

Comment to the New York State Public Service Commission,  
Case 14-C-0370

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Buffalo, NY

Thank you for the opportunity to testify today. My name is Josh Mumm and I am the Outreach and Volunteer Manager for Common Cause NY. Common Cause is a national organization dedicated to helping citizens make their voices heard and in achieving open, effective and responsive government. With nearly 10,000 members across the state, our chapter in NY is one of our largest and strongest chapters.

I spoke at the hearing in New York City on July 15th, along with 8 Common Cause members, and I am speaking a second time here in Buffalo to report to officers and commissioners about our outreach efforts around these hearings - and share how the results of those have given further merit to our key points about the flawed nature of these hearings.

Our outreach has involved many late nights of phone calls, along with multiple emails to our members in the counties surrounding the hearings that have and will be taking place. Our members have been grateful for this contact with them, as they feel that the state has not been an ally in their efforts to secure reliable phone and internet service - but rather has been an idle spectator to their frustrations. These members, and nearly everyone I have talked to would laugh at the proposition that the telecom marketplace is functioning well to provide affordable, reliable and world class service in New York.

But this outreach has been against significant odds, due to the timeframe with which we have been working. Simply the fact that the hearings are being held in the summer, and with relatively little notice, has made it difficult, if not impossible, for many of our members who wish to be heard to

testify in person. They also have uniformly told us that were it not for our outreach, they wouldn't have even known these hearings - or the public comment period, even existed at all.

In addition to our members personal experiences, industry experts and academics who would have submitted substantive evidence are away, on break or vacation, and with such short time-frame are unable to provide testimony.

The combination of these factors has, as we feared three weeks ago, significantly interfered with the ability to achieve robust public participation into this important process.

Still, my experiences in talking to our members and the public has clearly shown the uneven provision of service that exists across this state, and shone light on what appears to be the ultimate guiding principle for these large telecom companies - doing what is most profitable, regardless of their public obligations or public commitments.

Further, what is clear is that the deregulation that was adopted by the commission decades ago has resulted in a Wild West atmosphere where consumer is at mercy of large companies - some get one kind of service, while others get another. Companies are not held to appropriate standard, and that needs to change.

Taking everything into consideration, one could easily get the impression that these hearings were set up not to conduct thorough evidence finding, but to give the public the sense that they are being heard.

But more importantly, regardless of participation, Public Statement Hearings are simply not adequate to delve into the extensive fact-finding which should drive any meaningful examination of this issue.

Let's be clear: Public Statement Hearings are just one mechanism that the Commission has at its disposal. Another - Evidentiary hearings, conducted under oath, we believe are essential for an accurate assessment of this topic which is of paramount importance to New Yorkers and their future.

We believe strongly that a broad adversary proceeding, completely open and transparent, is the most appropriate way for the Commission to adequately examine the very broad and essential issues raised by the current state of telecommunications in New York State. That is why we are active members of the Connect NY coalition and signatory to the Petition filed last July. We feel that way now more than ever.

Thus, while we renew our request that an evidentiary adversary proceeding be opened - as we stated three weeks ago, we are now also requesting that the public comment period be extended beyond the 60 days offered - to allow time for needed testimony to be included in the record.

The short length of time provided for public comments on the enormous topic of the state of telecommunications is unrealistic. DPS staff took over a year to produce their assessment, yet they expect the public and relevant non-industry stakeholders to provide meaningful and detailed comments in 60 days over the months of July and August.

I will conclude in asking that the Public Service Commission acknowledge the concerns of our coalition members and the hundreds of elected officials who signed onto our petition last year, and complete an adequate review of telecommunications in NY State.

To do this, at this moment, requires extending the public comment period, and creating an open and transparent adversary proceeding.

Thank you.

