

Stop the Cap!

Promoting Better Broadband, Fighting Data Caps, Usage-Based Billing, & Other Internet Overcharging Schemes



3003 Elmwood Avenue
Rochester, New York 14618-2021
(585) 244-8496
e-mail: contactus@stopthecap.com

June 26, 2013

Mr. Jeffrey Cohen
Deputy for Policy & Legal Affairs
New York State Department of Public Service
3 Empire State Plaza
Albany, New York 12223-1350

Dear Mr. Cohen,

We are writing today to update you on some additional information regarding Verizon's efforts to transition rural New York customers from their legacy wireline network to Voice Link wireless service (Matter: 13-00986).

In the course of our reporting, several New York residents residing in the Catskill region of upstate New York found our stories pertinent to their recent experiences attempting to restore or install seasonal landline service in the greater Monticello area. Readers found our reports through Internet search engines while researching Voice Link, the service Verizon sought to install in lieu of the traditional landline originally requested.

We were surprised and concerned to learn Verizon has been quietly and in some instances aggressively marketing Voice Link to customers far away from the damaged coastal regions of New York hard hit by Hurricane Sandy. In every case reported to us, customers met strong resistance and some endured canceled service calls from Verizon while attempting to negotiate the reconnection of their basic telephone service.

Verizon argues it has the authority to freely market Voice Link as an option in New York in accordance with language found on page 5 of the May 16, 2013 **Order Conditionally Approving Tariff Amendments in Part, Revising in Part, and Directing Further Comments** in the matter of **Case 13-C-0197**:

The amendment will not apply in areas where Verizon offers the alternative wireless service as an optional service (i.e., traditional wired facilities are still in place).

We have advised those contacting us regarding this matter to file individual public comments directly with the Public Service Commission and a few are also pursuing complaints with the New York State Attorney General's office.

Our purpose in communicating this matter to the Commission is our concern that those contacting us have uniformly reported they are not being fully and clearly advised Verizon:

- is only offering this service as an option in their region;
- customers have a right to reject Verizon's Voice Link service and obtain, reconnect, or maintain their existing landline service without unnecessary delay; and
- will maintain landline service provided to customers in good working order and correct problems in a timely manner.

Because of the quantity, nature, and uniformity of the comments and complaints we have received, we strongly recommend the Public Service Commission launch an immediate investigation into the provision of Voice Link in areas outside of Fire Island.

Specifically, we urge the Commission to strongly advise Verizon it must not imply, pressure, or advise customers that their only option for landline service is Voice Link.

We also recommend you directly obtain the following information from Verizon for your immediate review:

1. Marketing materials, scripts, and/or training materials that have, are, or may be used by Verizon employees or contracted third party workers to inform customers about Voice Link.
2. What criteria Verizon is using to target landline customers for "optional" Voice Link marketing activity and specific information about where Verizon is marketing the service in a form suitable to verify Verizon is adhering to the Commission's order disallowing the offering or marketing the service as an intended or eventual sole landline replacement beyond the geographic boundaries of the western half of Fire Island.
3. Specific information about the current quantities of Voice Link devices intended for New York customers, the location(s) this hardware is stored, and Verizon's future inventory plans.
4. Copies of any website(s) where Verizon discloses the pricing of Voice Link's service plan in upstate areas of New York, similar to the Commission's requirement that information be provided to Fire Island customers.
5. Copies of all documentation supplied to customers agreeing to accept Voice Link service outside of Fire Island, the Voice Link Terms of Service Agreement in effect for customers in upstate New York, and other related information.

We are concerned that Verizon may be attempting to exploit language in the Commission's order approving this tariff that permits unrestricted marketing of Voice Link as an "optional service" without clearly and unambiguously informing customers Voice Link is "an option."

We are convinced at least some customers approached by Verizon are being left with a strong impression Voice Link is their **only option**. That should not be acceptable to the Commission.

Few New Yorkers are well-acquainted with their right to obtain quality landline service and are highly likely to treat Verizon's decisions and recommendations as final. As we indicated in our earlier statements to the Commission, Verizon management has clearly admitted they have an agenda to discontinue landline telephone service in rural service areas where they determine (on their terms) customers would be "better served" by wireless service.

It is reasonable to assume that Verizon's pre-positioning of Voice Link hardware in quantities in excess of what is required to provide service on Fire Island and its marketing activity in upstate communities encouraging customer adoption of Voice Link service all point to an organized, aggressive and frankly secretive plan to implement that agenda, with or without the informed consent of the Commission or Verizon's affected customers.

We urge the Commission to thoroughly investigate this matter.

Yours very truly,

Phillip M. Dampier
Director