

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

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

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**SECTION 63.71 APPLICATION**

Embarq Florida, Inc. d/b/a CenturyLink (FRN: 0001-8252-98), a Lumen company,<sup>1</sup> seeks authority pursuant to Section 63.71 of the Federal Communications Commission’s (Commission) rules, 47 C.F.R. § 63.71, and Section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, to discontinue legacy voice service (Affected Service) on Little Gasparilla Island, Florida (Affected Service Area).

Little Gasparilla Island is a 7-mile long barrier island in southwest Florida, accessible only by water taxi or private boat. The island has no roads or grocery stores and virtually no commercial businesses. Most of the approximately 500 living units on the island are vacation homes or rentals.<sup>2</sup>

<sup>1</sup> Embarq Florida, Inc. is an incumbent local exchange carrier subsidiary of Lumen Technologies (FRN: 0018-6268-53).

<sup>2</sup> According to Embarq Florida’s records, the island has 514 service locations. There may be additional potential service locations on the island that are not known to Embarq Florida and, thus, are not in its network and operating systems. Embarq Florida is aware only of locations at which it has provided service, or which are included in various system updates obtained from third party sources in the ordinary course of business.

Only 26 customers, representing about 5 percent of the total living units on the island, currently subscribe to Embarq Florida's voice service. Embarq Florida does not offer broadband service on the island. Its facilities used to provide legacy voice services on the island are deteriorating and in need of frequent repair. To maintain voice service on the island, Embarq Florida would need to upgrade or replace those facilities at a substantial cost that is unlikely to be recoverable given the small number of remaining Embarq Florida customers and the abundance of alternative, wireless-based providers in the area. Embarq Florida therefore believes it prudent to discontinue service now, while its network facilities in this area are still operational, to allow its remaining customers to transition to alternative providers should they elect to replace their Embarq Florida legacy voice service. Embarq Florida therefore seeks Commission authority to discontinue legacy voice service in the Affected Service Area, as of September 1, 2021.

The public convenience and necessity will not be adversely affected by this discontinuance, as the affected customers can seek alternative service arrangements from at least three other providers that offer equivalent replacement services. Specifically, AT&T, T-Mobile, and Verizon offer 4G mobile wireless voice services in the Affected Service Area.

This Application is eligible for automatic grant under 47 C.F.R. § 63.71(f)(2)(i), because the wireless voice services offered by AT&T, T-Mobile, and Verizon (collectively, "Replacement Services") constitute "adequate replacement[s]" for Embarq Florida's legacy voice service, as specified in 47 C.F.R. § 63.602(b),<sup>3</sup> and will remain available to these customers in the event the Application is granted. According to the Commission's Form 477

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<sup>3</sup> Embarq Florida takes no position as to whether these services constitute a "substitute for landline telephone exchange service," for purposes of 47 U.S.C. § 332(c)(3)(A), nor is such a

data, two satellite providers, ViaSat, Inc. and Hughes Network Systems, LLC, offer broadband service in the Census Blocks containing the Affected Service Area, enabling the provision of VoIP in that area.

Embarq Florida hereby submits the information required by Sections 63.505, 63.71(c), and Section 63.602 of the Commission's rules. Embarq Florida also addresses each of the factors in the Commission's traditional five-factor test, which may come into play if the Commission processes this Application on a non-streamlined basis.

**1. Information Required by 47 C.F.R. § 63.505 and § 63.71(c).**

**a. Name and address of carrier.**

Embarq Florida, Inc.  
100 CenturyLink Drive  
Monroe, Louisiana 71203

**b. Date of planned service discontinuance, reduction or impairment.**

As of September 1, 2021, or as soon thereafter as the necessary regulatory approvals can be obtained, Embarq Florida will no longer offer the Affected Service in the Affected Service Area. Embarq Florida is committed to working with its remaining customers in this area to enable them to transition to an alternative voice provider, if they choose to do so, without interruption of service.

**c. Points of geographic areas of service affected.**

Embarq Florida seeks authority to discontinue the Affected Service on Little Gasparilla Island, Florida, as reflected in Attachment A.<sup>4</sup>

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finding under Section 332 required for Embarq Florida's application to qualify for streamlined treatment under Sections 63.71 and 63.602 of the Commission's rules.

<sup>4</sup> See Attachment A. The locations are located in the following Census Blocks: 120150304022003, 120150304022004, 120150304022005, 120150304022006, 120150304022007, 120150304022012, 120150304022014, 120150304022019,

**d. Brief description of the types of services affected.**

The Affected Service provides voice-grade telephonic communications channels that can be used to place or receive one call at a time.

**e. Brief description of the dates and methods of notice to all affected customers.**

Embarq Florida notified its customers in the Affected Service Area of the planned discontinuance of the Affected Service in a letter sent via United Service Parcel Service or U.S. Mail on June 24, 2021. Those customers were notified that the proposed discontinuance would take effect on September 1, 2021, or as soon after that date as authorized by the relevant regulatory commissions. A copy of the form of customer notification letter Embarq Florida used is appended hereto. (*See* Attachment B.) That letter includes the information required by 47 C.F.R. § 63.71(a)(6) for the Application to be eligible for automatic grant under 47 C.F.R. § 63.71(f).

**f. Whether the carrier is considered dominant or non-dominant with respect to the services to be discontinued, reduced or impaired.**

Embarq Florida is a non-dominant carrier with regard to the service to be discontinued.

**g. Service.**

In accordance with 47 C.F.R. § 63.71(a), Embarq Florida has mailed a copy of this application to the Governor of Florida and the Florida Public Service Commission, as well as to the Special Assistant for Telecommunications under the Secretary of Defense.<sup>5</sup> There are no

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120150304022026, 120150304022050, 120150304022073, 120150304022074,  
120150304022079, 120150304022080.

<sup>5</sup> Section 63.71(a) directs applicants to submit a copy of the application to the Secretary of Defense, Special Assistant for Telecommunications. However, due to restructuring within the Department of Defense, that position no longer exists. Commission staff has advised that a copy of the application be sent instead to the Department of Defense Chief Information Officer.

federally-recognized Tribal Nations with Tribal lands in the geographic areas identified in Paragraph 1.c above.

**h. Applicable Tariff Listing (47 C.F.R. § 63.505(e)).**

The voice services offered by AT&T, T-Mobile, and Verizon are not tariffed, but the rates for those services are available from these providers, as noted below.

**i. Number of Toll Messages (47 C.F.R. § 63.505(l)).**

Embarq Florida's toll traffic to and from the Affected Service Area has steadily fallen with the dwindling number of legacy voice customers in that area and the common use of mobile wireless phones for long distance calling. Embarq Florida does not track the monthly number of toll messages or toll revenues in this area.

**2. Additional Information Required by 47 C.F.R. § 63.602.**

**a. Statement Identifying the Application as a Technology Transition (47 C.F.R. § 63.602(a)(2)).**

The proposed discontinuance constitutes a "technology transition,"<sup>6</sup> because Embarq Florida's remaining legacy voice customers in the Affected Service Area will be required to replace their TDM-based voice service with a different technology or transmission medium when Embarq Florida discontinues legacy voice service in this area, as there is no other wireline TDM-based voice service available in the Affected Service Area.

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<sup>6</sup> See 47 C.F.R. § 63.60(i) (defining a technology transition as "any change in service that would result in the replacement of a wireline TDM-based voice service with a service using a different technology or medium for transmission to the end user, whether Internet Protocol (IP), wireless, or another type," except in certain copper retirement situations).

**b. Information Regarding the Price of the Service to be Discontinued and the Price of the Proposed Replacement Service (47 C.F.R. § 63.602(a)(3)).**

Embarq Florida's residential single-line voice service is \$26.50 per month, plus taxes, surcharges, and fees. Long distance and calling features are available for an additional monthly charge.

AT&T, T-Mobile, and Verizon offer a variety of competitively priced mobile wireless calling plans. For example, AT&T offers a prepaid plan for \$30 per month, plus taxes and fees, which includes unlimited talk, text and 5 GB data.<sup>7</sup> T-Mobile's prepaid plans start at only \$15 per month for unlimited talk and text, plus 2.5 GB data.<sup>8</sup> And Verizon offers prepaid lines for as low as \$25 per month, with applicable discounts, for unlimited talk and text and 5 GB of data per month.<sup>9</sup>

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<sup>7</sup> AT&T website, *Choose your AT&T PREPAID Plan*, <https://www.att.com/buy/wireless/prepaid/plandetails> (last visited June 29, 2021). AT&T also offers a non-prepaid single-line plan for \$50 per month, plus taxes and fees, which includes unlimited talk, text, and 4 GB data, as well as multi-line plans with lower per-line charges. AT&T website, *Compare our wireless plans*, <https://www.att.com/plans/wireless/> (last visited June 28, 2021). AT&T also offers plans with unlimited data usage. *Id.*

<sup>8</sup> T-Mobile website, *T-Mobile Connect; Our lowest-priced plans ever, starting at only \$15/month*, <https://prepaid.t-mobile.com/home> (last visited June 29, 2021). T-Mobile also offers a non-prepaid, single-line plan for \$60 per month, plus taxes and fees, which includes unlimited talk, text, and 50 GB data, alongside multi-line plans with lower per-line charges. T-Mobile website, *Compare plans with 1 line*, <https://www.t-mobile.com/cell-phone-plans?lines=1> (last visited June 28, 2021). T-Mobile also offers alternative plans with unlimited data usage. *Id.*

<sup>9</sup> Verizon website, *Save more on Prepaid, now with 5G Nationwide*, [https://www.verizon.com/prepaid/?adobe\\_mc=MC MID%3D62438058887653943150460370079708031782%7CMCAID%3D30666956B55492C0-40001B9387A7B9DF%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1624916594&mboxSession=f4b50bf7eb7a40449bca0c430e000f70](https://www.verizon.com/prepaid/?adobe_mc=MC MID%3D62438058887653943150460370079708031782%7CMCAID%3D30666956B55492C0-40001B9387A7B9DF%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1624916594&mboxSession=f4b50bf7eb7a40449bca0c430e000f70) (last visited June 28, 2021). For \$70 per month, plus taxes and fees, Verizon offers non-prepaid unlimited talk and text and 5 GB of data per month. Verizon website, *Its Unlimited built right*, [https://www.verizon.com/plans/?adobe\\_mc=MC MID%3D62438058887653943150460370079708031782%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1608244089&mboxSession=f4b50bf7eb7a40449bca0c430e000f70#shared](https://www.verizon.com/plans/?adobe_mc=MC MID%3D62438058887653943150460370079708031782%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1608244089&mboxSession=f4b50bf7eb7a40449bca0c430e000f70#shared) (last visited Apr. 15, 2021). Verizon also offers calling plans with unlimited data. *Id.*

AT&T and Verizon also offer wireless home phone services enabling customers to connect their existing home telephones to the AT&T or Verizon wireless network. For example, AT&T offers Wireless Home Phone Prepaid, which includes unlimited nationwide calling for \$20 a month.<sup>10</sup> Customers also can keep their existing phone number and are not required to have a broadband connection.<sup>11</sup> Verizon offers Verizon Wireless Home Phone service for \$20 per month, plus a one-time activation fee of \$35.<sup>12</sup> The Verizon Wireless Home Phone “connects your existing landline phone to the Verizon 4G LTE network or your Verizon LTE Home Internet connection for reliable, high quality voice service.”<sup>13</sup> It allows the customer to keep their old phone number and includes call forwarding, voicemail, fax compatibility, and E911.<sup>14</sup>

In practice, however, few, if any, consumers on Little Gasparilla Island will incur any additional cost to subscribe to one of these Replacement Services, as they very likely already subscribe to one of them.<sup>15</sup>

**c. Certification that the Information Submitted in this Application Pursuant to Section 63.602 Is True and Accurate (47 C.F.R. § 63.602(a)(4)).**

See the attached certification of Danny Pate.<sup>16</sup>

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<sup>10</sup> AT&T website, *Home Phone for \$20 a month*, <https://www.att.com/cellphones/att/wireless-home-phone-prepaid.html#sku=undefined> (last visited June 29, 2021).

<sup>11</sup> *Id.*

<sup>12</sup> Verizon website, *Verizon Wireless Home Phone*, <https://www.verizon.com/home-office-solutions/wireless-home-phone-lvp2/> (last visited June 29, 2021). The customer also must purchase a Verizon Wireless Home Phone device for \$4.16 per month for 24 months. *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* T-Mobile previously sold a similar service, called LineLink, but no longer sells the home phone adapter necessary for the service. T-Mobile website, *Support: T-Mobile LineLink*, <https://www.t-mobile.com/support/coverage/t-mobile-linelinek> (last visited June 29, 2021).

<sup>15</sup> According to the Pew Research Center, approximately 97% of Americans now own a cellphone of some kind. Pew Research Center, *Internet & Technology: Mobile Fact Sheet*, <https://www.pewresearch.org/internet/fact-sheet/mobile/> (Apr. 7, 2021) (*Pew Mobile Fact Sheet*).

<sup>16</sup> See Attachment C, Section 63.602(a)(4) Certification.

**d. Showing that the Proposed Replacement Services Are Adequate Replacements for the Service to Be Discontinued (47 C.F.R. § 63.602(b)).**

In 2016, the Commission established a streamlined process for addressing Section 214 discontinuance applications that relate to “technology transitions,” where the applicant is seeking to discontinue a legacy TDM-based voice service as part of a transition to a new technology, whether IP, wireless or another type, and there will no longer be TDM-based voice service available in the affected service area.<sup>17</sup> Under the Adequate Replacement Test adopted in that order, such discontinuance applications will be eligible for automatic grant if the applicant demonstrates that there are one or more adequate replacements for the legacy voice service being discontinued in the service area in question.<sup>18</sup> An applicant may do so “by certifying or showing that one or more replacement service(s) offers all of the following: (i) substantially similar levels of network infrastructure and service quality as the applicant service; (ii) compliance with existing federal and/or industry standards required to ensure that critical applications such as 911, network security, and applications for individuals with disabilities remain available; and (iii) interoperability and compatibility with an enumerated list of applications and functionalities determined to be key to consumers and competitors.”<sup>19</sup> As discussed below, this application

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<sup>17</sup> *Technology Transitions; USTelecom Petition for Declaratory Ruling That Incumbent Local Exchange Carriers Are Non-Dominant in the Provision of Switched Access Services; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers, Declaratory Ruling, GN Docket No. 135, et al., Second Report and Order, and Order on Reconsideration, 31 FCC Rcd 8283 (2016), subsequent history omitted (“2016 Technology Transition Order”).*

<sup>18</sup> *Id.*, 31 FCC Rcd at 8304-05 ¶ 64.

<sup>19</sup> *Id.*, 31 FCC Rcd at 8305 ¶ 65. *See also* 47 C.F.R. § 63.602 (specifying additional contents required in applications to discontinue service as part of a technology transition, including those required for applications relying on the Adequate Replacement Test).



meets those three criteria and is therefore eligible for automatic grant under the streamlined process set forth in Section 63.71(f).

Under the framework adopted in the 2016 order, technology transition applicants can either demonstrate compliance with the enumerated criteria or make a demonstration that, “despite not being able to meet the criteria, the totality of the circumstances demonstrates that an adequate replacement nonetheless exists.”<sup>20</sup> The Commission also explicitly found that both first and third party services are eligible as potential adequate replacement services, given that third party services have always been eligible for consideration under the 214 discontinuance process as potential adequate replacements.<sup>21</sup> As the Commission noted, “[t]he question is whether an adequate replacement exists in the service area, not who provides the service that provides that adequate replacement.”<sup>22</sup>

The Commission recognized, however, that applicants will not be able to certify on behalf of a third party that the third party’s voice service meets the Adequate Replacement Test’s three-part criteria.<sup>23</sup> Instead, such applicants must “rely on the option of providing enough information to make an adequate showing to demonstrate that the third party service is an adequate replacement.”<sup>24</sup> Specifically, applicants relying on a third party service must make a

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<sup>20</sup> *2016 Technology Transition Order*, 31 FCC Rcd at 8306 ¶ 67.

<sup>21</sup> *Id.*, 31 FCC Rcd 8311-12 ¶ 84.

<sup>22</sup> *Id.*, 31 FCC Rcd at 8312 ¶ 84.

<sup>23</sup> *Id.*, 31 FCC Rcd at 8312 ¶ 85.

<sup>24</sup> *Id.*

*prima facie* showing based on publicly available information as to whether the third party service meets the Commission's Adequate Replacement Test.<sup>25</sup>

Embarq Florida hereby makes that *prima facie* showing:

- i. **The Replacement Services Provide Substantially Similar Levels of Network Infrastructure and Service Quality as Embarq Florida's Legacy Voice Service (47 C.F.R. § 63.602(b)(1)).**

To satisfy the first prong of the Adequate Replacement Test, the applicant must show that one or more replacement service(s) provides substantially similar network performance as the service being discontinued; substantially similar service availability as the service being discontinued; and coverage to the entire affected geographic service area.<sup>26</sup>

**A. Network Performance.**

In the *2016 Technology Transition Order*, the Commission identified two metrics for evaluating whether a replacement service provides substantially similar network performance to the legacy voice service being discontinued: latency and data loss.<sup>27</sup> Consistent with the Commission's expectation in the *2016 Technology Transition Order*, Embarq Florida is unable to test these aspects of the Replacement Services. Nevertheless, the totality of the circumstances demonstrates that these services provide substantially similar network performance to Embarq Florida's legacy voice service. While Little Gasparilla Island contains at least 514 living units, only 26 are currently served by Embarq Florida. If the remaining living units in this area have subscribed to voice services, they are served by other providers. Given national trends, a large

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<sup>25</sup> *Id.*, 31 FCC Rcd at 8312 ¶ 86. Any commenter opposing grant of such a Section 214 application must rebut the *prima facie* showing made by the applicant. *Id.*

<sup>26</sup> *Id.*, 31 FCC Rcd at 8313 ¶ 89.

<sup>27</sup> *Id.*, 31 FCC Rcd at 8316 ¶ 94.

percentage of these living units likely rely exclusively on the mobile wireless voice services provided by AT&T, T-Mobile, Verizon, or another CMRS provider.<sup>28</sup>

The exodus of roughly 95 percent of Embarq Florida's legacy voice customers on Little Gasparilla Island strongly suggests that the Replacement Services provide network performance that is equivalent to, or better than, Embarq Florida's legacy voice service. Such a precipitous loss of customers is exactly the opposite of what would be expected if the Replacement Services available to the customers in this area provided inferior network performance, in the form of dropped calls or poor call quality, for example. Ultimately, such customer experience is of key importance, as the Commission recognized in 2016: "Our mission here is to ensure a customer experience with the replacement service that is substantially similar to the customer experience with the service being discontinued[.]"<sup>29</sup>

#### **B. Service Availability.**

Under the *2016 Technology Transition Order*, an applicant relying on its own replacement service must demonstrate a service availability of 99.99 percent for the replacement service.<sup>30</sup> Consistent with the Commission's expectations, Embarq Florida lacks the ability to obtain testing data demonstrating the service availability of the Replacement Services. Once again, however, the totality of the circumstances shows that the Replacement Services' service availability is substantially similar to that of Embarq Florida's legacy voice service. If the

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<sup>28</sup> According to the CDC's most recent wireless substitution data, more than 61.8% of adults now rely exclusively on mobile wireless services. Stephen J. Blumberg and Julian V. Luke, Division of Health Interview Statistics, National Center for Health Statistics, *Wireless Substitution: Early Release of Estimates from the National Health Interview Survey, January-June 2020* (Feb. 20, 2021), available <https://www.cdc.gov/nchs/data/nhis/earlyrelease/wireless202102-508.pdf> (*February 2021 CDC Wireless Substitution Data*).

<sup>29</sup> *Id.*, 31 FCC Rcd at 8314 ¶ 92 (footnotes omitted).

<sup>30</sup> *Id.*, 31 FCC Rcd at 8323 ¶ 112.

Replacement Services experienced noticeably more downtime than the Embarq Florida service, one naturally would expect that consumers in this area would have returned to Embarq Florida's legacy voice service. That has not occurred.

**C. Network Coverage.**

In order to meet this aspect of the network performance prong, and to be eligible for automatic grant, the applicant must show that either: (i) a single replacement service reaches the entire geographic footprint of the service area subject to discontinuance; or (ii) there are multiple providers who collectively cover the entirety of the affected service area.<sup>31</sup>

To the best of Embarq Florida's knowledge, each of the Replacement Services reaches the entirety of the Affected Service Area with 4G technology. Embarq Florida confirmed, in a drive test using AT&T, T-Mobile, and Verizon mobile phones, that robust voice service from these providers is available throughout that area.

**ii. The Replacement Services Provide Access to Critical Applications and Functionalities (47 C.F.R. § 63.602(b)(2)).**

The second prong of the Adequate Replacement Test requires applicants to show that one or more replacement service(s) offers access to the following critical applications and functionalities: 911 and emergency services; communications security; and services for individuals with disabilities.<sup>32</sup>

**A. 911 and Emergency Services.**

To be eligible for automatic grant, applicants must certify or show that one or more replacement service(s) complies with the Commission's requirements pertaining to accessible,

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<sup>31</sup> *2016 Technology Transition Order*, 31 FCC Rcd at 8328 ¶ 123.

<sup>32</sup> *2016 Technology Transition Order*, 31 FCC Rcd at 8329 ¶ 126.

accurate, and reliable 911 service.<sup>33</sup> These requirements include rules governing 911 call delivery, service, and location; the capabilities and routing necessary for consumers' continued access to 911 emergency service; and 911 calls to PSAPs or other appropriate local emergency authorities.<sup>34</sup> To the best of Embarq Florida's knowledge, the Replacement Services comply with these requirements and also offer capabilities not available via Embarq Florida's legacy voice service, including the ability to contact PSAPs via text, which can be lifesaving for those unable to speak or make a voice call.<sup>35</sup>

*911 Accessibility and Location Accuracy Requirements.* To the best of Embarq Florida's knowledge, the AT&T, T-Mobile and Verizon mobile voice services comply with "applicable regulations regarding the availability and required functionality of 911 service."<sup>36</sup> Section 9.10 of the Commission's rules specify outdoor and indoor location accuracy standards for 911 services provided by CMRS providers.<sup>37</sup> Currently, AT&T, T-Mobile, and Verizon can satisfy

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<sup>33</sup> *Id.*, 31 FCC Rcd at 8329 ¶ 127.

<sup>34</sup> *Id.*, 31 FCC Rcd at 8329 ¶ 128.

<sup>35</sup> According to the Commission's PSAP Text-to-911 Readiness and Certification Registry, PSAPs in Charlotte County, Florida, which includes Little Gasparilla Island, have been ready to receive text-to-911 messages since 2018. FCC website, *PSAP Text-to-911 Readiness and Certification Form*, <https://www.fcc.gov/general/psap-text-911-readiness-and-certification-form> (last visited June 28, 2021). See also Florida Department of Management Services website, *Statewide Text-to-911 Initiative: County Text-to-911 Information Listing*, [https://www.dms.myflorida.com/content/download/117846/647568/Text-to-911\\_List\\_March\\_9\\_2020\\_-\\_v1.pdf](https://www.dms.myflorida.com/content/download/117846/647568/Text-to-911_List_March_9_2020_-_v1.pdf) (March 9, 2020) (showing that text-to-911 capability is operational in Charlotte County).

<sup>36</sup> *2016 Technology Transition Order*, 33 FCC Rcd at 8330 ¶ 128.

<sup>37</sup> 47 C.F.R. § 9.10.

the indoor standards in this rule by providing either the dispatchable location *or* the x/y location within 50 meters of the calling party for 70 percent of all wireless 911 calls.<sup>38</sup>

While the text of the *2016 Technology Transition Order* suggested that a replacement service must offer a dispatchable address capability to satisfy the requirements of the Adequate Replacement Test,<sup>39</sup> that limitation is not reflected in the relevant rule. Section 63.602(b) specifies that a replacement service must comply with various regulations regarding the availability and functionality of 911 service for consumers and PSAPs, but does not require that the replacement service satisfy any regulation that requires transmission of a dispatchable location, such as Section 9.8 or 9.11.<sup>40</sup> Moreover, the *2016 Technology Transition Order* didn't even acknowledge that the Commission's rules allow CMRS providers to transmit *either* the dispatchable address *or* the x/y location within 50 meters of the calling party for the percentage of 911 wireless calls specified in Section 9.10.<sup>41</sup> And, in any case, dispatchable addresses are not necessarily more accurate than the x/y locations transmitted by mobile wireless providers, as has been demonstrated in the mapping context.<sup>42</sup> Embarq Florida therefore has made a *prima facie*

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<sup>38</sup> 47 C.F.R. § 9.10(i)(2)(i)(A)(3). CMRS providers also are subject to vertical location accuracy standards, *id.* § 9.10(i)(2)(ii), which are not relevant to this application.

<sup>39</sup> *See 2016 Technology Transition Order*, 33 FCC Rcd at 8330 ¶ 129.

<sup>40</sup> *Id.* (requiring compliance with Sections 1.7001 through .7002, 9.5, 12.4, 12.5, 20,18, 20.3, and 64.3001 of Chapter 47).

<sup>41</sup> *2016 Technology Transition Order*, 33 FCC Rcd at 8330 ¶ 129.

<sup>42</sup> *See, e.g., Establishing the Digital Opportunity Data Collection*, WC Docket. 19-195, Report and Order and Second Further Notice of Proposed Rulemaking, 34 FCC Rcd 7505, 7548 ¶ 108 (2020). In the related context of accurately locating broadband serviceable locations, USAC has advised that the location information generated by a mobile phone is more accurate than using address information. *E.g., Universal Service Administrative Co., Geolocation Methods*, A guide to successfully collecting broadband deployment data, <https://www.usac.org/wp-content/uploads/high-cost/documents/Tools/HUBBGeolocationMethods.pdf>.

showing that the AT&T, T-Mobile, and Verizon mobile wireless services satisfy the 911 Accessibility and Location Accuracy Requirements in Section 602(b).

Transmission of a dispatchable address is unnecessary for these services to be considered an adequate replacement for Embarq Florida's legacy voice service. Today, roughly 80 percent of 911 calls are made from wireless devices.<sup>43</sup> Thus, marketplace evidence clearly shows that consumers view the 911 capabilities of mobile wireless services to be equivalent to, if not superior to, the 911 capabilities of wireline services. Furthermore, the Commission's 911 rules explicitly permit wireless providers to transmit x/y locations instead of a dispatchable address, belying any claim that x/y location capability is inadequate to satisfy public safety or public interest concerns.<sup>44</sup>

Moreover, AT&T and Verizon offer wireless home phone services that include dispatchable address capabilities similar to those available for VoIP. For example, E911 is available for the AT&T service if the end user provides a street address.<sup>45</sup> The Verizon wireless home phone service similarly provides a dispatchable address capability, using the address that a consumer must provide before voice service is activated..<sup>46</sup>

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<sup>43</sup> NENA website, *911 Statistics*, <https://www.nena.org/page/911Statistics#:~:text=9%2D1%2D1%20Call%20Volume,more%20are%20from%20wireless%20devices> ("An estimated 240 million calls are made to 9-1-1 in the U.S. each year. In many areas, 80% or more are made from wireless devices.") (last visited June 18, 2021).

<sup>44</sup> Embarq Florida's customer notification informed the affected customers of this concern when subscribing to AT&T, T-Mobile, or Verizon mobile wireless voice service. See Attachment B.

<sup>45</sup> AT&T website, *AT&T Wireless Home Phone (WF720): Device Information*, <https://www.att.com/device-support/article/wireless/147913/ATT/WirelessHomePhoneWF720> (last visited June 29, 2021).

<sup>46</sup> Verizon website, *Wireless Home Phone LVP2 FAQs*, <https://www.verizon.com/support/wireless-home-phone-lvp2-faqs/> ("You must enter the US address where you want emergency services to be sent if you call 911, before voice service can be activated on your Wireless Home Phone.") (last visited July 1, 2021).

*Residential Backup Power Requirements.* To be eligible for automatic grant, an applicant must show that at least one replacement service in the area complies with the Commission's residential backup power requirements. The AT&T, T-Mobile, and Verizon mobile wireless services do not require a backup battery to remain operational during electric power outages of several hours or less, and, for longer outages, they can be recharged with a power bank,<sup>47</sup> which is available online and at various retail stores for less than \$20.<sup>48</sup>

AT&T's Wireless Home Phone service includes a backup battery allowing the phone to be operational in a power outage, with up to 3.5 hours talk time and 36 hours standby time.<sup>49</sup> The Verizon Wireless Home Phone also includes a battery enabling the end user to make calls during a power outage.<sup>50</sup>

Embarq Florida also has endeavored to provide an additional backup power option for the Replacement Services. In its customer notification for this application, Embarq Florida offered

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<sup>47</sup> U.S. Energy Information Administration website, *U.S. Customers Experienced an Average of Nearly Six Hours of Power Interruptions in 2018 (Jun 1, 2020)*, <https://www.eia.gov/todayinenergy/detail.php?id=43915> (U.S. customers experienced total annual electric power disruptions of less than two hours in 2018, on average, excluding major events).

<sup>48</sup> See, e.g., Walmart website, *Powernews 900000 mAh Dual USB Portable Solar Batter Charger Solar Power Bank for Phone USA*, <https://www.walmart.com/ip/900000mAh-Dual-USB-Portable-Solar-Battery-Charger-Solar-Power-Bank-For-Phone-USA/321123761?athcpid=321123761&athpgid=athenaItemPage&athcgid=null&athznid=PWVUB&athieid=v0&athstid=CS004&athguid=e323c0fa-006-1767c860212168&athancid=null&athena=true> (priced at \$16.75) (last visited June 18, 2021). Mobile phones also can be charged in a car or by connecting them to a laptop computer.

<sup>49</sup> AT&T website, *AT&T Wireless Home Phone Prepaid (Details)*, <https://www.att.com/cellphones/att/wireless-home-phone-prepaid.html#sku=undefined> (last visited June 29, 2021).

<sup>50</sup> Verizon website, *Wireless Home Phone (LVP2) FAQs*, <https://www.verizon.com/support/wireless-home-phone-lvp2-faqs/> (“[T]he Wireless Home Phone LVP2 device has a battery so you can continue to have service during a power outage and can make 911 calls.”) (last visited July 1, 2021).



to provide, upon request, a 24-hour backup battery to its current legacy voice customers in the Affected Service Area. These backup batteries will enable those customers to use the Replacement Services to access 911 emergency services during commercial power outages, including outages caused by catastrophic storms or other unpredictable events.<sup>51</sup> These various backup power options make each of the Replacement Services an adequate replacement for the line-powered legacy voice service Embarq Florida seeks to discontinue in the Affected Service Area. The affected customers also are aware of these options, as Embarq Florida outlined them in its customer notification.<sup>52</sup>

*Protecting PSAP Operations.* To successfully meet this second prong, an applicant also must certify or show compliance with 911 network reliability requirements.<sup>53</sup> Embarq Florida will continue to serve PSAPs in this area, despite the proposed discontinuance of its legacy voice service in the Affected Service Area. Embarq Florida certifies that it complies with 911 network reliability requirements.<sup>54</sup>

## **B. Network Security.**

To remain eligible for automatic grant, an applicant must certify or show that one or more replacement service(s) offers comparably effective protection from network security risks.<sup>55</sup> If relying on a third party service, an applicant “must exercise reasonable diligence to identify the

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<sup>51</sup> See *2016 Technology Transition Order*, 31 FCC Rcd at 8332 ¶ 132 (noting that the Commission included the residential backup power certification requirements as part of the Section 214 discontinuance process for this purpose).

<sup>52</sup> See Attachment B. See also, *2016 Technology Transition Order*, 31 FCC Rcd at 8332 ¶ 133 (emphasizing the importance of notifying consumers on backup power in advance of being transitioned to a replacement service that lacks line-power).

<sup>53</sup> *2016 Technology Transition Order*, 31 FCC Rcd at 8332 ¶ 134.

<sup>54</sup> See 47 C.F.R. § 9.19.

<sup>55</sup> *2016 Technology Transition Order*, 31 FCC Rcd at 8333 ¶ 136.

security profile . . . of the replacement service, based on the replacement technology’s ability to provide availability, integrity, and confidentiality.”<sup>56</sup>

To the best of Embarq Florida’s knowledge, each of the Replacement Services offers comparably effective protection from network security risks as the legacy voice service Embarq Florida seeks to discontinue. Security practices for mobile wireless services are mature and well developed for mobile wireless services, especially for Long Term Evolution (LTE) technologies, such as those deployed in AT&T’s and Verizon’s wireless networks. In 2017, the National Institute of Standards and Technology (NIST) issued a *Guide to LTE Security*, which explores LTE security architecture and provides an analysis of the security threats to LTE networks and mitigations to counter these threats.<sup>57</sup> Given the prominence of wireless services today, both government and private industry continue to study and refine security measures for mobile wireless service and devices.<sup>58</sup> And major wireless providers devote substantial resources to protecting their wireless networks and devices from cybersecurity threats.<sup>59</sup>

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<sup>56</sup> *Id.*, 31 FCC Rcd at 8335 ¶ 141.

<sup>57</sup> Jeffrey Cichonski, Joshua M. Franklin, Michael Bartock, NIST, *Guide to LTE Security*, Special Publication 800-187 (2017), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.800-187.pdf>. See also, Jeff Cichonski, Joshua Franklin, Michael Bartock, Larry Feldman, and Greg Witte, Editors, Information Technology Laboratory, NIST, *ITL Bulletin for January 2018: Guidance for Improving LTE-Based Mobile Communications Security* (2018) (noting that “[w]hen compared to previous evolutions of cellular networks, the security capabilities provided by LTE are noticeably more robust.”), available at <https://csrc.nist.gov/CSRC/media/Publications/Shared/documents/itl-bulletin/itlbul2018-01.pdf>.

<sup>58</sup> See, e.g., U.S. Department of Homeland Security, *Mobile Security*, <https://www.dhs.gov/taxonomy/term/7319/all/feed> (last visited June 28, 2021); Cybersecurity & Infrastructure Security Agency, *Mobile Security Tip Card*, available at [https://www.cisa.gov/sites/default/files/publications/Mobile%20Security%20Tip%20Card\\_7.pdf](https://www.cisa.gov/sites/default/files/publications/Mobile%20Security%20Tip%20Card_7.pdf); Ericsson website, *A Guide to 5G Network Security*, <https://www.ericsson.com/en/security/a-guide-to-5g-network-security> (last visited June 18, 2021).

<sup>59</sup> See, e.g., AT&T website, *Cyber Aware, Awareness & Education: AT&T Mobile Security*, <https://about.att.com/pages/cyberaware/ae/ms> (last visited June 18, 2021); Verizon white paper,

*Accessibility, Usability, and Compatibility.* To the best of Embarq Florida’s knowledge each of the Replacement Services complies with the Commission’s applicable accessibility, usability, and compatibility requirements governing services benefiting individuals with disabilities, thus ensuring that they offer accessibility levels at least as effective as those offered by Embarq Florida’s legacy voice service.<sup>60</sup> The Commission recognized in the *2016 Technology Transition Order* that the “rules of the road” for accessibility already have been established in the Commission’s rules.<sup>61</sup> The Replacement Services fulfill these conditions by satisfying applicable requirements in Part 14 of the Commission’s rules, as contemplated in the *2016 Technology Transition Order*.<sup>62</sup> In addition, as the Commission recognized, these newer

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*First Principles for Securing 5G: The Design, Deployment, Operation and Innovation of Secure 5G Networks*, available at <https://www.verizon.com/business/dam/resources/whitepapers/first-principles-of-securing-5g.pdf> (Dec. 2019).

<sup>60</sup> See *2016 Technology Transition Order*, 31 FCC Rcd at 8338 ¶ 146.

<sup>61</sup> *Id.*, 31 FCC Rcd at 8339 ¶ 149. The Commission also reminded carriers and interconnected VoIP service providers “of their obligation under the existing telecommunications relay service rules to provide access to TRS, including 711 dialing access.” *Id.*, 31 FCC Rcd at 8339 ¶ 151; See, e.g., *Transition from TTY to Real-Time Text Technology; Petition for Rulemaking to Update the Commission's Rules for Access to Support the Transition from TTY to Real-Time Text Technology, and Petition for Waiver of Rules Requiring Support of TTY Technology*, CG Docket No. 16-145; GN Docket No. 15-178, Report and Order and Further Notice of Proposed Rulemaking, 31 FCC Rcd 13568 (2016).

<sup>62</sup> See 31 FCC Rcd at 8338 ¶ 148. See also AT&T website, *Accessibility, Mobility: What do you want to do?*, <https://about.att.com/sites/accessibility/mobility> (last visited Apr. 16, 2021); T-Mobile website, *T-Mobile Accessibility*, <https://www.t-mobile.com/responsibility/consumer-info/accessibility-policy> (last visited June 18, 2021); Verizon website, *Welcome to your accessibility resource center*, [https://www.verizon.com/about/accessibility/overview?adobe\\_mc=MC MID%3D62438058887653943150460370079708031782%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1608496642&mboxSession=b25c7b1f53f34c09ba00bc0c7e413709](https://www.verizon.com/about/accessibility/overview?adobe_mc=MC MID%3D62438058887653943150460370079708031782%7CMCORGID%3D843F02BE53271A1A0A490D4C%2540AdobeOrg%7CTS%3D1608496642&mboxSession=b25c7b1f53f34c09ba00bc0c7e413709) (last visited June 18, 2021).

technologies offer the potential for more accessibility features and functionalities not available via legacy voice service.<sup>63</sup>

**iii. The Replacement Services Are Interoperable with Applications and Functionalities That Are Key to Consumers and Competitors (47 C.F.R. § 63.602(b)(3)).**

Under the third prong of the Adequate Replacement Test, an applicant must show that one or more replacement service(s) offers compatibility with an enumerated set of applications and functionalities, including the following low-speed modem services: fax machines, home security alarms, medical monitoring devices, analog-only caption telephone sets, and point-of-sale terminals.<sup>64</sup> To the best of Embarq Florida's knowledge, the Replacement Services fulfill this requirement.

As noted, Embarq Florida now serves only about 5 percent of the living units passed by its legacy copper network on Little Gasparilla Island. Such low subscription levels to legacy voice service are not uncommon. As a result, manufacturers now sell a wide array of customer premises equipment that are compatible with mobile wireless services. According to the Electronic Security Association, for example, "alarm systems are designed to work with many different types of communications services, [including] cellular radio, VoIP, and Internet."<sup>65</sup> Medical alert systems compatible with VoIP and/or mobile wireless services also are available.<sup>66</sup>

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<sup>63</sup> See *2016 Technology Transition Order*, 31 FCC Rcd at 8339 ¶ 150.

<sup>64</sup> See *2016 Technology Transition Order*, 31 FCC Rcd at 8341-45 ¶¶ 157-170.

<sup>65</sup> See, e.g., Alarm.Org website, *Do You Need a Landline to Have an Alarm System?*, <https://alarm.org/do-you-need-a-phone-line-to-have-an-alarm-system/> (Mar. 5, 2020). See also *id.* ("Most traditional home alarm panels can connect to a VoIP phone system without upgrading any of the panel's hardware").

<sup>66</sup> See, e.g., Consumer Reports website, *How to Choose a Medical Alert System*, <https://www.consumerreports.org/medical-alert-systems/how-to-choose-a-medical-alert-system/> (noting that many companies now offer the option of home-based systems that work over a cellular network for those who might not have a landline) (last visited June 18, 2021).

Embarq Florida was unable to find information specifically addressing compatibility of particular Replacement Services with analog-only caption telephones, but mobile wireless services, of course, include texting capability. As to point-of-sale terminals, manufacturers of such equipment now focus on transmission technologies other than landline voice lines.<sup>67</sup>

In any case, subsequent to the *2016 Technology Transition Order*, the Commission found it unnecessary to include in the Alternative Options Test a requirement that services meeting that test be interoperable with third party devices and services such as alarm monitoring services. The Commission noted the existence of significant intermodal competition in the provision of those third party services and that “the marketplace has already recognized the value of such interoperability, and carriers have largely designed their networks and services accordingly.”<sup>68</sup> For all these reasons, the Commission should find that the Replacement Services satisfy the third prong of the Adequate Replacement Test.

### 3. **Traditional Five-Factor Test.**

Outside of the automatic grant context, the Commission uses a five-factor test to evaluate a proposed discontinuances of service. Specifically, the Commission will “balance the interests of the carrier and the affected user community,” including weighing “(1) the financial impact on the common carrier of continuing to provide the service, (2) the need for the service in general,

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<sup>67</sup> See, e.g., PC Magazine website, *The Best Point-of-Sale (POS) Systems*, [https://www.pcmag.com/picks/the-best-point-of-sale-pos-systems?test\\_uuid=001OQhoHLBxsrrrMgWU3gQF&test\\_variant=b](https://www.pcmag.com/picks/the-best-point-of-sale-pos-systems?test_uuid=001OQhoHLBxsrrrMgWU3gQF&test_variant=b) (Sept. 30, 2019); Business.Org website, *The 3 Best Wireless POS Systems for Retailers*, <https://www.business.org/software/point-of-sale/best-wireless-pos-systems/> (last visited June 18, 2021). In addition, Verizon’s wireless home phone services is compatible with Group3 fax machines. Verizon website, *Wireless Home Phone LVP2 FAQs*, <https://www.verizon.com/support/wireless-home-phone-lvp2-faqs/> (last visited July 1, 2021).

<sup>68</sup> *Accelerating Wireline Broadband Deployment by Removing Barriers to Infrastructure Investment*, WC Docket No. 17-84, Order, 33 FCC Rcd 5660, 5676 ¶ 34 (2018) (*subsequent history omitted*) (*Wireline Infrastructure Order*).

(3) the need for the particular facilities in question, (4) the existence, availability, and adequacy of alternatives, and (5) increased charges for alternative services, although this factor may be outweighed by other considerations.”<sup>69</sup>

As demonstrated below, this Application meets each of these factors. If the Commission were to apply this five-factor test, the factors support expeditious grant of this Application:

**a. Financial Impact on Embarq Florida.**

Requiring Embarq Florida to continue offering legacy voice service in the Affected Service Area would create an unreasonable financial burden on the company, given its likely inability to recover the cost of the necessary maintenance and/or replacement of the facilities used to provide this service. In recent years, these facilities have required frequent repair, at considerable expense, as reflected in dozens of trouble tickets that have been submitted for facilities to and on the island. Embarq Florida maintains a boat on the mainland just for this purpose. Adding to these difficulties, equipment manufacturers are discontinuing TDM equipment, requiring technicians to scavenge spare parts from decommissioned assets in the network or try to track them down through after-market sources, further increasing maintenance costs.

To maintain robust service on the island, Embarq Florida would need to replace and upgrade these aging facilities, at a cost of at least several hundred thousand dollars. These expenses would likely be unrecoverable, given that Embarq Florida serves only about 5 percent of the vacation homes and other living units passed by those facilities. Thus, as in the *Verizon Metallic Service Discontinuance Order*, the cost of maintaining this service in the Affected

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<sup>69</sup> *AT&T Communications’ Application to Discontinue Domestic Telecommunications Services*, Comp. Pol File No. 645, Memorandum Opinion and Order, 18 FCC Rcd 24376, ¶ 6 (2003). See also *Wireline Infrastructure Order*, 33 FCC Rcd at 5665 ¶ 13 n.38.

Service Area “would likely far exceed the revenues received from the few customers that remain, and would thus have a significant negative financial impact on the carrier under these circumstances.”<sup>70</sup>

**b. The Need for the Service in General.**

As noted by the Commission, “TDM voice service—particularly that provided over copper—is rapidly becoming obsolete,”<sup>71</sup> as “[c]onsumers are increasingly able and willing to abandon their landlines in favor of communications technologies that do not rely on local telephone switches.”<sup>72</sup> From December 2008 to June 2017, residential reliance on traditional switched access services fell by 71 percent.<sup>73</sup> Today, only a small fraction of households subscribe to ILEC wireline voice service. Much of this demand has shifted to other voice services, and especially mobile wireless service. Indeed, 61.8 percent of American adults now live in wireless-only households, and another 18.1 percent are “wireless-mostly,” defined as adults with both landline and cellular telephones who answer all or almost all calls on cell phones.<sup>74</sup> As noted by the Commission, “high rates of wireless adoption and declining wireline subscribership, generally, evidence a desire for communications services other than wireline service.”<sup>75</sup> Declining demand for TDM voice services also reflects the use of non-voice services,

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<sup>70</sup> *Section 63.71 Application of Verizon New Jersey Inc. and Verizon New York Inc for Authority to Discontinue Domestic Telecommunications Services*, WC Docket No. 13-149, Order, 28 FCC Rcd 13826, 13830 ¶ 9 (2013) (*Verizon Metallic Service Discontinuance Order*).

<sup>71</sup> *Petition of USTelecom for Forbearance Pursuant to 47 U.S.C. § 160(c) to Accelerate Investment in Broadband and Next-Generation Networks*, WC Docket No. 18-141, Memorandum Opinion and Order, 34 FCC Rcd 6503, 6508 ¶ 10 (2019) (*UNE Analog Loop and Avoided-Cost Resale Forbearance Order*).

<sup>72</sup> *2016 Technology Transitions Order*, 31 FCC Rcd at 8290 ¶ 17.

<sup>73</sup> *UNE Analog Loop and Avoided-Cost Resale Forbearance Order*, 34 FCC Rcd at 6509 ¶ 11.

<sup>74</sup> *February 2021 CDC Wireless Substitution Data* at 1, 2, 5 (Table 2).

<sup>75</sup> *UNE Analog Loop and Avoided-Cost Resale Forbearance Order*, 34 FCC Rcd at 6509 ¶ 12.

such as social media, instant messaging, and email, as a substitute for traditional voice services. Thus, there is no longer a general need for legacy voice service, such as that covered by this Application.

**c. The Need for the Particular Service in Question.**

Legacy voice service also is not needed in the Affected Service Area. Only 26 customers, representing roughly one-twentieth of the total living units on Little Gasparilla Island, currently subscribe to Embarq Florida's voice service. Given the availability of adequate replacement services on the island, the proposed service discontinuance will not adversely affect affected consumers. This factor therefore provides further support for grant of this Application.

**d. Adequacy of Alternatives.**

Consumers in the Affected Service Area have access to adequate alternatives to the legacy voice service Embarq Florida seeks to discontinue. Approximately 95 percent of living units on the island rely on voice services other than that provided by Embarq Florida. If these alternatives were inadequate, many of these consumers would have returned to Embarq Florida's legacy voice service. That has not occurred. Given national trends, a large percentage of these living units likely rely exclusively on the mobile wireless voice services provided by AT&T, T-Mobile, Verizon, or another CMRS provider. And, for those consumers who want to retain the feel of a "home phone," AT&T and Verizon offer devices which allow customers to use their existing landline phone equipment and phone number.<sup>76</sup> Consumers also can subscribe to VoIP services offered by at least two satellite providers in this area.

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<sup>76</sup> AT&T website, *Home Phone for \$20 a month*, <https://www.att.com/cellphones/att/wireless-home-phone-prepaid.html#sku=undefined> (last visited June 29, 2021); Verizon website, *Verizon Wireless Home Phone*, <https://www.verizon.com/home-office-solutions/wireless-home-phone-lvp2/> (last visited June 29, 2021).



**e. Increased Charges for Alternative Services.**

The Commission will consider increased charges to consumers in determining whether grant of a service discontinuance will adversely affect the public convenience and necessity. But the Commission also has found that increased consumer charges may be outweighed by other factors. The relevant issue “is whether the alternative services are priced so high that most users cannot afford them.”<sup>77</sup> That clearly is not the case here. Nationwide, 97 percent of consumers currently subscribe to mobile wireless voice service.<sup>78</sup> Thus, consumers *can* afford mobile wireless voice services, such as the Replacement Services available on Little Gasparilla Island. Moreover, the proposed discontinuance will result in few, if any, consumers incurring additional charges to subscribe to an alternative service, given that nearly all consumers already subscribe to mobile wireless voice service.

**4. Conclusion.**

As demonstrated above, Embarq Florida meets each of the Commission’s criteria for discontinuing service under Section 63.71 of the Commission’s rules and qualifies for automatic grant under Section 63.71(f)(2)(i) of those rules. Hence, the public convenience and necessity will not be adversely affected by the discontinuance of Embarq Florida’s legacy voice service in the Affected Service Area. Each of the factors in the Commission’s traditional five-factor test also supports the grant of this Application. Advance notice has been provided to all affected

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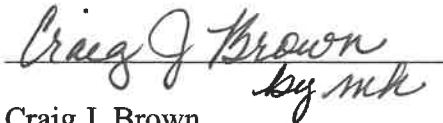
<sup>77</sup> *Verizon Telephone Companies; Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket No. 02-237, Order, 18 FCC Rcd 22737 ¶ 27 (2003).

<sup>78</sup> *Pew Mobile Fact Sheet* at 1.

customers, giving them ample time to arrange replacement services, which are readily available from at least three other providers. Embarq Florida therefore respectfully requests that the Commission approve this Section 63.71 Application.

Respectfully submitted,

**EMBARQ FLORIDA, INC.**

By:  *Craig J. Brown*  
*by mk*

Jeffrey S. Lanning  
1099 New York Avenue, N.W.  
Suite 250  
Washington, DC 20001  
202-429-3113  
[Jeffrey.S.Lanning@Lumen.com](mailto:Jeffrey.S.Lanning@Lumen.com)

Craig J. Brown  
Scott Seab  
Lumen Technologies, Inc.  
1025 Eldorado Blvd.  
Interlocken 2000, Floor 3  
Broomfield, Colorado 80021  
303-992-2503  
720-888-3942  
[Craig.J.Brown@Lumen.com](mailto:Craig.J.Brown@Lumen.com)  
[Scott.Seab@Lumen.com](mailto:Scott.Seab@Lumen.com)

Its Attorneys

**DATE:** July 14, 2021





100 CenturyLink Drive  
Monroe, Louisiana 71203  
www.centurylink.com

June 24, 2021

«Customer\_name»  
«Address»  
«City», «State» «Zip»

**Important Notice Regarding the Plan of Embarq Florida, Inc. d/b/a CenturyLink, a Lumen Company, to Discontinue a Telecommunications Service**

Dear «Customer\_name»:

At Embarq Florida, Inc. d/b/a CenturyLink, a Lumen Company (Embarq Florida), our goal is to provide you with great quality and value in our world of changing technologies and market conditions. To do so, we continually evaluate our prices, product offerings and infrastructure. Occasionally our evaluation directs us to make changes to some products, or to cease providing them.

We are writing to inform you that we plan to cease offering legacy voice service to Little Gasparilla Island, Florida. This service, to which you currently subscribe, provides voice-grade telephonic communications channels that can be used to place or receive one call at a time.

We plan to discontinue this service on September 1, 2021, subject to any necessary regulatory approvals, including from the Federal Communications Commission. (See the attached map of the affected geographic area.)

We are taking this action because the facilities used to provide legacy voice service in this area are near the end of their service life and there is insufficient demand to replace them.

There are other voice services available in your area as a replacement for our legacy voice service, including the mobile voice services offered by AT&T, T-Mobile, and Verizon.

**Attachment A provides important information for potential subscribers to AT&T, T-Mobile, and Verizon mobile voice services, including the need to identify their location to the 911 operator if they make an emergency 911 call from their mobile phone and the option of purchasing a backup battery to keep these services operational during an extended electric power outage.**

Other providers in this area may offer additional alternatives to your current legacy voice service.

You are receiving this notice because you currently subscribe to Embarq Florida's legacy voice service in this area. If you have not made arrangements with another service provider to replace your legacy voice service prior to September 1, 2021, your service will be disconnected at that time, assuming we

ATTACHMENT B

have obtained necessary regulatory approvals. We therefore urge you promptly to seek service from another provider.

We appreciate your business and hope that we have an opportunity to serve you in the future.

Please contact \_\_\_\_\_ at \_\_\_\_\_ if you have any questions or concerns about these changes.

Sincerely,

**Danny Pate**  
**Vice President, Operations**  
**Embarq Florida, Inc. d/b/a CenturyLink**

**The following statement is required by the FCC:**

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of Embarq Florida, Inc. d/b/a CenturyLink to Discontinue a Telecommunications Service. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

**Attachment A: Important Information Regarding  
AT&T, T-Mobile, and Verizon Mobile Wireless Voice Services**

- *Lack of Line Power.* AT&T mobile wireless voice service (AT&T Voice Service), T-Mobile mobile wireless voice service (T-Mobile Voice Service), and Verizon mobile wireless voice service (Verizon Voice Service) do not provide line power to keep these services operational during an extended electric power outage beyond a single charge of the mobile phone battery. To maintain phone service during these times, you will have to arrange for an alternative source of electrical power for your AT&T, T-Mobile, or Verizon mobile phone.
- *Optional Backup Power*
  - *Capability to Accept Backup Power.* If there is an extended electrical power outage that affects your home, your AT&T Voice Service, T-Mobile Voice Service, or Verizon Voice Service will remain active if your mobile phone has battery-powered backup, the backup stays charged, and the AT&T Voice Service, T-Mobile Voice Service, or Verizon Voice Service, respectively, remains operational in your area.
  - *Purchase and Replacement Information, Including Cost.* You can purchase a backup battery from CenturyLink for \$124, plus \$99 for optional installation service. You also can purchase a backup battery, such as a Power Bank or Uninterruptible Power Supply, from a retail electronics store to maintain your wireless phone service in the event of an extended electrical power outage at your home. Such devices typically range in price from \$20 to \$300.
  - *Service Limitations with and without Backup Power.* Backup power for your mobile phone will power your phone service (assuming wireless service remains operational in your area) but will not power other equipment not connected to the backup battery, like medical and security-monitoring systems.

To preserve battery life during a power outage, you should only sparingly use your mobile phone and other devices attached to the backup power supply.
  - *Expected Backup Power Duration.* The backup battery offered by CenturyLink will back-up your phone service for at least 24 hours. The duration of backup power provided by a backup battery purchased online or from a retail store will vary depending on the number of devices attached to the backup battery and the capacity of that battery. A Power Bank typically will provide at least one full charge for one mobile phone.
  - *Proper Usage and Storage Conditions, Including the Impact on Duration of Failing to Adhere to Proper Usage and Storage.* Ideally, backup batteries should be stored at room temperature, between 60°F and 80°F. Storage of a backup battery at much lower or higher temperatures may prevent you from using the battery to maintain phone service in the event of a power outage.
  - *Subscriber Backup Power Self-Testing and -Monitoring Instructions.* You will be responsible for monitoring the status of the backup battery and making sure it remains charged. You should check the condition of your backup battery at least twice a year.

## ATTACHMENT B

- *Backup Power Warranty Details.* The warranty for a backup battery will vary by manufacturer.
- *Security Responsibilities and Other Steps You May Take to Ensure Safe Use of AT&T Voice Service, T-Mobile Voice Service, or Verizon Voice Service.* As noted, AT&T Voice Service, T-Mobile Voice Service, and Verizon Voice Service will not operate without backup power in the event of an extended power outage. In that situation, you won't be able to make or receive calls, including emergency 911 calls, if the battery in your mobile phone is drained, unless you attach the phone to a backup battery.









Since wireless phones are mobile, they are not associated with one fixed location or address. If you make an emergency 911 call with your mobile phone, you should provide the emergency operator the location of your emergency and your wireless phone number, so if the call gets disconnected, the operator can call you back. Additional information is available on the FCC's website. (<https://www.fcc.gov/consumers/guides/911-wireless-services>)



# LUMEN® Florida - Little Gasparilla Island

ATTACHMENT A



-  Subscriber
-  Non-Subscriber
-  Wireless Towers
-  Affected Copper
-  Affected Service Area
-  Affected Census Blocks (2010)
-  CAF Eligible Census Block
-  Wire Center



ATTACHMENT C

**Section 63.602(a)(4) Certification**

I, Danny Pate, certify under penalty of perjury that, to the best of my knowledge, information, and belief, the information required by 47 C.F.R. § 63.602 that is submitted in the Section 63.71 Application of Embarq Florida, Inc. d/b/a CenturyLink for Authority Pursuant to Section 214 of the Communications Act of 1934, As Amended, to Discontinue a Telecommunications Service is true and correct.

  
\_\_\_\_\_

Danny Pate

  
\_\_\_\_\_

Date


CenturyLink Vice President - Operations

CERTIFICATE OF SERVICE

I, Marjorie Herlth, do hereby certify that I have caused the foregoing **SECTION 63.71**

**APPLICATION** to be:

- 1) Filed with the Secretary of the FCC via ECFS (Inbox-Section 214 Domestic Discontinuance Application);
- 2) Served via first-class U.S. Mail, postage prepaid, or via email on the Governor of the State listed on the attached service list;
- 3) Served via first-class U.S. Mail, postage prepaid, or via email on the Public Utility Commission listed on the attached service list; and
- (4) Served via first-class U.S. Mail, postage prepaid, on the Special Assistant for Telecommunications under the Secretary of Defense<sup>1</sup>.

  
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Marjorie Herlth

July 14, 2021

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<sup>1</sup> Section 63.71(a) directs applicants to submit a copy of the application to the Secretary of Defense, Special Assistant for Telecommunications. However, due to restructuring within the Department of Defense, that position no longer exists. Commission staff has advised that a copy of the application be sent instead to the Department of Defense Chief Information Officer.

Ron DeSantis  
Office of Governor  
The Capitol  
400 S. Monroe St.  
Tallahassee, FL 32399

Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Secretary of Defense  
Attn. Special Assistant for Telecommunications  
Pentagon  
Washington, DC 20301