the number of minutes offered on a telephone calling card); see also *Touch-Tel USA, LLC*, File No.: EB-TCD-12-00000409, Forfeiture Order, FCC 15-112, ¶ 1 (Oct. 21, 2015); *NobelTel, LLC*, File No.: EB-TCD-12-00000412, Forfeiture Order, FCC 15-115 (Oct. 21, 2015); *Simple Network, Inc.*, File No.: EB-TCD-12-00000406, Forfeiture Order, FCC 15-114 (Oct. 21, 2015); *Lyca Tel, LLC*, File No.: EB-TCD-12-00000403, Forfeiture Order, FCC 15-116 (Oct. 21, 2015); *STi Telecom Inc.*, File No. EB-TCD-12-00000453, Forfeiture Order, FCC 15-113 (Oct. 21, 2015).

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service, and who will most likely continue to experience service problems if she chooses not to switch to fiber.

36. If the customer had been given advance notice that the technician was actually there to transfer the customer to fiber service, the customer might choose not to permit the technician to access his or her home, might choose an alternative time for an appointment, and might choose to explore alternatives. Verizon purposefully chooses not to provide customers advance notice and, therefore, purposefully does not allow customers sufficient time or information to decide whether to meet the technician or to explore alternative service offerings.

37. Verizon requires the technician to keep the customer unaware of the service order (that is, that Verizon has no intention of repairing the copper service issue).

38. The FITOF policy instructs that, upon arrival at the customer's premises (and purposefully not in advance of arrival), and prior to any diagnosis of the customer's actual issue, the technician should convey that transfer to fiber is the best repair solution. If the customer declines, he or she soon discovers that Verizon is flatly refusing to repair the customer's copper service issue. Indeed, the technician is instructed – repeatedly and in bold print – “**DO NOT FIX TROUBLE.**”¹⁷

39. Instead, the technician is instructed to call the Fiber Support Line to initiate the disconnect process for the customer. The technician informs the representative that the customer is declining a repair to fiber. The Fiber Support representative or On Call Supervisor is instructed to tell the customer that fiber is the only repair solution for the customer's service issue. If the customer again declines, the Fiber Support representative schedules the disconnection of the customer's service.

¹⁷ Attachment A at 2.

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40. The Verizon copper customer who reported the service trouble has a reasonable expectation that when she calls in to report a service issue, Verizon will take prompt and appropriate action to repair the problem, and not refuse to conduct a repair if the customer does not want to transfer to a different technology. And, customers in FITOF clusters are given no advance warning that if they experience problems, they will have to make a quick decision to transfer to a new service, or lose telephone service.

41. Verizon refusing to repair its copper facilities and disconnecting customers pursuant to the FITOF policy creates an unreasonable risk of harm. It is axiomatic that loss of telephone service is a substantial consumer harm. The prevention of that harm underlies the Commission's prohibition on unapproved service discontinuance, and the Commission has noted how its requirements and actions pursuant to Section 214 "help to protect the public interest and minimize harm to consumers by preventing potentially abrupt discontinuances of service[.]"¹⁸

42. Verizon's policy does specify certain circumstances in which the repair must be performed, including: (1) in cases of "noted Medical Emergency;" (2) where the repair is an "easy fix" (which excludes cable repair); (3) if the customer obtains internet service through a different provider (ISP) other than CATV or Satellite; or (4) where the customer cannot be moved to fiber. However, it is unreasonable only to perform repairs in these limited circumstances. For example, a customer may not have thought that she needed to inform her telephone company that she has a medical situation requiring a working phone line (and may not want to do so for privacy reasons). Complainants understand that Verizon may also require a doctor's note to demonstrate a Medical Emergency. A customer may not have a doctor's note but nevertheless have or experience a medical emergency for which she requires access to 911.

¹⁸ *Copper Retirement Order* ¶ 128.

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Moreover, the customer's reasonable expectation that Verizon will repair her service issue extends to all situations in which a repair is feasible, not just under certain specific circumstances where a fix is easy or the customer otherwise cannot be moved to fiber.

43. Verizon compounds the pressure by purposefully keeping the customer unaware that she will be presented only with this choice when the technician arrives.

44. For example, Verizon never informs the customer, prior to the technician arriving at her home, that she is in an area where Verizon is no longer repairing the copper lines so the only option is to migrate to fiber. By purposefully keeping the customer in the dark, Verizon forecloses an opportunity for the customer to arrange alternative service.

45. If the customer declines the fiber upgrade, Verizon's FITOF policy instructs its employees to proceed with the 15 day disconnection process, or, depending on the area, a 20 day process in New York, 25 day process in Pennsylvania, and 38 day process in Massachusetts and Rhode Island. It is by no means guaranteed that the customer will be able to obtain service from another provider – if one is even available – within the time allotted. For example, Verizon materials available on its website recommend that, to obtain service, persons contact Verizon “five *business days*” in advance to establish phone service, and recommend a “two-week lead time” to establish FIOS service.¹⁹ Alternative providers in certain geographic areas may be unable to deploy service as quickly as Verizon. Even a slight backlog or other deviation from optimal service setup time frames could mean that the customer's Verizon service is disconnected before the customer is able to obtain an alternative.

¹⁹ See Verizon, *Ordering Verizon Residential Phone Service* (last visited February 2, 2016), available at <https://www.verizon.com/support/residential/phone/homephone/my+verizon/online+ordering/general/96386.htm>; Verizon, *Frequently Asked Questions: When should I set up Internet at my new place?* (last visited February 2, 2016), available at <http://www.verizon.com/home/shop/moving.htm>.

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46. Moreover, even if the customer is able to obtain service from another provider, Verizon's refusal to repair the underlying service issue means that the customer is potentially left without adequate service or without any service for days or weeks. This is dangerous and unnecessary. Without adequate phone service, Verizon's customer may be unable to access 911 service, to use medical devices or home security features, and generally to communicate as needed. Verizon may be able to bring its copper customer to full service, at least in the interim period prior to the disconnection, but it refuses to conduct any repairs that are not "easy."

47. Additionally, if no repair is made, the customer is presumably paying for copper service that is not working properly or not working at all throughout this disconnect period. Verizon is therefore charging the customer for service that Verizon is not providing.

48. The FITOF policy also violates the notice requirements set forth in the copper retirement rules.²⁰ Verizon is not notifying customers in the areas where the FITOF policy applies that it is no longer repairing the copper lines in their area, which is resulting in the loss of service. Instead, Verizon purposefully allows the plant to deteriorate, resulting in customers experiencing a loss of service. Under the rules, Verizon is required to give 90 days' advance notice.²¹ The 15, 20, 25 or 38 day timeframes for discontinuance under the FITOF policy directly violate the 90 day requirement.²²

²⁰ See 47 C.F.R. §§ 51.325(a)(4), 51.332.

²¹ See 47 C.F.R. §§ 51.325(a)(4), 51.332(e)(4); *Copper Retirement Order* ¶ 62.

²² Complainants note also that the exemption from the notice requirements allowing carriers to retire facilities "to resolve a service quality concern raised by the customer" without providing notice is not properly applicable here, where Verizon has allowed its copper network to deteriorate and also applies the FITOF policy broadly to clusters of Verizon customers. See 47 C.F.R. § 51.332(b)(3)(ii). The Commission has clarified that the "customer-specific" exemption in Section 51.332(b)(3)(ii) does not apply if "the carrier requires customers in a given area to move from its copper to its fiber network as part of a planned network migration" or "the carrier allows its copper network service a broader geographical area (e.g., an entire neighborhood) to deteriorate in a manner that is the 'functional equivalent of removal or disabling it.'" *Copper*

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49. Additionally, consumer complaints indicate that Verizon is in some instances disconnecting customers' non-fiber service without any warning. For example, one Verizon customer stated in a complaint filed with the FCC that "Verizon disconnected my landline telephony service today (along with 8 of my neighbors) without any warning. Verizon is attempting to force us to convert to FIOS against our will."²³ The customer stated that Verizon refused to reconnect that customer's telephone service despite the customer's repeated requests to continue service, noting that she had a "one-month old infant at home and [was] extremely afraid to be left without landline and emergency telephony services."²⁴ This is only one of several complaints that Complainants have obtained detailing how Verizon has disconnected customers' service or informed customers that their service will be disconnected unless they switch to fiber.²⁵ Purposefully and abruptly disconnecting a customer's telephone service is not a "just and reasonable" practice as required by Section 201(b),²⁶ and may implicate the Commission's notice of network change rules or service discontinuance rules.²⁷

Retirement Order ¶ 93. The exemption therefore is not applicable here where Verizon has designated clusters of customers as subject to the FITOF policy and is no longer repairing the copper lines for those customers (*i.e.*, Verizon is allowing its network to deteriorate over a broad geographical area) for the express purpose of moving those customers onto fiber (*i.e.*, a planned network migration). Furthermore, the Commission was explicit that this "customer-specific" exemption for service-quality related migration "is not a loophole," and so it should not be applicable here where Verizon's refusal to maintain the facilities could have contributed to the service concerns raised by the customer. *See Copper Retirement Order* ¶ 93.

²³ Attachment B at 3-4, Complaint 664684 (New York).

²⁴ *Id.*

²⁵ *See* Attachment B at 1-4, Complaints: 526079 (Virginia); 535325 (New York); 578535 (New York) (Complainant stated that Verizon "told us we had 2 choices: 1. Switch to Verizon FIOS, or, 2. Have a wire technician splice the copper cable outside on the poles," but that when the complainant selected option 2, a Verizon technician never returned and Verizon informed her by phone that "my only choice was to switch to Verizon FIOS."); 664684 (New York).

²⁶ *See* 47 U.S.C. §§ 201(b).

²⁷ *See* 47 C.F.R. §§ 51.325, 63.71.

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50. Consumer complaints also suggest that where Verizon is pressuring customers to transfer to fiber, Verizon has made porting numbers to a new provider very difficult. One Verizon customer detailed in a complaint how Verizon “cut off” and refused to restore the customer’s telephone service apparently until the customer scheduled an appointment to have fiber installed.²⁸ When the customer decided to instead switch to Time Warner, Verizon refused to transfer the customer’s phone number due to there being an “open order” on the Verizon account.²⁹ The customer stated in her complaint that Verizon put the customer in a catch-22: Verizon refused to release the telephone number to Time Warner because of the “open order” status of the account, but if the customer were to cancel the FIOS order, then Verizon would “shut the phone off.”³⁰ The customer stated that “TWC says they have gotten a LOT of these complaints about Verizon’s conduct.”³¹ Another complaint suggests that if Verizon disconnects a customer’s non-fiber service, this could result in the customer being permanently unable to port his or her number. This customer described how after Verizon disconnected her service and she attempted to switch to Time Warner, Verizon “refused” to “re-activate the number so it could be ported.”³²

51. Other complaints describe how customers have experienced substantial delays in porting Verizon numbers, which in some instances have deactivated critical safety features such as alarms and medical monitoring systems.³³ Verizon’s conduct as alleged in the attached

²⁸ Attachment B at 1, Complaint 535325 (New York).

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

³² Attachment B at 3-4, Complaint 664684 (New York).

³³ *See, e.g.,* Attachment B at 3-6, Complaints: 658912 (New York) (Complainant stated that “Verizon wire line took 3 weeks to port my number over to TWC . . . Verizon tried to tell me

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complaints does not appear to comply with the requirement that simple port requests be completed within one business day, or with the requirement that LECs provide number portability such that the customer does not experience “any degradation in service quality or network reliability when customers switch carriers.”³⁴

52. Even if instances of porting difficulties are similar whether Verizon is pressuring the customer to transfer to fiber or not, these complaints highlight the additional difficulties faced by consumers who are forced to make quick decisions about whether to transfer to fiber service. Verizon appears to put customers in a position where they are at risk of losing their phone number if they decide not to move to fiber, or at risk of being without a phone number for an extended period of time if Verizon delays the port as alleged in these complaints.

that if I did not keep the line then I would not have any service if a hurricane came through the area. If I did not get the line changed within a month then the service would be disconnected because they were changing from copper to FIOS service. I have no need for this and wanted my service changed. I feel that Verizon hung onto my service to prevent me from changing to another carrier.”); 687084 (Maryland) (Complainant stated: “I am trying to port my phone number, which I have had for 19 years . . . [Comcast] is telling me that Verizon will not give it up.”); 708777 (Complainant stated that after almost two months of trying to get her number ported, “Verizon continues to give me the run around.”); 749427 (Pennsylvania) (Complainant stated: “Verizon disconnected my service 3 weeks ago after Vonage requested my phone number be ported to Vonage. My phone and internet was disconnected . . . Neither carrier worked and this stopped my Life Alert from working.”); 717798 (Virginia) (Complainant stated she switched from Verizon to Comcast on 12/10, and as of 12/19 “Verizon has yet to release [her] number.”); 736292 (Complainant stated that on 12/09/15 Verizon “deactivated my residential phone number. It was supposed to be a ‘move/transfer’ to my new apt., but Verizon mishandled . . . Need Verizon to activate the phone number so that it can be transferred to TWC.”); 752319 (Complainant stated that “[f]or at least a week now, Verizon has been telling me that the number is ready for RCN to take electronically. RCN keeps telling me that their electronic requests keep getting rejected. Today, for the first time, Verizon told me the transfer is still pending and will require a Verizon technician come to my home and that cannot be done [for 5 days].”).

³⁴ 47 C.F.R. §§ 52.23(a)(5); 52.35(a); *see also Telephone Number Portability*, CC Docket No. 95-116, First Report and Order and Further Notice of Proposed Rulemaking, 11 FCC Rcd 8352, 8368, ¶ 30 (Sep. 16, 1996) (explaining that number portability is critical to providing consumers “flexibility in the quality, price, and variety of telecommunications services” and to “promot[ing] competition” for telephone services).

ATTACHMENT A – Fiber is the Only Fix Document

MIDATLANTIC FIELD SUPPORT TAILGATE



MD Operations - Fiber Is The Only Fix (FITOF) Overview

Reference M&P – Fiber Is The Only Fix (via TPCA) with further questions.

October 20, 2015

OVERVIEW

Coverage Applies To	Coverage Time	Time Charging Code & Proper Remark	Complete Coverage by
MD Service Techs	30 min	123e = FITOF Overview	Immediately

PURPOSE: The purpose of this document is to introduce I&M technicians to the Fiber is the Only Fix process for Network Evolution tagged voice only customers.

DESCRIPTION: Fiber is the Only Fix uses existing automation of the Transport Pair Change process (TPCA) to identify these chronic/cluster customers, who call for repair, and generate a "ghost service order" for dispatch. The difference between these two processes is the technician approach. The Transport Pair Change Automation process provides fiber as the best solution; the customer has a choice. In this process, Fiber is the Only Fix, the technician communicates fiber is the **only** repair solution.

Note: Tagged voice only customers are upgraded from copper voice to FTTP voice only. These customers are not transitioned to FDV.

This process Excludes:

- Business
- HSI
- CLECs/Wholesale

PROCESS OVERVIEW

A High level overview of the FITOF process is outlined below:

- Chronic/cluster voice only customer calls for a repair issue (tagged Network Evolution customer)
 - Call routes to EVRC via the Voice Portal
- EVRC takes copper trouble report BAU
 - "Ghost" FTTP voice service order systematically generates with same date due of copper trouble.
 - "Ghost" FTTP service order systematically "links" with copper trouble report
 - Both "Ghost" FTTP service order and trouble ticket flow to the dispatch system.
- Customer contact messaging (i.e. text, email, auto dialer) follows the trouble ticket. All service order related customer contact messaging is suppressed.
- Technician contacts customer on date due (i.e. call ahead process) to advise access is needed.
- Technician dispatches on "Ghost" FTTP voice service order
 - Text message advising technician of upgrade order and encouraging "upgrade as repair solution" conversation is sent
- Technician conducts upgrade conversation with customer
- Tech completes ticket based on conversation with customer
 - See Technician Instructions on page 2

Note: "Ghost" FTTP service order is visible internally. The customer is unaware of the service order, hence the term.



TECHNICIAN INSTRUCTIONS

The order is a means to upgrade the customer from copper to fiber via the FITOF process. The associated/linked trouble ticket, created when the customer called, is in a held status in WFA/DO. The technician dispatches on the "ghost" service order in this process, instead of the trouble ticket. This is not a customer-initiated service order and **should not be discussed with the customer** on the call ahead prior to dispatch. Note the suggested call-ahead verbiage:

Suggested verbiage -

"Good morning, my name is Joe with Verizon. I will be arriving within the hour to resolve your service issue. I'm calling to confirm access to the home?"

When engaging these customers, keep in mind they have a service issue and are most likely frustrated with their existing copper service. This is an opportunity for technicians to convey a network upgrade is the better repair solution. As with all orders, technicians must take care to provide a superior customer service experience. Upon arrival, technician advises chronic/cluster customer that upgrading network from copper to fiber is the best repair solution.

Suggested verbiage -

"Mr. /Mrs. Customer, my name is John Doe with Verizon. I understand your service is in need of repair. I can resolve your issue today by upgrading your voice service to fiber at no cost to you. Our more advanced fiber network is more reliable and far less impacted by weather, resulting in fewer service outages. This will be the most effective solution to your issue and will not change your current voice services, calling plans and rates.

Today I will replace your Network Interface Device with an Optical Network Terminal. Since Fiber-optic facilities use commercial power you have the option for a Power Reserve unit to be shipped directly to you for installation. It will contain 12 "D" size batteries providing up to 20 hours of backup service should there be a commercial power outage."

TECHNICIAN RESPONSIBILITIES

After discussion with customer regarding voice network upgrade to fiber to resolve the service issue, the technician must follow the chart below. (Refer to M&P for additional scenarios)

IF	THEN
<p>Voice network upgrade can't be completed on date due because customer is not home or customer not ready.</p>	<p>Follow regional contact process for returning a Fiber service order (i.e. call DRC/JEP desk/LM).</p> <p>Return order JEP Sub Other or Not Ready. Provide specific information in the comments regarding reason for return so that the order can be rescheduled appropriately by the DRC.</p> <p>Do not fix copper trouble. Complete trouble NAS.</p> <p>IMPORTANT!! If noted <i>Medical Emergency</i> and there is No Access, perform repair BAU.</p>
<p>Voice network upgrade is declined and customer still has trouble</p>	<p>Tech makes another attempt to convince</p> <p>If customer still objects, advise of alternative to disconnect service and call the Fiber Support Line at opt 1,2,4 to initiate disconnect process. (Duty Supervisor if out of hours).</p> <p>Say "Hello, this is Tech ABC; I have Mr. Customer who has a repair to fiber but is choosing to keep his service on the copper network. The MON is _____ Could you please assist him/her further?"</p> <p>If customer still declines after speaking to rep. Then fiber support rep will negotiate disconnect date with sub. DO NOT FIX TROUBLE. The exception is if the customer has a Medical Emergency.</p>

**ATTACHMENT B – Consumer Complaints of Disconnection,
Porting Issues on Verizon Service**

Communications Workers of America obtained the complaints filed at the FCC listed below in response to a Freedom of Information Act request.

TICKET: # 526079 - LAND LINE SERVICE FROM VERIZON

Date: 9/13/2015 8:43:09 AM

City/State/Zip: Vienna, Virginia 22180

Company Complaining About: Wired

Description

I called Verizon on 9/12/15 with a complaint about noise on the land line we still have with them. I was told a technician would be out to address the issue in the line and that all of the work would be outside. The technician called on 9/13/15 to confirm that he would be able to enter the home. When I asked why, he said that our service was being changed from the land line to FIOS. I told him that I did not request FIOS and did not want FIOS. He said he would call a supervisor and get back to me. When I called to confirm what was happening, I was told that FIOS was my only option and that my line would otherwise be disconnected. A technical supervisor then called me and explained that they were no longer maintaining the land line and that I would have to switch to maintain my service.

None of this was ever communicated to me prior to this point so I feel they are pulling a bait and switch. They have been billing me for service but did not communicate it could go away at any time. Also, we loose power here frequently and not having a land line is a real problem. So my related complaint is that I feel there is a monopoly on the phone service and consumers are not offered adequate options

TICKET: # 535325 - TELEPHONE CARRIER COMPLAINT

Date: 9/17/2015 2:23:40 PM

City/State/Zip: New York City, New York 10075

Company Complaining About: Wired

Description

Verizon cut off my service to force me to convert to VIOS telephone service. They would not restore service until I scheduled an appointment. I now want to use time warner instead (they supply my cable service). They hooked up the phone but verizon will not give them(transfer) my telephone number because they say there is an "open order". I can't cancel the order because then verizon will shut the phone off and TWC says they can't get the number unless the service is active and cleared of any open orders. It is completely outrageous. TWC says they have gotten A LOT of these complaints about Verizon's conduct. . I think it is illegal.

TICKET: # 578535 - REPAIR OF TELEPHONE LINE

Date: 10/8/2015 1:21:41 PM

City/State/Zip: East Hills, New York 11576

Company Complaining About: Wired

Description

I have the same telephone number and type of service since 1984. Recently, my telephone stopped working (no dial tone). I called for service. A technician came to my house on 10/8/15.

He spent about

1 hour in my neighborhood working on the problem. He returned to my house and told us we had 2 choices:

1. Switch to Verizon FIOS,

or, 2. Have a wire technician splice the copper cable outside on the poles.

We told him to repair the cable (#2). I called the Verizon service number again to find out when the technician who works on copper wire would visit us. I spoke to a service person and a supervisor. Bottom line is that they refused to repair my copper line. They told me they do not repair the copper lines anymore. They told me my only choice was to switch to Verizon FIOS. I don't want FIOS. I want the same copper wire phone I have had and paid for for over 30 years. Aren't they obligated to provide the same copper wire service I have had all these years?

You can reach me at(b) (6)

or, email me at d(b) (6)

Thank you.

(b) (6)

TICKET: # 587362 - HOME LANDLINE

Date: 10/13/2015 12:52:51 PM

City/State/Zip: Port Washington, New York 11050

Company Complaining About: Wired

Description

Verizon will not service my copper landline. I reported no dial tone on Friday 10/9/15 and a service call was set up for Tuesday 10/13/15 between 1-5PM. At 12:50PM, a Verizon technician arrived with an order to re-wire my home for FIOS. I told the technician that I had requested service and did not place an order to switch to FIOS. He asked me if I wanted to cancel my order. I said, "No, I do not want to cancel my order because I ordered a service call." The technician did not service my landline because his work order was to install FIOS. I called Verizon customer service to complain about this underhanded attempt to force a migration to FIOS when I had requested a service call. I was told that my area has been migrated to the FIOS network and copper wires are not being repaired. I tried to obtain service from other providers and was told they are not servicing my area. What are my rights as it would appear that Verizon has a monopoly on home phone service in my area and I cannot obtain home landline service from anyone else?

TICKET: # 658183 - PORTING PHONE NUMBER

Date: 11/16/2015 12:54:01 PM

City/State/Zip: Pittsburgh, Pennsylvania 15237

Company Complaining About: Wired

Description

On October 31, 2015 my phone service provider was changed from Verizon to Comcast. Since that day, I have not been given/ ported back to my old phone number. I've been assigned a temporary number by Comcast until the old number can be ported back to me. It is now 16 days and at least 6 phone calls to Comcast, with no success. I'm told that Verizon is holding up on porting my old number back.

TICKET: # 658912 - PORTABILITY ISSUE

Date: 11/16/2015 4:19:27 PM

City/State/Zip: New York, New York 10021

Company Complaining About: Wired

Description

Portability issue

Verizon wire line took 3 weeks to port my number over to TWC. When I would contact Verizon they would keep telling me that there was a working order on the line and they could not port. I tried to cancel the working order once I figured it was not TWC problem. Verizon tried to tell me that if I did not keep the line then I would not have any service if a hurricane came through the area. If I did not get the line changed within a month then the service would be disconnected because they were changing over from copper to FiOS service. I have no need for this and wanted my service changed. I feel that Verizon hung onto my service to prevent me from changing to another carrier.

TICKET: # 664684 - PHONE SERVICE DISCONNECTED

Date: 11/18/2015 10:23:12 PM

City/State/Zip: New York, New York 10128

Company Complaining About: Wired

Description

Verizon disconnected my landline telephony service today (along with 8 of my neighbors) without any warning. Verizon is attempting to force us to convert to FIOS against our will.

I called Verizon over 5 times this afternoon to get them to either re-connect my landline service or to have all calls forwarded to my cell phone. They refused to do either. I have a one-month old infant at home and I am extremely afraid to be left without landline and emergency telephony services.

I then went to my local Time Warner office to try and obtain telephony service. I was told that they would be unable to port my number to TWC if Verizon had disconnected it. I then called

Verizon again in front of the TWC rep to request they re-activate the number so it could be ported. Again, they refused.

I specifically asked that they allow my number to be ported to TWC and they refused again. Isn't that a violation of FCC regulations?

They said that they could only convert me to FIOS and then refused to even tell me when they could perform such a conversion (which I clearly do not want). Ticket: # 687084 - Porting a phone number from verizon to Comcast

TICKET: # 687084 - PORTING A PHONE NUMBER FROM VERIZON TO COMCAST

Date: 12/2/2015 1:29:42 PM

City/State/Zip: Glen Arm, Maryland 21057

Company Complaining About: Wired

Description

I am trying to port my phone number , which I have had for 19 years , from Verizon FIOS to Comcast. The number is 4 [REDACTED]. Comncast is telling me that verizon will not give it up , and there is nothing they can do .

TICKET: # 708777 - DIFFICULTY PORTING PHONE NUMBER

Date: 12/15/2015 11:14:05 AM

City/State/Zip: Chesapeake, Virginia 23321

Company Complaining About: Wired

Description

I have been working with Verizon (former provider) and cox communications (current provider) since 10/20/15 to get my phone number ported. Verizon continues to give me the run around and any that I can not port my original phone number.

TICKET: # 717798 - PORTING PHOME NUMBER

Date: 12/19/2015 4:19:29 PM

City/State/Zip: Richmond, Virginia 23233

Company Complaining About: Wired

Description

changing phone services verizon to comcast spoke with 3rd party verification last week of Nov to get new service and old number 12/10 still cannot receive calls according to comcast, verizon has yet to release numbe

TICKET: # 736292 - PHONE COMPLAINT

Date: 1/4/2016 3:09:46 PM

City/State/Zip: New York, New York 10022

Company Complaining About: Wired

Description

On December 9, 2015 Verizon deactivated my residential phone number. It was supposed to be a "move/transfer" to my new apt., but Verizon mishandled. Now, I no longer want to do business with Verizon. I want Time Warner Cable to handle my telephone service, and retain the same phone number. Need Verizon to activate the phone number so that it can be transferred to TWC.

TICKET: # 742363 - NUMBER PORTABILITY - VERIZON RESIDENTIAL SERVICE

Date: 1/7/2016 1:54:31 PM

City/State/Zip: Briarwood, New York 11435

Company Complaining About: Wired

Description

Please refer to my previous complaint #721342.

On 12/23 and 12/24 I was contacted by a representative from Verizon's Executive office who advised that a new order (#NY00283668110) was being placed and my number would be restored on 12/31. As of 01/04/16 my number was still not available so I contacted Verizon's office via email 01/14/16 and to date I have not received a response.

I have been inconvenienced by not having my number ported because of Verizon processing my initial order incorrectly, and my family have been unable to reach me via my landline since November 18, 2014. I'm requesting that this case be re-opened by the FCC and for Verizon to have this issue resolved.

TICKET: # 749427 - SERVICE/BILLING

Date: 1/12/2016 10:06:27 AM

City/State/Zip: Coatesville, Pennsylvania 19320

Company Complaining About: Wired

Description

Verizon disconnected my service 3 weeks ago after Vonage requested my phone number to be ported to Vonage. My phone and internet was disconnected. Vonage mailed me all the equipment and it was not working. Neither carrier worked and this stopped my Life Alert from working. My aid () called Verizon and told them that the Life Alert must be working at all times. The client must not be left alone with the Life Alert not working. We never heard from Verizon that my life alert was not working. Verizon gave me a temporary number () to use until January 18, 2016 when the porting should be completed.

TICKET: # 752319 - VERIZON'S FAILURE TO TRANSFER MY HOME PHONE NUMBER TO RCN

Date: 1/13/2016 1:10:42 PM

City/State/Zip: Nazareth, Pennsylvania 18064

Company Complaining About: Wired

Description

On 12-31-15, RCN came to my home to switch my home phone and internet service from Verizon to RCN. I notified both companies weeks earlier that I wanted to retain my Verizon phone number of [REDACTED]. The RCN technician was about to leave the house after the installation when I learned that he gave us a new number. A series of many phone calls have taken place by me to both RCN and Verizon to get my number back. For at least a week now, Verizon has been telling me that the number is ready for RCN to take electronically. RCN keeps telling me that their electronic requests keep getting rejected. Today, for the first time, Verizon told me the transfer is still pending and will require that a Verizon technician come to my home and that cannot be done until Jan. 18. I asked why a technician is needed when I have not move, I am in the same house. I received no good answer and the matter is still unresolved.

TICKET: # 788893 - VERIZON WON'T ALLOW PORTING OF PHONE NUMBER, OR IS TAKING TOO LONG

Date: 2/3/2016 11:09:17 AM

City/State/Zip: Fairless Hills, Pennsylvania 19030

Company Complaining About: Wired

Description

I switched from Verizon land line service to Comcast on 1/30/16. At that date, I ordered the new Comcast service and switching my land phone [REDACTED] Verizon to Comcast. I went through their automated (IVR) procedure to authorize the switch. Please note that I did not cancel the Verizon service since it would have caused my number to be available for use.

To this day, Verizon has not complied with the 1 business day rule to release the number. It either refuses to do so or is deliberately taking too long to do it so they can continue to bill for a service I am not using. In the meantime, I have no phone service, since I cannot receive calls. Calls to my number do not reach me and they go to a voicemail service.