



August 6, 2020

Oregon Public Utility Commission
201 High St SE #100
Salem, OR 97301

Re: Carrier of Last Resort Obligation Workshop #5 Comments

The following is League of Oregon Cities (LOC) comments to questions posed by Public Utility Commission (PUC) for the Carrier of Last Resort Obligation (COLR) Workshop #5.

As stated in previous workshops, cities have a vested interest in their community members having access to robust and reliable telecommunications and communications services. In an ever technologically advancing world, those services are the backbone to how community members work, learn and play. In the past, cities have played a role in regulating certain telecommunication services through franchise agreements to ensure service quality and availability. However, as less traditional telecommunications (non-telephone) providers have come into the market, regulations at the federal level have preempted cities from applying the same rules and agreements to those providers to ensure service quality and availability as it once did to traditional telecommunications providers. The PUC is in a unique to provide a stop gap between local regulations and federal regulations to ensure all Oregonians have access to affordable, available, and accessible communication services by adding some kind of regulatory consistency for all providers on the state level.

Recognizing that the current COLR obligations in Oregon are becoming dated, the LOC would hope that instead of doing away with COLR obligations, the state would center its efforts around evolving the current system to apply to modern technology and future proof the system as much as possible. COLR helps provide universal telephone service to all Oregonians. Just as electricity had to be subsidized, telecommunications or telephony was subsidized through the Oregon Universal Service Fund and COLR obligations. But now traditional telephone is not enough. Efforts should be made to broaden the definition of telecommunications to include broadband in addition to telephone so that broadband can be treated as an essential utility, too.

There is a multiplicity of choices available today, and consumers are voting to leave the old telephone network, which is wearing out, becoming antiquated. Less and less communications users now use the old telephone network exclusively. Consumers have moved on to other platforms. And those would include the cable services that, today, are comprehensive in the range of services offered. Over cable modem service, one can get voice just as they would from

the old telephone network and other services like high speed internet. Cable companies that are today largely unregulated. The other major platform consumers use is mobile and with the latest generation of broadband service across mobile, currently LTE and eventually 5G, in addition to voice service it makes an attractive option for consumers. Each new technology presents new opportunities for communities in Oregon to be connect and that should be embraced. However, the need to make sure that consumers are still protected, regardless of whatever technology they are using for basic voice service, becomes greater. Additionally, when considering changes of the COLR obligations because of the many options of technology, there must be an equity lens applied to ensure that certain community members or whole communities do not get left behind.

It is important to note that the traditional telephone companies provide a lot of the backhaul of newer communication technologies (like wireless) and some of the backhaul for public safety systems. The PUC should explore measures to ensure that old telephone networks (typically copper) are not simply abandoned wholesale and that traditional telephone providers have resources to help maintain old network equipment and have opportunities to invest in upgraded equipment. This will help ensure the entire telephone industry is somewhat protected from the changes that could potentially cause harms as COLR's transition to include broadband moves forward. This may also help traditional telephone providers compete with cable and wireless in the broadband arena.

When it comes to public safety reliability, both IP-based networks and traditional telephone networks have pros and cons. For example, a traditional telephone is tied to an address and a person which provides better location accuracy for 9-1-1 operators. However, there are initiatives being considered by the FCC that are trying to make mobile callers emergency location more accurate. Traditional telephones may work during a power outage while IP-based phones may run on a battery and provide a finite amount of time that service will be available. However, underground fiber optic cable and wireless transmission can be more reliable in a storm where tree branches knock down phone and power lines.

Essentially, the LOC is a little bit technology agnostic in the sense that it doesn't matter which protocols community members are using or which technology they are using, but if it's the basic phone service and/or broadband that they need access to we want to make sure that have access to that. The LOC is advocating for a transition that will not be a regulation-free zone. There will continue to be a need regulation and oversight, whether it is through COLR or not, to assure consumer protections are in place to promote and maintain access, competition, reliability, and quality service. The LOC suggests that the PUC craft a regulatory structure that prioritizes service quality, invests and incentivizes access to service so that all have connectivity, and provides educational resources for consumers. In the end, people must have at least as good service as (preferably, better than) they have today, no matter who their service provider is.

Consumers should have access to educational information on types of providers, programs providers offer for vulnerable and disadvantaged populations. Additionally, consumers need to have a place to take complaints related to service quality, access and reliability, if they have them, with some prospect that the complaint is going to be acted on. Please refer to [the LOC comments from Workshop #4](#) on how this regulatory structure could be implemented if the PUC went with the COLR relief option.

LOC appreciates the opportunity to provide feedback in this COLR workshop process.

Respectfully,

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