

The behavior of Verizon in D.C., New York and New Jersey is directly related to the situation in California because Verizon is employing similar practices here, as explained in Section IV and V. In California, D.C. and in the areas damaged by Sandy, it is clear that Verizon is implementing its national corporate objective of deliberately allowing its regulated copper network to deteriorate and using the resulting service problems to force customers to migrate to other services that are either not regulated or are less functional than copper-based voice phone service. The Commission must take immediate action to protect the interests of Verizon's California customers and prevent further degradation of Verizon's copper-based landline network.

VIII. THE COMMISSION SHOULD IMMEDIATELY TAKE THE FOLLOWING ACTIONS TO PROTECT THE INTERESTS OF VERIZON'S CUSTOMERS AND PREVENT FURTHER DETERIORATION OF VERIZON'S NETWORK.

Verizon's failure to properly maintain its network and repair service as requested by its customers is deeply harmful to the public interest. TURN urges the Commission to take immediate steps to prevent further deterioration of Verizon's network and to protect the interests of Verizon customers.

TURN requests that the Commission take the following actions.

- The Commission should issue an order requiring Verizon to: 1) repair the service of copper-based landline telephone service customers who contact the repair center; 2) restore copper-based service to customers who wished to retain it but were migrated to FiOS or Voice Link; and 3) cease the deceptive and misleading marketing practices reported by Verizon customers in their complaints to the Commission. (See Attachment 1 and Section V of this motion.)
- The Commission should investigate whether, and to what extent, Verizon's customer migration practices and failure to maintain the copper network in certain communities take unfair advantage of senior

citizens, customers on low incomes and limited English speaking populations.

- The Commission should require Verizon to provide data, by location, on the number of customers who have been migrated and where the data indicates even minor concentrations of customer migrations, those areas should be included in the examination into the adequacy of Verizon's network maintenance and investment described in the September 24, 2012 Scoping Memo.

- The Commission should determine whether a customer call to Verizon's repair line results in Verizon generating a trouble ticket when the customer is voluntarily or involuntarily migrated. There are indications in the customer complaints that trouble tickets may not be generated in all instances. If this is the case, the data reported by Verizon pursuant to Commission service quality reporting requirements may be misleading and may understate Verizon service quality problems.

- The Commission should require Verizon to provide proof that customers who have been migrated to FiOS "receive the same voice service at the exact same monthly price" and continue to be "subject to the same regulatory oversight as the customer's previous copper-based service" as previously represented to the Commission by Verizon.⁷⁰

- Once the Commission issues the order for Verizon to cease and desist its misleading marketing practices, Verizon should be required to submit to the Commission all information provided to customers pertaining to customer migration and all training material, customer representative scripts, technician scripts and other directions to Verizon employees regarding its copper repair and customer migration practices.

- The Commission should verify whether Verizon has complied with the requirements of D.10-01-026 and provided customers migrated to FiOS or Voice Link with mandated information on back-up power requirements for these services to function during power outages.

- The Commission should move promptly to prevent further unlawful deterioration of Verizon's network. In accordance with the Scoping Memo in this docket, the Commission should move as quickly as possible to fully investigate whether Verizon (and AT&T) is adequately

⁷⁰ R.11-12-001, Reply Declaration of Thomas Maguire for Verizon California, March 12, 2012, para. 8. ("Maguire Declaration").

maintaining its copper network. This requires issuance of the RFP as described in the September 24, 2012 Assigned Commissioner's Ruling and Scoping Memo. In preparing the RFP, the Commission should ensure that the scope of the investigation encompasses the issues raised in this motion.

- As part of the Commission's investigation, Verizon should be required to provide the CPUC with data regarding the number of employees transferred to Voice Link and hired to provide Voice Link. Verizon should be required to provide CPUC with data regarding the expenditures for customer migration and investment in Voice Link so that the Commission can compare the resources Verizon has devoted to migrating customers with the resources Verizon has devoted to maintaining its copper-based basic telephone service.

IX. CONCLUSION

The Commission has an obligation to ensure that carriers such as Verizon maintain adequate facilities and provide reliable service. It is clear that Verizon is failing to adequately maintain its network and using deceptive practices in the course of migrating customers away from their preferred basic telephone service. The Commission should immediately take the actions recommended by TURN to prevent further degradation of Verizon's network and protect the interests of Verizon's customers

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Respectfully submitted,

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