

**Office of the People's Counsel
District of Columbia**

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Brenda K. Pennington
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May 3, 2010

ELECTRONIC FILING

Ms. Dorothy Wideman
Commission Secretary
DC Public Service Commission
1333 H Street, N.W.
Washington, D.C. 20005

**Re: Petition of the Office of the Office of the People's Counsel for An Investigation
Into the Status of Verizon's Telecommunications Infrastructure in the District
of Columbia**

Dear Ms. Wideman:

Enclosed for filing is an original and three (3) copies of the "Petition of the Office of the Office of the People's Counsel for An Investigation Into the Status of Verizon's Telecommunications Infrastructure in the District of Columbia."

If there are any questions concerning this matter, please contact me at (202) 727-3071.

Sincerely,

Laurence C. Daniels
Assistant People's Counsel

Enclosure

cc: All Parties of Record

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF THE DISTRICT OF COLUMBIA**

In the Matter of

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**The Petition of the Office of the
People’s Counsel for An Investigation
Into the Status of Verizon’s
Telecommunications Infrastructure
in the District of Columbia**

Formal Case No. _____

**PETITION OF THE OFFICE OF THE PEOPLE’S COUNSEL
FOR AN INVESTIGATION INTO THE STATUS OF VERIZON’S
TELECOMMUNICATIONS INFRASTRUCTURE DEPLOYMENT
IN THE DISTRICT OF COLUMBIA**

I. INTRODUCTION

Pursuant to D.C. Code, 2001 Ed. §§ 1-204.93, 34-808, 34-2002(b), and Rules 101.1, 101.2, and 101.4 of the Public Service Commission’s (“Commission” or “PSC”) Rules of Practice and Procedure,¹ the Office of the People’s Counsel for the District of Columbia (“OPC” or “Office”), the statutory representative of District of Columbia ratepayers and consumers,² respectfully files this Petition requesting the Commission to establish a proceeding to monitor the deployment of Verizon-DC’s FiOS service in the District of Columbia.

¹ 15 D.C.M.R. §§ 101.1, 101.2, and 101.4 (2002).

² D.C. Code § 34-804 (2010).

II. SUMMARY OF OPC'S REQUEST

The Office, by way of this Petition, is requesting the Commission monitor the deployment of Verizon's FiOS network on a quarterly basis and require Verizon to provide the Office with quarterly reports detailing the progress of its FiOS deployment. OPC requests such monitoring and reporting is necessary for three distinct, yet equally vital, reasons. First, the Commission is required, pursuant to D.C. Code § 34-2002(b), to encourage the development of a telecommunications infrastructure capable of providing high speed access to the Internet. Second, the ubiquitous deployment of broadband service is necessary for all residents to utilize the home area network of the electric smart grid slated for deployment by PEPCO beginning in the fourth quarter of 2010. Third, the deployment of FiOS may cure some of the quality of service issues Verizon is experiencing in the District of Columbia.

III. JURISDICTION

A. Office of the People's Counsel

OPC is acting under its authority to represent the residents of the District of Columbia at hearings of the Commission involving the interests of users of the products and services furnished by public utilities under the jurisdiction of this Commission.³

B. Public Service Commission

The Commission has a statutory obligation to "insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable."⁴ The Commission also has authority

³ D.C. Code § 34-804(b) (2010).

⁴ D.C. Code § 1-204.93 (2001).

pursuant to D.C. Code § 34-2002(b) to encourage the development of a technological infrastructure which will afford District residents increased access to the Internet.⁵

C. Verizon

Verizon is subject to the jurisdiction of the Commission, as it is a public utility and a corporation organized under the laws of the District of Columbia and authorized by the Commission to do business in the District of Columbia.⁶

IV. DISCUSSION

The Office is mandated to assure that the public interests of the users of the products of or services furnished by public utilities under the jurisdiction of the Commission are adequately represented in the course of proceedings before the Commission.⁷ In this case, the Office is requesting the Commission monitor the deployment of Verizon's FiOS service to ensure the infrastructure carrying the regulated telecommunications service is being deployed in a manner that benefits all District residents. Additionally, the Office is requesting the Commission require Verizon to provide quarterly reports to Office detailing where the Company is deploying FiOS.

A. The Commission is Mandated to Encourage the Development of a Telecommunications Infrastructure Capable of Providing High Speed Access to the Internet.

D.C. Code § 34-2002(b) provides the Commission with the statutory mandate to encourage the development of the telecommunications infrastructure to facilitate high speed access to the Internet. The statute reads as follows:

⁵ D.C. Code § 34-2002(b) (2001).

⁶ D.C. Code § 34-214 (2001).

⁷ D.C. Code § 34-804(d)(5) (2010).

*Pursuant to the federal Telecommunications Act of 1996 (Public Law 104-104), the Public Service Commission shall establish a procedure to facilitate entry into the District for providers of all forms of telecommunications service in order to foster the availability of competitive telecommunications options to consumers in the District, and to encourage the development of a technological infrastructure which will afford District residents increased access to the information highway.*⁸ [Emphasis added].

In order to comply with this mandate, the Commission should monitor the deployment of FiOS to ensure that consumers in all areas of the District of Columbia have access to high speed Internet service. Only through the diligent monitoring of Verizon's FiOS deployment can the Commission ensure that the Company will not cherry-pick its deployment, thus denying certain areas of the District from the benefits of FiOS and ultimately all the benefits of the electric smart grid network, specifically the home area network.

B. Broadband is Essential to Support the Smart Grid's Home Area Network.

The FiOS infrastructure being deployed by Verizon will carry basic regulated telephone service, as well as the unregulated broadband service. Broadband service is required in order to utilize the home area network of the soon to be deployed smart grid. The home area network is an important component to the success of the electric smart grid because it is the tool consumers will use to review the status of their energy consumption and make decisions about how to reduce their energy usage.

⁸ D.C. Code § 34-2002(b) (2001)(Emphasis added).

In its recently released National Broadband Plan (“NBP”), the Federal Communications Commission (“FCC”) recognized the important nexus between broadband and the smart grid. One of the recommendations listed in the NBP is for the FCC to initiate a proceeding to explore the reliability and resiliency of commercial broadband communications networks.⁹ Consistent with this recommendation, the Commission should monitor the deployment of Verizon’s FiOS network to ensure the maximum amount of residents in the District of Columbia can take advantage of the home area network that will be a vital part of PEPCO’s electric smart grid.

Taken together, the deployment of the smart grid and FiOS will have tremendous and long-lasting repercussions on the District’s economy, educational system, government and health care facilities. Thus, as the only District agency statutorily mandated to regulate the public utilities providing telecommunications and electric service to the city, it is incumbent upon the PSC to ensure that both technologies, FiOS and the smart grid, are delivered to District residents in a safe, adequate and coordinated fashion. Therefore, while the PSC has taken the steps necessary to monitor the deployment of PEPCO’s smart grid, OPC submits the Commission must also monitor Verizon’s deployment of its FiOS network.

C. Verizon’s Quality of Service May Improve With the Installation of its FiOS Network.

As previously stated, Verizon’s FiOS network will deliver basic local telephone service. Over the past several years, the quality of Verizon’s basic local telephone service has been subpar. Proof of such poor service was highlighted and explained during a quality of service hearing in 2008 held before Councilmember Mary Cheh, then the Chairperson of the Committee on Public Affairs and Consumer Affairs which has oversight over the Commission and OPC. At

⁹ Connecting America: The National Broadband Plan, Federal Communications Commission, pp. 247-258, at pp. 247-258, March 2010.

the hearing, Jim Pappas, President of the local union responsible for installing Verizon's telecommunications network, testified that the reason for Verizon poor quality of service is because Verizon is ignoring the copper network and focusing on the deployment of FiOS.¹⁰ Specifically, Mr. Pappas testified that residents throughout the city experience static on the line or no telephone service after a rainfall because moisture is able to penetrate the copper telephone lines that have not been adequately maintained.¹¹ In light of Mr. Pappas's testimony, OPC submits the Commission should track the deployment of FiOS and measure it against the number of complaints about Verizon's quality of service to determine if the deployment of fiber solves many of the quality of service issues that currently plague Verizon's copper network. OPC submits adopting its proposal to track the deployment of FiOS to see if it improves Verizon's quality of service is reasonable and consistent with a fundamental tenant of regulation that one cannot manage what one does not measure.

¹⁰ Testimony of Jim Pappas, President of the Communications Workers of America Local 2336 Before the Public Services and Consumer Affairs Public Hearing, Feb. 7, 2008.

¹¹ *Id.*

VI. CONCLUSION

WHEREFORE, based upon the reasoning in this Petition, the Office requests the Commission to establish a proceeding to monitor the deployment of Verizon's FiOS service on a quarterly basis. Additionally, the Office requests the Commission order Verizon to provide the Office with quarterly reports detailing where FiOS is being deployed in the District of Columbia.

Respectfully submitted,



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Dated: May 3, 2010

CERTIFICATE OF SERVICE

Formal Case No. _____ In the Matter of the Petition of the Office of the Office of the People's Counsel for An Investigation Into the Status of Verizon's Telecommunications Infrastructure in the District of Columbia

I hereby certify that on this 3rd day of May 2010, a copy of the "Office of the People's Petition Into the Status of Verizon's Infrastructure" was served on the following parties of record by hand delivery; first class mail, postage prepaid, or electronic mail:

Honorable Betty Ann Kane
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Honorable Richard E. Morgan
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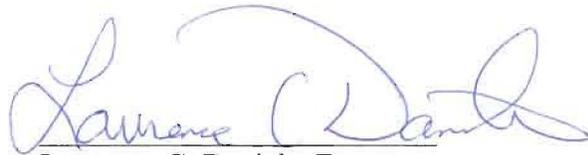
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