

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Reform of Certain Part 61 Tariff Rules	)	WC Docket No. 18-276
	)	
Petitions for Limited Waiver of Rule 61.74(a)	)	WC Docket No. 17-308

**COMMENTS OF AT&T SERVICES, INC.**

AT&T Services, Inc., on behalf of its affiliates, hereby files these comments in response to the Commission’s Notice of Proposed Rulemaking and Interim Waiver Order.<sup>1</sup> The Commission proposes to eliminate two tariff filing requirements: (1) the prohibition on a tariff referencing another tariff (Rule 61.74(a))<sup>2</sup>; and (2) the requirement that carriers file short form tariff review plans 90 days in advance of their annual access tariff filings (Rule 61.49(k)).<sup>3</sup> The Commission posits that recent developments, like electronic filing, have made these requirements outdated and no longer justify the burdens on carriers and Commission staff.<sup>4</sup> For the reasons discussed more fully herein, AT&T supports the Commission’s proposals.

At the outset, AT&T commends the Commission’s proactive efforts to eliminate rules and requirements that have outlived their needs or purpose. The communications marketplace is

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<sup>1</sup> Notice of Proposed Rulemaking and Interim Waiver Order (rel. Oct. 18, 2018) (“*Part 61 Reform NPRM*”). The *Part 61 Reform NPRM* was published in the Federal Register on November 20, 2018, making comments and reply comments due December 20, 2018 and January 4, 2019, respectively. See 83 FR 58510 (2018).

<sup>2</sup> Verizon and AT&T had requested limited waivers of this Rule 61.74(a) requirement. See Verizon Petition for Limited Waiver of Rule 61.74(a) to Allow a Verizon Tariff to Reference Another (filed Oct. 26, 2017) (“*Verizon’s Petition*”) and Petition of AT&T Services, Inc. for a Limited Waiver of Rule 61.74(a) to Allow an AT&T Tariff to Reference Another (filed Nov. 30, 2017) (“*AT&T Petition*”) (collectively “*Petitions*”).

<sup>3</sup> *Part 61 Reform NPRM*, ¶1.

<sup>4</sup> *Id.*

highly competitive but, as the Commission notes regarding the requirements at issue, some of the Commission's rules have not kept pace with the rapid changes/advances in technology; leaving certain carriers and certain services subject to outdated – and in some cases – asymmetrical regulatory requirements. Clearing away this underbrush will go a long way at reducing administrative burdens on tariffed carriers and preserve valuable Commission time and resources.

**1. The Commission is right to eliminate the need for special permission for a carrier to cross-reference its own or its affiliates' tariffs.**

Rule §61.74(a), requires that special permission be obtained in advance for filings related to tariffed discount plans, contract tariffs, and other offerings that span more than one tariff. Whenever an incumbent carrier seeks to revise or introduce a tariff provision that includes a cross reference, Commission Rule §1.772 requires that the carrier first obtain special permission.<sup>5</sup> Rule §61.17 addresses the requirements for an application for special permission as follows:

- (1) A detailed description of the tariff publication proposed to be put into effect;
- (2) A statement citing the specific rules and the grounds on which waiver is sought;
- (3) A showing of good cause; and
- (4) The appropriate [i]llustrative tariff pages the issuing carrier wishes to either revise or add as new pages to its tariffs.<sup>6</sup>

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<sup>5</sup> Rule §1.772, entitled “Application for special tariff permission,” provides that “[a]pplications under section 203 of the Communications Act for special tariff permission shall be made in the form and manner, with the number of copies set out in part 61 of this chapter.”

<sup>6</sup> Rule §61.17(b). In addition, depending on the application, the carrier may be required to remit additional filing fees. *See* Rule §61.74(d).

The *Part 61 Reform NPRM* includes an order providing carriers an Interim Waiver of the cross-referencing requirement.<sup>7</sup> For the same reasons that the Commission granted carriers this interim relief, there is no public policy purpose that would justify the continued use of the special permission process for the innocuous instances where an ILEC wishes to insert in its own tariff a cross-reference to another one of its tariffs. As the *Part 61 Reform NPRM* notes, “[t]he rule was adopted more than 75 years ago when tariffs were filed in hard copy at the Commission and reviewing them was time consuming and expensive.”<sup>8</sup> The Commission’s Electronic Tariff Filing System (ETFS), which as the Commission notes provides interested parties online, centralized public access to tariff information, has resolved these previous concerns.<sup>9</sup> Moreover, the requirement not only places unnecessary filing burdens and pre-approval requirements on incumbent carriers but also harms competition by impinging the carriers’ ability to quickly respond to consumers’ demands and places a needless layer of regulatory uncertainty on the parties’ negotiations.

AT&T supports the permanent elimination of the need for a special permission from Rule 61.74(a) when a carrier seeks to cross-reference its or its affiliates’ tariffs.<sup>10</sup>

## **2. The Commission should eliminate the short form tariff review filing requirements.**

AT&T also supports the Commission’s proposal to permanently eliminate the short form tariff review filing requirements. Currently, price cap incumbent LECs must file short form

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<sup>7</sup> *Part 61 Reform NPRM*, ¶¶ 15-18.

<sup>8</sup> *Part 61 Reform NPRM*, ¶ 4. The Commission also noted previous concerns that the referenced material would not be easily accessed by the public. *Id.*

<sup>9</sup> *Part 61 Reform NPRM*, ¶¶ 3-4, 18.

<sup>10</sup> As the *Part 61 Reform NPRM* notes, permanently eliminating the requirement does not affect the Commission’s authority to suspend, reject or further investigate tariff filings and would not affect the right of review of any interested parties. *Id.* ¶ 4

tariff review plans 90 days before their annual filings.<sup>11</sup> As the Commission notes, oftentimes the information needed to populate the short form tariff review plans is not available when the filings are due, causing carriers to seek waivers.<sup>12</sup> This is consistent with AT&T's experience.

Since the 90-day filing is a rule, the carriers must expend the time and resources completing the calculations that form the basis of the short form tariff review plans in anticipation of filing. Yet, as noted by the Commission, certain information is usually not available in time for the filing (forcing carriers to use temporary factors). Even when the information is available, oftentimes the numbers and information change – forcing the carriers to have to *redo* the calculations with the annual tariff filings. The lack of data and/or the use of temporary or preliminary factors in the preparation of the short form tariff review plans have made the short form tariff review plans to be of little value in previewing the carriers' eventual annual tariff filings.

Permanent elimination of the requirement that carriers file short form tariff review plans 90 days before their annual tariff filings would free up the time and resources carriers expend in anticipation of preparing the filing and redoing the calculations for their annual tariff filings to correct updated/corrected data and factors. Moreover, eliminating the requirement would save the carriers and the Commission the time and resources currently involved in seeking a waiver of the requirement.

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<sup>11</sup> 47 CFR § 61.74.

<sup>12</sup> *Part 61 Reform NPRM*, ¶ 10.

## Conclusion

For the foregoing reasons, AT&T supports the Commission's proposals in the *Part 61 Reform NPRM* to eliminate the prohibition on an ILEC cross-referencing its or its affiliates other tariffs and the requirement that carriers file short form tariff review plans 90 days in advance of their annual filings.

Respectfully submitted,

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