

FCC GREENLIGHTS IP TRANSITION TRIALS

As expected, Chairman Tom Wheeler used the FCC's meeting on January 30th to push through an order inviting AT&T, Verizon and other Internet Service Providers (ISPs) to propose trials designed to test the transition of the public telecommunications network from circuit switched Time-Division Multiplexed (TDM) technology exclusively to a platform based on the Internet Protocol (IP) – a process often referred to in shorthand as the “IP Transition”. The FCC noted that the transition to an IP-based platform is already underway, but that for the present, users have the option of deploying IP technology or continuing to rely upon TDM-based technology.

The FCC acknowledged that at some point in the not-to-distant future, AT&T and Verizon will seek to discontinue operating the legacy TDM networks on the grounds that they are inefficient and unduly costly. The FCC said that the trials are designed to demonstrate how the public communications networks can continue to provide the services needed by their users, and how the “enduring values” underlying the legacy networks can be preserved and enhanced during the transition and afterwards. The enduring values identified by the FCC are (1) preserving and enhancing public safety communications; (2) maintaining affordable communications services for all Americans; (3) promoting user choice of services through competition in the marketplace; and (4) upholding consumer protection.

Proposals for trials are due by February 20th and will be voted upon by the FCC at its meeting in May. According to the FCC, trials are intended to explore the impact of the transition on specific values, such as how to deliver robust broadband to rural areas; how to enhance services provided to persons with disabilities; and how to adapt network address (telephone number or equivalent) assignment and databases during and after the transition to an all IP-world. The FCC said it would also focus on how data collection and analysis can be improved as part of the transition.

While Chairman Wheeler professes great enthusiasm for the IP Transition, referring to it as the “Fourth Network Revolution,” there are skeptics that question the value of trials as a way of managing the process. In comments filed with the FCC last year, ATSI pointed to AT&T's subtext in requesting the FCC to authorize IP Transition trials. ATSI characterized AT&T's request in substance as a petition “to foster the deregulation of telecommunications services,” and ATSI said the petition “should serve as a bright red warning flag” which the FCC should scrutinize “skeptically and with utmost care”.

ATSI argued that there “simply is no reason to believe” that test bed trials “would provide sufficient meaningful information” because the experience gained during such trials “would be almost entirely artificial and not a reasonable guide to the actions and conduct” by AT&T and other IP giants after the trials are over. ATSI added that such entities, with “vast market power, . . . cannot be expected to act any differently in the IP world of the future than they have repeatedly done in the past.”

Since the deadline for submitting proposals for trials is a scant three weeks after the FCC's January 30th meeting, it is difficult to escape the conclusion that both the participants and the substance of the trials have already been wired by the FCC. This being so does not inspire confidence that the trials will be any more than a fig leaf for public consumption.