

Members of the House Committee on Innovation, Internet, & Technology:

I write to support bill H5148 in particular, stress the importance of a state broadband program in general, and as evidence, cite the issues I and my neighbors in Portsmouth have suffered because of the lack of a state strategy and the current oligopoly.

As we have all discovered during the pandemic, broadband is critical infrastructure. It has allowed me to teach from home, has enabled my wife, an elected official, to represent her constituents, and has made it possible for our son to continue his college education when his school limited on-campus classes.

Broadband is a common good, like streets and highways, and also a fundamental utility, like electricity or gas. The council outlined in H5148 would be an appropriate entity to guide the development of a statewide strategy to serve this common need and ensure appropriate regulatory oversight, and I urge the committee support and forward this bill to the House.

Portsmouth, over the last month, has become an object lesson in the necessity for both regulatory oversight and a coherent state-level strategy, as the effective monopoly broadband provider, Cox Communications, has put scores of residents through 2+ weeks of sub-broadband (in some cases, as little as 2 megabits downstream and 100 kilobits upstream). During this time, their reps actively denied there was an issue (despite their automated system acknowledging it), blamed it on customer wiring, attempted to schedule service calls on customer premises, and suggested upgrading customer modems (details and quotes from affected customers in appendices). Only when multiple customers filed complaints with the RI PUC, the AG, and the FCC, did Cox suddenly discover a fix for the issue, with a change to their network on 2/17.

In contrast, when National Grid had a power outage in Portsmouth on Sunday, 2/21, they notified affected customers by e-mail and text message, posted an outage map specifying the number affected and predicting a resolution time (which they hit with time to spare). So it *is* possible, even for large corporate entities in an oligopoly to behave responsibly toward stakeholders. Therefore, one must conclude, based on the evidence we have seen, that Cox has made, and continues to make the choice *not* to.

For this reason alone, Rhode Island should be actively pursuing a broadband strategy which will at the very least increase local competition, and, at best, provide a public, statewide broadband access option on the model of the Pascoag Utility District, which has long demonstrated a sterling level of commitment to all its ratepayers.

APPENDICES

Exhibit 1: Press release, Feb 16 2021, including on-the-record comments from Portsmouth customers.

COX OUTAGE TAKES PORTSMOUTH OFFLINE

PORTSMOUTH, RI — For more than two weeks, scores of Portsmouth residents have suffered internet service interruptions due to an outage at Cox Communications. In conversations with customers, Cox has acknowledged the outage, but has offered no explanation and "no estimated time when service will be restored."

"People can't work from home, shop safely, or keep in touch with loved ones," said John McDaid, who uses Zoom to teach his college classes. "This is the middle of a pandemic, with new, more-contagious viral strains circulating, and Cox is making it more difficult for me and my neighbors to stay safe."

"This is a major utility outage," said McDaid, "And should be treated with the same sense of urgency as the 2019 gas outage in Newport."

The problems began, residents say, around two weeks ago, when they began to see extremely slow internet speeds and intermittent time-outs and failures. Several have been performing speed tests on their connections, and although they have contracted for 50-200 megabits of download, some are seeing 1-2 megabits, with some upload speeds under 200 kilobits. According to Zoom's support page, the minimum speed required for a multi-person conference is 1 megabit up.

Portsmouth residents like Holly Delanoy of Common Fence Point and Keith Brown of Island Park have been complaining on the Facebook group "All Things Portsmouth" and on the Nextdoor site devoted to Common Fence Point in the northern part of town. Multiple residents have reported the inability to work or teach from home. Erin w. from Newport said, "I can't get anything beyond "our technicians are working on it, sorry for the inconvenience" - no idea when I'll be able to do my job properly again. About to head into a 1.5hour meeting using my mobile data."

Updated to add following paragraph

Jess Worby, from Island Park, said, "I am a teacher working from home in Island Park, paying for the 150 Mb basic plan. With this plan, you can generally expect—and this is straight from a Cox rep—50 to 100 Mb/s in download speed. For the last couple weeks, it has been hanging between 0 and 20, usually on the lower end. My students say I drop out every third word on Zoom, so it is impacting their education. Calls my wife and I make in the house drop unless we turn off Wifi on our phones. I have talked to a cox rep 4+ times about connection issues, upgraded our modem, moved the router, had the ground wires checked, etc., and still we are having these issues."

Barbara Gee, from the Bristol Ferry Road area, said, "We lose the internet at least once a day - we unplug, re-plug, unplug... you know the routine. We even got a new router from them because I was so unhappy. We pay for the "fastest" internet but it is consistently "unstable."

Susan Tunak, who lives in the Common Fence Point said, "I work at home and everything has been extra slow every day. I also use a headset through my computer and I'm often told that I keep cutting in and out, so not only is work production affected, so is communication. It is very difficult to work under these conditions."

Multiple residents have reported the issue both to Cox and the RI Public Utilities Commission. Cox representatives have also resisted calls to adjust all customers bills, saying that people must call one-on-one.

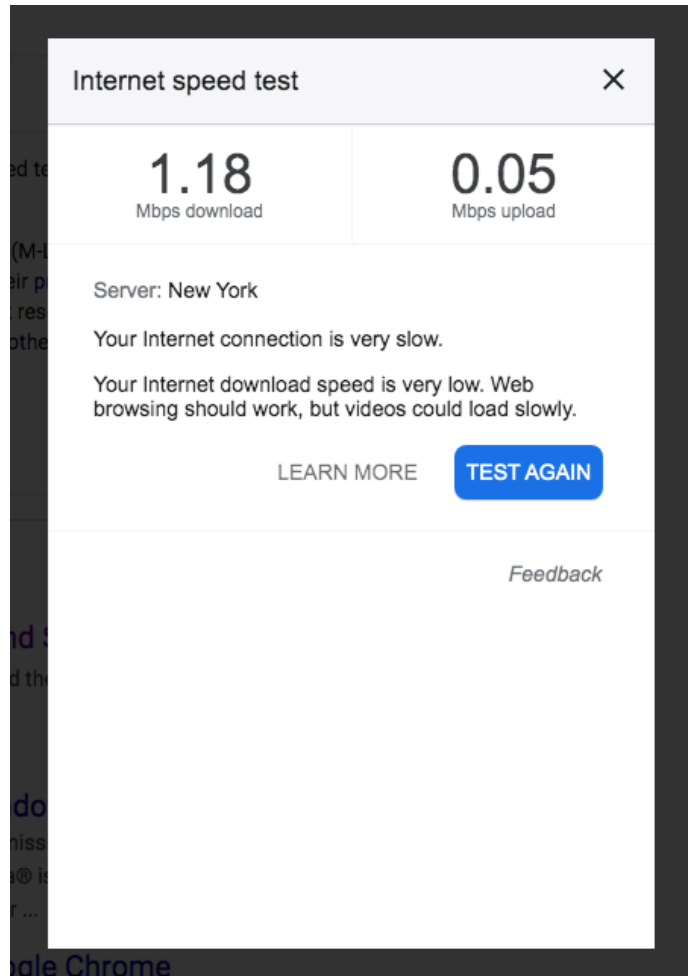
"If this were any other utility," said McDaid, "There would be news coverage and political pressure to resolve the issue and deliver the services for which Cox has a local monopoly."

As of Tuesday, 2/16, Cox customers are still being told, "Our technicians continue to work to resolve the problem in your neighborhood. Currently, there is no estimated time for when service will be restored"

- 30 -

Attachments:

1 Speed test performed 8:06 am on 2/16, using an iMac directly connected via ethernet. Reported speed: 1.18Mbit down, .05Mbit up.



2 Speed test performed 10:45am on 2/16 using iPad over wifi. Reported speed 5.6Mbit down, 0.3Mbit up.

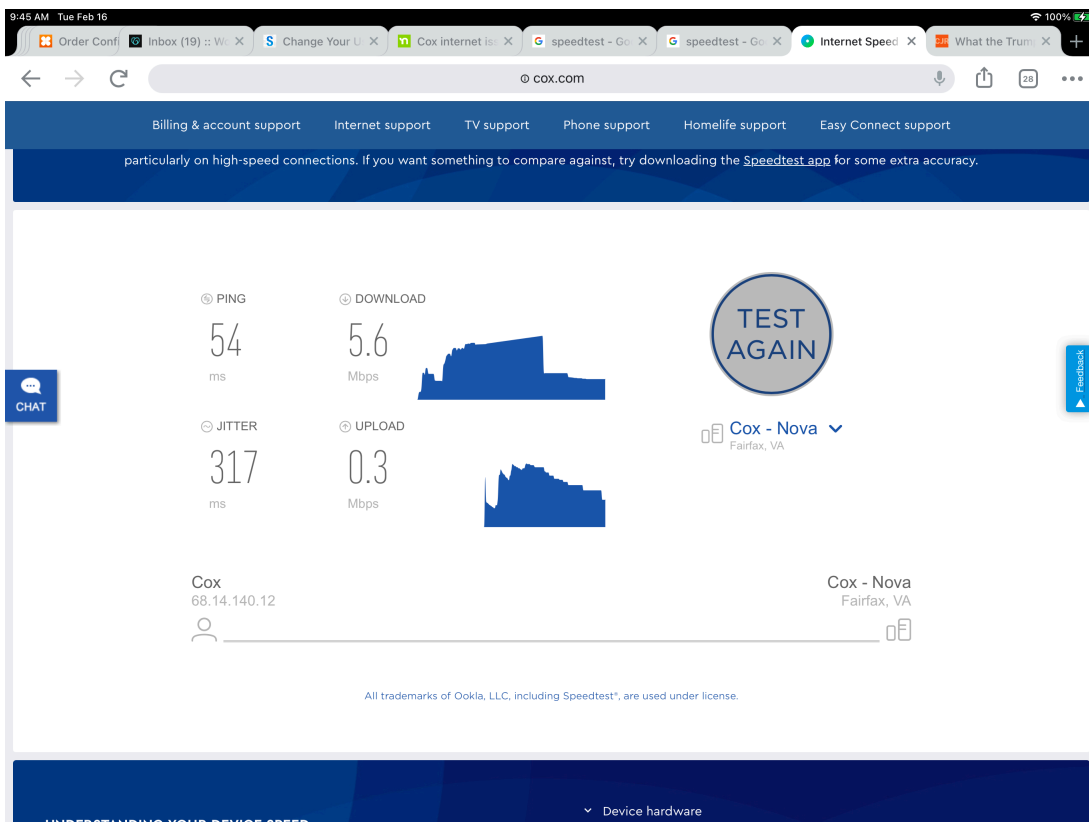


Exhibit 2: Updates during the attempts at prompting Cox resolution**UPDATE 2/18 #1**

Complaint filed on 2/18 with RI Attorney General consumer protection division and the FCC

First level reps simply rebooted devices to no effect. Second level, Northeast Executive Resolution CSR "Mary" said on 2/16 that she could see no issue, and refused a request to issue a blanket reimbursement. Her explanation was that because everyone has a different plan, they were unable to issue any kind of general reimbursement. Her manager, Carol Lisi, said on 2/16 that the issue was most likely equipment in houses, and wanted to send a technician to check. I explained that this started suddenly, two weeks ago, and therefore this didn't make sense. She also reiterated Mary's position on a general refund.

A review of posts from around the country on the online discussion board Reddit reveals that this is a common pattern, where Cox makes changes in their networks (which sometimes break the existing devices they have provisioned customers with), puts consumers through slowdowns and outages, blames their home setup, sends technicians out to do cosmetic changes that fail to do anything, and only acts when pushed by local PUCs or the FCC. This is a problem in need of a systemic solution on behalf of Rhode Island consumers.

More info at:

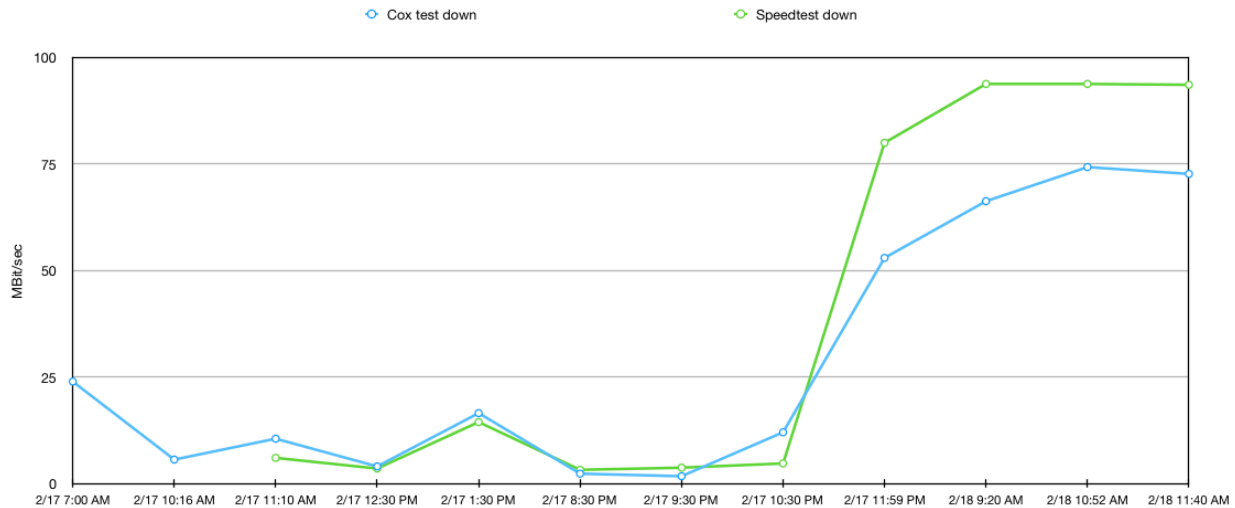
https://www.reddit.com/r/CoxCommunications/comments/lbcaey/anyone_else_having_bad_jitterlatency_issues_the/gluw8ar/
and

<https://arstechnica.com/tech-policy/2021/02/cox-cuts-some-users-uploads-from-30mbps-to-10mbps-heres-how-to-avoid-it/>

UPDATE 2/18 #2

Here in Island Park, Cox internet went out totally for five minutes at around 11pm last night, and when it came back up, we are now seeing 80-90Mbps down/10Mbps up in speed tests. On Nextdoor, one user reports being contacted by a rep from the Northeast Executive Resolution group who said that an issue had been fixed early this morning.

This would clearly point to a change in their network -- despite several Cox reps telling people it was the equipment in their houses.

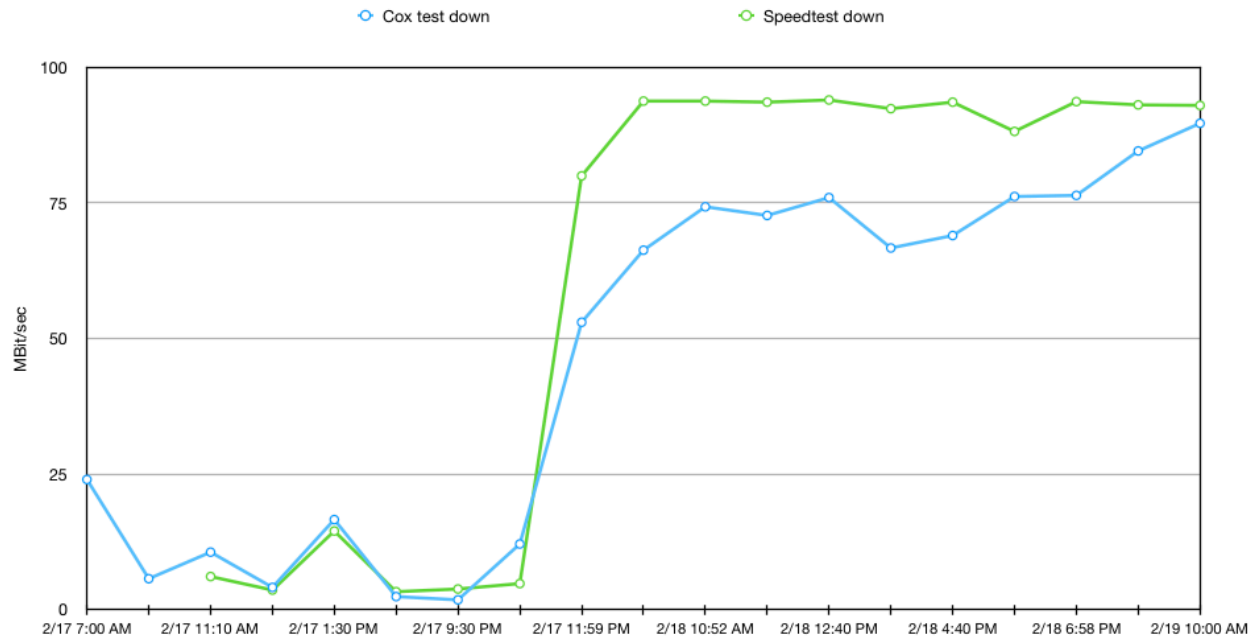


UPDATE 2/18 #3

Update #3 4:52pm

Yesterday, Carol Lisi from Northeast Executive Resolution gave me her mobile phone number to call her any time. I left a message this morning to ask about the discrepancy between the messaging yesterday. Her direct report Mary said that she didn't see anything wrong, and implied that it was my "old" modem, which hadn't been replaced for years. Ms. Lisi's insistence that a "home health check" was necessary to look into what might be wrong with the wiring or set up inside the house. The fact that a change to the network after 10pm last night suddenly fixed the issue proves that it was not related to anything in our house. I was also going to ask her about issuing blanket refunds. Mary explained that it was impossible because -- and she took a *lot* longer to say this -- everyone has a different level of service at different prices. I was going to ask how difficult it is to divide everyone's bill's by two, since we've had these issues for half of February. But she never called me back. I did raise these issues in an email exchange with the RI AG's office. Not sure if they rise to an offense under RI General Law §6-13.1-2, but we'll see.

UPDATE 2/19



With Cox internet solidly up for over 24 hours (and even their automated text notification system reporting "Your outage has been resolved,") we can all hopefully relax a little and focus on the bigger picture. That's what I've tried to do in this letter to the editors of our local papers, sent this morning.

Exhibit 3: Letter to to the editor sent to local media

To the editors:

At around 10 p.m. on Wednesday 2/17, Rhode Island Cox engineers reset internet access for customers across Newport county. They fixed something. Scores of residents who, for almost three weeks, had been suffering with unacceptably slow service -- 10 megabits downstream and less than 600 kilobits up -- suddenly had full 90/10 mbit speed restored.

Normally, this would be a cause for celebration.

But the question is why Cox customer service -- all the way up to Northeast Executive Resolution -- continued gaslighting customers when they knew a there was a network issue. Multiple customers were told that the problem was with aging modems and internal wiring. Cox refused to acknowledge an issue on their side and urged that technicians be dispatched for "home health checks" in the middle of a pandemic.

It was only after multiple residents had filed complaints with the RI Public Utilities Commission, the RI Attorney General, and the FCC, that Cox suddenly discovered a way to fix their system. Then they refused to issue blanket refunds to everyone affected, requiring instead that people call in one-by-one. This is no way to run a railroad.

Being threatened by both fiber and satellite, the impulse for existing cable internet providers is to retrench and wring every last marginal dollar from the customer, seeking lock-in through bundling phone, tv, and home automation at the expense of focused service delivery.

A bill just introduced in the RI House, H5148, would create a broadband council tasked with developing a strategic plan for providing reliable, 21st-century internet access. This incident with Cox provides ample evidence for the measure's necessity, and I urge folks to contact our legislators and urge their support.

John McDaid
Portsmouth

Exhibit 4: Messages from Cox automated system acknowledging the outage

To: 269898 Details

UPDATE

2/16/21, 12:48 PM

Cox: Our technicians continue to work to resolve the problem in your neighborhood. Currently, there is no estimated time for when service will be restored

UPDATE

2/16/21, 4:07 PM

Update

Cox: Our technicians continue to work to resolve the problem in your neighborhood. Currently, there is no estimated time for when service will be restored

2/16/21, 8:09 PM

Update

Cox: Our technicians continue to work to resolve the problem in your neighborhood. Currently, there is no estimated time for when service will be restored

Cox: We're still working to restore service. If there is an update on the status of your Outage, we'll text again at 7:30 am. You can also text UPDATE anytime.

2/17/21, 9:00 PM

Cox: We're still working to restore service. If there is an update on the status of your Outage, we'll text again at 7:30 am. You can also text UPDATE anytime.

2/18/21, 11:53 AM

Cox: Our technicians continue to work to resolve the problem in your neighborhood. Currently, there is no estimated time for when service will be restored

update

2/18/21, 10:44 PM

Update

Cox: Your outage has been resolved. You may need to unplug your devices, then plug them back in. For ongoing issues, txt AGENT to chat with a live rep.

Exhibit 5: Speed tests before and after the the issue was resolved

Illustrates that the issue was resolved by a change to the network on the Cox side; no change was made to any hardware, wiring, or settings locally.

