

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Section 63.71 Application of	)	WC Docket No. 21-298
Embarq Florida, Inc. d/b/a CenturyLink,	)	
a Lumen Company, for Authority Pursuant	)	
to Section 214 of the Communications Act	)	
1934, as Amended, to Discontinue a	)	
Telecommunications Service	)	

**COMMENTS OF THE  
MICHIGAN PUBLIC SERVICE COMMISSION**

On October 4, 2021, the Wireline Competition Bureau (Bureau) of the Federal Communications Commission (FCC), issued a Public Notice seeking comment regarding an application filed under Section 214 of the Communications Act of 1934, as amended, and section 63.71 of the Commission’s rules by Embarq Florida, Inc. d/b/a CenturyLink, a Lumen Company (CenturyLink) to discontinue legacy voice service to customers on Little Gasparilla Island, Florida that would result in a technology transition.<sup>1</sup> As explained in the Public Notice, CenturyLink relies on the availability of mobile wireless services offered by AT&T, T-Mobile, and Verizon in the affected service area for its prima facie showing of adequate replacements for CenturyLink’s legacy voice service. This is the first instance of a

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<sup>1</sup> [Wireline Competition Bureau’s October 4, 2021 Public Notice.](#)

third-party mobile wireless voice service being proposed as the replacement for legacy voice service in a technology transition discontinuance application. In the absence of a prior first party showing that one or more of these mobile wireless services satisfies the adequate replacement test, the Bureau seeks comment on CenturyLink's discontinuance application to more fully inform the FCC on whether the application satisfies the FCC's traditional five-factor test evaluating whether a planned discontinuance of service will adversely affect the public interest.

Specifically, the Bureau is seeking comment on whether third-party mobile wireless services offered by AT&T, T-Mobile, Verizon, or any other voice services provider that may be available in the impacted service area are adequate replacements for CenturyLink's legacy voice service. The Bureau encouraged comments on the totality of the circumstances that are explained in the application, and on any other relevant factors that the Bureau should consider in balancing the interests of the applicant and the affected community. On October 22, 2021, the Bureau released an order granting a request filed by Consumer & Competition Advocacy Organizations to extend the Comment & Reply Comment deadlines.<sup>2</sup> The initial comment deadline was extended to November 24, 2021, with reply comments due December 16, 2021. The Michigan Public Service Commission (MPSC) offers the following comments.

The application before the Bureau describes a unique situation, as it appears that Little Gasparilla Island may be used primarily as a vacation destination for the

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<sup>2</sup> [Wireline Competition Bureau's October 22, 2021 Order.](#)

26 affected customers.<sup>3</sup> As stated in the Public Notice, this would be the first instance of a third-party mobile wireless voice service that would, absent the adequate replacement test, act as the replacement for legacy wireline voice service in a technology transition discontinuance application. If the Bureau were to approve this application, the MPSC strongly urges caution by the Bureau in allowing the use of this decision as a precedent for future requests by other legacy voice service providers throughout the country. The MPSC is concerned that if this application is approved, legacy voice providers may begin filing subsequent applications in other areas nationwide, particularly in regions where the only alternative may be wireless voice service. As the Bureau and the FCC are well aware, there are limitations to wireless voice service, and these limitations may be exacerbated by the demographic and geographic disparities in broadband access and adoption. When households lack access to or are unable to afford broadband service, they also lack access to alternative voice services such as Voice-over-Internet-Protocol (VoIP). Simply relying on wireless voice service as an alternative to legacy voice service presents issues and concerns for the many households that experience the consequences of the digital divide.

CenturyLink's application explains that it does not offer broadband service on the island and that the facilities used to provide legacy voice service on the

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<sup>3</sup>Although CenturyLink indicates it only has 26 customers that subscribe to their voice service, it states that the island has 514 service locations. [CenturyLink application](#) pgs 1-2.

island are deteriorating and in need of frequent repair.<sup>4</sup> Of particular concern is that in states like Michigan where there are limited or no service quality standards for landline service, legacy voice providers may potentially neglect their existing networks rather than make needed repairs or transition those networks to broadband service. Instead, providers may attempt to propose that wireless service be offered as a sufficient replacement for legacy voice service.

In reviewing CenturyLink's application to replace legacy service with a third-party wireless service, the MPSC observes that CenturyLink offers a minimal response to demonstrate that the wireless service replacement proposed meets the FCC's criteria as a replacement service, commonly offering the phrase "To the best of Embarq Florida's knowledge".<sup>5</sup> The MPSC believes that, should CenturyLink be allowed to discontinue its legacy service in this specific instance, the FCC should more closely scrutinize this request to ensure that every customer or potential customer on the island has reliable and affordable access to telecommunications service. The MPSC further explains some of these general issues and concerns related to a wireless voice service alternative below.

### **Reliability**

While wireless voice service provides customers with greater flexibility for making a call, it also has reliability issues. Unlike traditional legacy voice service, wireless service customers must ensure their mobile devices possess adequate

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4 CenturyLink application pgs. 2, 22-23.

5 CenturyLink application pgs. 12, 13, 18, 19, 20.

battery power in order to make and receive calls, which can be especially limited or unavailable during certain emergencies. Additionally, geography can have a significant impact on the reliability of wireless voice service. In Michigan, there are rolling hills, dense forests, and hundreds of miles of shoreline. These geographical features all impact the reliability of wireless voice service. Reliability issues can also occur in urban areas, as tall buildings and structures can potentially disrupt or interfere with the wireless signals. These reliability issues are most concerning when someone is attempting to call 9-1-1 during an emergency. The MPSC has raised reliability concerns to the FCC in previously filed comments regarding the transition from legacy service to IP-service or wireless service.<sup>6</sup> As the MPSC stated in its October 26, 2015 comments, Michigan is a state that no longer has service quality standards due to deregulation. For this reason, it is important for the FCC to ensure that the transition away from legacy service does not impair quality or reliability. Furthermore, on November 24, 2015, the MPSC filed joint comments with 6 other state commissions expressing concerns regarding the transition away from legacy voice service.<sup>7</sup> Many of the same concerns addressed previously by the MPSC and other states are still relevant today.

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<sup>6</sup> [MPSC December 22, 2014 reply comments](#) WC 14-192, MPSC Comments GN 13-5  
[MPSC February 5, 2015 comments](#) [MPSC's October 26, 2015 FCC Comments.](#)

<sup>7</sup> [Joint State Reply Comments November 24, 2015.](#)

## Affordability and Access

Allowing wireless voice service as a replacement to basic landline service may create financial hardships and have adverse impacts on vulnerable populations throughout the country. If households are not able to afford wireless devices, equipment and plans, those households may lose access to voice service. According to the Pew Research Center, “Roughly a quarter of adults with household incomes below \$30,000 a year (24%) say they don’t own a smartphone. About four-in-ten adults with lower incomes do not have home broadband services (43%) or a desktop or laptop computer (41%). And a majority of Americans with lower incomes are not tablet owners. By comparison, each of these technologies is nearly ubiquitous among adults in households earning \$100,000 or more a year.”<sup>8</sup> According to the US Census Bureau, the median income of the City of Detroit (Michigan) is \$30,894 and the City of Flint (Michigan) is \$28,834, while the median income for the state of Michigan is \$57,144.<sup>9</sup> The MPSC has continued to express concerns regarding the affordability of both voice and broadband services, most recently in its April 19, 2021 comments to the FCC regarding the Lifeline marketplace.<sup>10</sup> Approval of this application may create additional affordability challenges for marginalized and

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<sup>8</sup> [Lower-income Americans still less likely to have home broadband, smartphone | Pew Research Center.](#)

<sup>9</sup>

<https://www.census.gov/quickfacts/fact/table/MI,detroitcitymichigan,flintcitymichigan/INC110219>.

<sup>10</sup> [MPSC Lifeline Marketplace Comments – April 19, 2021](#) (Pages 2-4).

disadvantaged populations, especially those residents in rural communities or communities of color.

### **Oversight Concerns**

The MPSC also is concerned about the lack of federal oversight and state jurisdiction over substitutes to legacy voice service. In Michigan, state carrier of last resort/discontinuance of service notice obligations do not extend to alternative voice services, only basic local exchange service. Therefore, if an incumbent local exchange carrier were allowed to discontinue its landline service and it was replaced with an unregulated broadband or wireless service, the MPSC would not have oversight over that alternative service. It is most concerning that if an unregulated broadband or wireless provider decides to discontinue service, customers could be left without reliable telecommunications service.

### **CONCLUSION**

The MPSC appreciates the opportunity to provide comments to the Bureau regarding CenturyLink's application for discontinuance of legacy voice service. The MPSC acknowledges that, in this case, the potential discontinuance of legacy voice service affects a unique and limited number of households. However, it is important to determine whether this discontinuance is in the public's interest and to evaluate the potential long term and far-reaching precedential implications of an approval of the application. The MPSC believes access to reliable and affordable telecommunications service is crucial, especially during an emergency, and requests

the FCC closely examine the facts and circumstances of this and any future applications to discontinue legacy voice service.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

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