

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of

Ensuring Customer Premises Equipment)	PS Docket No. 14-174
Backup Power for Continuity of)	
Communications)	
)	
Technology Transitions)	GN Docket No. 13-5
)	
Policies and Rules Governing Retirement)	RM-11358
of Copper Loops by Incumbent Local)	
Exchange Carriers)	
)	
Special Access for Price Cap Local)	WC Docket No. 05-25
Exchange Carriers)	
)	
AT&T Corporation Petition for Rulemaking)	RM-10593
to Reform Regulation of Incumbent Local)	
Exchange Carrier Rates for Interstate)	
Special Access Services)	

COMMENTS OF VONAGE HOLDINGS CORPORATION

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Vonage Holding Corporation (“Vonage”) is pleased to submit these comments in response to the Commission’s proposed rules requiring facilities-based fixed voice service providers to supply their consumer premises equipment (“CPE”) with access to back-up power.¹ Vonage commends the Commission’s intention “to safeguard continuity of communications throughout a power outage,”² a goal that Vonage shares. To that end, Vonage provides its customers with tools and features to ensure they can continue to communicate during a power outage. These tools and features include automatic call forwarding in the event of network outages and a mobile application that permits customers to use their smart phone to make and receive calls under the Vonage plan even when they lose power.

Imposing back-up power requirements on over-the-top providers like Vonage would be costly and unnecessary. The Commission appears to recognize this, proposing only that *facilities-based* interconnected VoIP providers be subject to back-up power requirements. This approach recognizes that over-the-top VoIP service relies on the consumer’s residential or business broadband connection to operate. When a customer’s broadband connection is out, over-the-top VoIP services cannot function on that broadband connection whether or not their CPE has back-up power. As a result, back-up requirements would not provide customers with any increased connectivity. Rather than imposing costly requirements that will not improve access to communications, the Commission should encourage efforts like Vonage’s to voluntarily provide customers with alternative means to communicate in the event of a power outage.

¹ *Ensuring Customer Premises Equipment Back-up Power for Continuity of Communications, Technology Transitions, et al.*, Notice of Proposed Rulemaking and Declaratory Ruling, WC Docket No. 05-25 (Nov. 25, 2014) (“*CPE Back-up Power NPRM*”).

² *Id.* at ¶ 3.

I. VONAGE PROVIDES ITS CUSTOMERS WITH ACCESS TO COMMUNICATIONS DURING POWER OUTAGES.

Vonage has long recognized that its customers may need access to their Vonage service during a power outage or broadband failure. To meet this need, Vonage offers its customers three different methods to ensure continuity of service in the event of a power outage. Vonage does not charge its customers for these solutions, instead making them available as features of Vonage's service.

First, Vonage customers may download the Vonage Extensions App, which allows customers to make and receive calls with their Vonage number from up to two smartphones wherever they are connected to a Wi-Fi or 3G/4G network³ In the event of a power outage, customers can use Vonage Extensions seamlessly transition their number from their residential CPE to another reliable form of communications.⁴

Second, Vonage customers may set up a Network Availability Number.⁵ To do so, Vonage customers provide an incoming call forwarding number, such as a mobile device, business phone or friend's phone. If a customer loses internet connectivity for any reason,

³ Vonage, *Extending the Benefit: Vonage® Extensions® App Keeps you Connected*, VONAGE BLOG (Jan. 26, 2015), <http://blog.vonage.com/mobile-app/extending-benefit-vonage-extensions-app-keeps-connected/> (last visited Feb. 5, 2015) ("*Extending the Benefit Blog*"); See Vonage, *The Vonage Mobile App®*, <http://www.vonage.com/personal/vonage-mobile-app> (last visited Feb. 5, 2015).

⁴ Both Vonage Business Solutions and Telesphere, which Vonage recently acquired, provide mobile applications with similar functionality; See Vonage Business Solutions, *Mobile Application: Full Functionality of Your Business Phone from Anywhere*, <http://www.vonagebusiness.com/features/mobile/> (last visited Feb. 5, 2015); See Telesphere, *Mobile Connect*, <https://www.telesphere.com/products-services/advanced-features/mobile-connect/> (last visited Feb. 5, 2015).

⁵ See Vonage, *Network Availability Number®*, https://support.vonage.com/app/answers/detail/a_id/840/~network-availability-number%C2%AE (last visited Feb. 5, 2015).

including a power outage, Vonage *automatically* forwards all Vonage calls to the customer's chosen number.

Third, business customers may take advantage of Vonage's Call Continuity feature, which is included in every Vonage Business Solutions package.⁶ Call Continuity is similar to the Network Availability Number in that during a power outage Vonage detects that the connection has been lost and *automatically* reroutes calls to a back-up number of the customer's choice. Instead of forwarding a single phone number, the Call Continuity Service automatically routes all of a business's Vonage phones.

With these tools and features, Vonage has already provided its customers with the capability to work around power outages. Customers can send calls to their Vonage telephone number to any phone – a cell phone with battery, a phone at a relative or friend's house that has power, a phone at work – ensuring continuity of their communications. The Vonage Extensions App and similar applications for Vonage's business service provide even greater connectivity, allowing Vonage customers to use their cell phone (with its existing battery power) to make outgoing calls under their Vonage plan and receive calls to their Vonage telephone number. As the Communications Security, Reliability, and Interoperability Council ("CSRIC") recognized in its Final Report on CPE Powering, "the need for back-up power is evolving, as consumers increasingly rely on their cell phones and other portable devices for emergency communications during a commercial power outage."⁷ Indeed, CTIA reports that more than 97% of U.S.

⁶ See Vonage Business Solutions, *Call Continuity: Automatic Call Rerouting in the Event of an Emergency*, <http://www.vonagebusiness.com/features/call-continuity/> (last visited Feb. 5, 2015); See *Extending the Benefit Blog*.

⁷ CSRIC, Working Group 10B CPE Powering – Best Practices, *Final Report – CPE Powering*, at 19 (Sept. 2014), available at <http://transition.fcc.gov/pshs/advisory/csr4/CSRIC%20WG10%20CPE%20Powering%20Best%20Practices%20Final%20Draft%20v2%20082014.pdf>

households have mobile phones.⁸ Vonage’s solutions recognize these facts, enabling Vonage customers to use their existing devices for continued access to their home or business phone lines.

II. THE COMMISSION SHOULD NOT EXTEND BACK-UP POWER REQUIREMENTS TO OVER-THE-TOP VOIP SERVICES.

The Commission has proposed imposing back-up power requirements on “facilities-based fixed voice services.”⁹ In the past, the Commission defined facilities-based VoIP providers as those “that own and control the last mile facility between the customer’s home and the provider’s network” and “typically have dedicated facilities, transport calls over a private network they own or lease, and may have a back-up power source in the event of a service disruption.”¹⁰ By contrast, the Commission has defined over-the-top VoIP providers as providers that “require the end user to obtain broadband transmission from a third-party provider.”¹¹ When the third-party provider’s broadband service is out, the over-the-top VoIP service simply cannot operate. For this reason, it would be fruitless to impose a back-up power requirement on over-the-top VoIP providers like Vonage, unless the Commission simultaneously imposes such requirements on underlying broadband providers.¹² Doing so would leave Vonage customers with working CPE but no connection on which to use it, imposing significant cost

⁸ See CTIA Resource Library, *97 Percent of U.S. Households Have Mobile Phones* (Nov. 24, 2014), <http://www.ctia.org/resource-library/facts-and-infographics/archive/97-percent-of-us-households-have-mobile-phones> (last visited Feb. 5, 2015).

⁹ *CPE Back-Up Power NPRM* at ¶ 33.

¹⁰ *AT&T, Inc. and BellSouth Corp. Application for Transfer of Control*, 22 FCC Rcd. 5662, 5712 ¶ 92 n. 266 (2007)

¹¹ *Id.*

¹² Vonage takes no position with respect to back-up power for facilities-based VoIP providers, but notes that the prevalence of cell phones and other self-powered communications devices may render such requirements unnecessary.

without providing the customer with a working phone line. Further even if the broadband modem and Vonage analog terminal adapter (“ATA”) have battery backup, customers often place their ATA behind a home router so the voice service would still not work unless the home router also had backup power.¹³ For this reason, any rules requiring back-up power should not extend to over-the-top VoIP providers.

The Commission has expressed concern about consumer expectations that certain wireline services will work in a power outage.¹⁴ But the Commission’s own 911 rules mandate customer disclosures about the impact of a “loss of electrical power” on interconnected VoIP service.¹⁵ Customers must “affirmative[ly] acknowledge[.]” that they have “received and understood” this disclosure.¹⁶ This notification requirement ensures that VoIP subscribers are aware that in the event of a power outage their VoIP service will not function until power and Internet connectivity are restored.

CONCLUSION

Because over-the-top VoIP service can function only with an underlying broadband connection, it would be costly and counterproductive to require over-the-top providers to ensure back-up power for their CPE without mandating equivalent back-up power requirements for broadband providers and, potentially, home routers and telephones. Perhaps more importantly, the Commission should recognize that providers like Vonage offer their customers alternatives to traditional battery back-up power that enable connectivity even when power and Internet is lost.

¹³ Also Vonage generally does not supply telephones for customers. Customers can plug their normal analog telephones into the Vonage ATA. Some telephones require power to function, which also would not be addressed by requiring back up power for the ATA.

¹⁴ *CPE Back-Up Power NPRM* at ¶ 3.

¹⁵ 47 C.F.R. § 9.5(e).

¹⁶ *Id.*

The Commission should encourage these voluntary efforts to improve emergency communications rather than adopting a costly and unnecessary regulatory mandate.

Respectfully submitted,



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