

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

In the Matter of	)	
	)	
Section 63.71 Application of	)	
	)	WC Docket No. 19-238
BellSouth Telecommunications, LLC	)	
Illinois Bell Telephone Company, LLC	)	
Indiana Bell Telephone Company, Incorporated	)	
Michigan Bell Telephone Company	)	
Nevada Bell Telephone Company	)	
Pacific Bell Telephone Company	)	
Southwestern Bell Telephone Company	)	
The Ohio Bell Telephone Company	)	
Wisconsin Bell, Inc.	)	
	)	
For Authority Pursuant to Section 214 of	)	
The Communications Act of 1934, As Amended,	)	
To Discontinue the Provision of Service	)	

**AT&T's REPLY**

AT&T Services, Inc., on behalf of affiliates captioned above ("AT&T"), files this reply in response to the comments the National Weather Service ("NWS") and the California Public Utilities Commission ("CPUC") ("Commenters") filed opposing the above-referenced Section 63.71 Application. AT&T seeks the Commission's authority to discontinue interstate Metallic, Telegraph Grade, Voice Grade, Direct Analog, Base Rate (DS0), MegaLink Data, High Capacity (64K), Digital Data, Digital Data Access, Derived Data Channel, Generic Digital Transport, and Program Audio Service ("the Affected Services") throughout its service territories in Alabama, Arkansas, California, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Missouri, Mississippi, Nevada, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, and Wisconsin. Commenters' justifications for denying the Application or delaying the proposed grandfather and sunset dates for discontinuing these services rest on baseless

assumptions and incorrect data regarding the Affected Services. Accordingly, the Commission should dismiss their objections and grant the Application.

First, NWS incorrectly asserts that it requires additional time to replace the agency's "large scale" and "geographically dispersed infrastructure" of over 2,100 circuits.<sup>1</sup> However, AT&T's Application does not affect NWS's entire network; AT&T's proposed discontinuance only impacts 6 of NWS's circuits.<sup>2</sup> On October 1, 2019, AT&T's Account Manager met with NWS's staff to discuss its network and the 6 circuits impacted by AT&T's Application. AT&T's account manager explained that the equipment needed to maintain these services was discontinued by the manufacturer several years ago.<sup>3</sup> Consequently, if a service outage occurs, customers will experience longer restoral times.<sup>4</sup> When a maintenance issue occurs, AT&T's only resort is to recycle parts within its network or acquire parts on secondary markets. In the event the parts are unavailable, the service may not be restored. AT&T stressed that the better course of action is an

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<sup>1</sup> NWS Comments at p.3.

<sup>2</sup> The services that NWS purchases that are impacted by this Application are AT&T' interstate Program Audio and interstate Voice Grade services.

<sup>3</sup> Enginuity Communications, Pulse Communications, and AdTran equipment that has been discontinued, which affects the availability of these services: INTELIPORT I (2w/4w Data Station Termination Interface, Model SD5486AI2), Universal D-Ring (Model DRNG-U-1), Channel Service Unit (Model 9150-00), DST5434 (2W/4W Data Station Termination Module), 902 Two-Wire Interface Unit (Model B90-090200), INTELIPORT+ Dual Powered 2W/4W Data Station Termination Interface (Model SDS5486LB), INTELIPORT I (Model SDS5497FA), INTELIPORT III, 2W/4W Repeater Interface (Model IFT5616), Intelligent All-Rate DS0 Data Port (AUA234CI3), SLC® Series 5-Compatible Central Office Terminal Universal Voice Grade Channel Unit (AUA39), SLC® Series 5 ISDN Auxiliary Unit (Model NUL193), Pulse Communications D4-2W FXS SIG/GT, Pulse Communications D4-2W FXS SIG/GT, Pulse Communications D4-2W T/O Channel Unit, Pulse Communications D4-4W DPX Channel, Pulse Communications D4-4W E&M Chan/Extended Range, AdTran Total Access 750/850/1500 U-BRITE Module, and AdTran D448 U-BRITE (1430020L2).

<sup>4</sup> AT&T currently has six open trouble reports relating to these services, which date back to February of 2019. AT&T's mean time to repair metrics for these services has increased steadily because spare parts are no longer readily available (MTTR: 2015 – 10.4 hours, 2016 - 12.0 hours, 2017 - 45.6 hours, 2018 - 35.6 hours, 2019 YTD - 45.9 hours).

orderly transition of these services to prevent untimely and lengthy outages. NWS understood the urgency and is currently reviewing AT&T's proposal to migrate its circuits. AT&T assured NWS that a year is ample time to migrate its 6 circuits and committed to work with NWS to ensure that circuits are not disconnected prematurely. As AT&T's notification letter indicates, AT&T will work with all customers, including NWS, to ensure they have adequate time to select the best alternative service to meet their needs.

Similarly, the CPUC's comments do not warrant delaying the effective date of AT&T's Application. The CPUC argues that the public convenience and necessity would be adversely affected if AT&T is allowed to terminate the 800 circuits that AT&T provides in California,<sup>5</sup> seemingly based solely on the volume of circuits affected. However, the circuits at issue are readily replaceable, and are purchased by a small number of sophisticated business and carrier customers that are fully capable of working with AT&T (and others) to obtain alternatives.<sup>6</sup> In fact, over 700 of these circuits are provided to AT&T affiliates and/or other wholesale customers; retail customers (including federal and local governments, banks, local radio broadcasters, and small businesses) only account for 100 affected circuits in total -- and the vast majority of these customers only subscribe to one circuit. But regardless of size, AT&T stands ready to assist all customers to select and migrate to a replacement solution that meets their needs, which will prevent impairment to the community at large.

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<sup>5</sup> Comments of the California Public Utilities Commission, at pp. 3-4, filed September 30, 2019 ("CPUC Comments").

<sup>6</sup> AT&T has the following customer counts in CA: Program Audio - 81 customers, Generic Digital - 27 customers, and Voice Grade - 26 customers.

Further, the Affected Services included in AT&T's application are all low speed data services providing speeds of less than 1.544 Mbps. The Commission previously recognized: (1) that demand for these services has declined as customers elect to migrate to advanced services that offer greater speeds and more functionality;<sup>7</sup> and (2) maintaining these services adds costs to carriers that could be used to deploy new technologies and advanced services.<sup>8</sup> As such, the Commission adopted an expedited automatic approval period of 25 days for carriers to grandfather these services, and an expedited approval period of 31 days to discontinue low speed services that have been grandfathered for at least 180 days.<sup>9</sup> Thus, AT&T had the option to grandfather these services using this expedited approval period, wait 180 days, and file an application to discontinue these services with the expedited approval period. Instead, AT&T elected to use the traditional approval process under section 63.71 with a longer approval period because it decided to include its plan for the ultimate discontinuance of these services in the Application and its customer notices, which allows its customers the benefit of additional time to manage their services.

To that end, AT&T proposed a lengthy discontinuance process to ensure that the public convenience and necessity is not impaired by giving customers ample time to research and compare service options and to ultimately transition their services in an orderly fashion. The first priority of the discontinuance process is to grandfather the services, which will cap the number of circuits at current volumes. Then, over the *next year* for Program Audio service and the *next four*

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<sup>7</sup> Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment, *Report and Order, Declaratory Ruling, and Further Notice of Proposed Rulemaking* 32 FCC Rcd 11128, at para. 92 (2017). See also Accelerating Broadband Deployment by Removing Barriers to Infrastructure Investment, *Second Report and Order*, 33 FCC Rcd. 5660 at para. 7 (2018) (Applying the streamlined approval processes to data services below 25/3 Mbps).

<sup>8</sup> *Id.* at para. 87.

<sup>9</sup> *Id.* at para. 94.

years for the remaining services, AT&T will work with its customers to select the best alternative service for their application. Despite the CPUC's assertion, AT&T has no intention of "cutting off" critical services. Indeed, the 214 Application and customer notification letter states that it plans to discontinue Program Audio "on or after" November 1, 2020 and all other services "on or after" June 1, 2024 as we anticipate needing flexibility to complete this effort. Historically, AT&T has been able to work with its customers to transition to alternate services without fanfare.<sup>10</sup>

The CPUC also makes a number of baseless complaints in an attempt to delay the effective date of AT&T's Application. First, it complains that the customer notification letter indicated that it was the second notice, and implies that was a problem because AT&T's Application did not indicate when the first notice was sent.<sup>11</sup> AT&T's Application complied with the Commission's rules, and referred to the date that it sent the customer notification letter that complied with the Commission's notice requirements prescribed in section 63.71(a) of the Commission's rules.<sup>12</sup> AT&T sent a previous notice to its customers and plans to continue to communicate with its customers before this process is complete.

The CPUC also complains that AT&T's Application does not demonstrate that "AT&T's customers actually understand they are about to lose their service on a relatively short notice."<sup>13</sup> This, too, is without merit. AT&T's notices provide clear information on the upcoming changes to these services in addition to contact information if customers have any questions. Further, the

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<sup>10</sup> Based on AT&T's prior experience with aging services, AT&T expects a fair number of customers to determine that they no longer need the service.

<sup>11</sup> See CPUC Comments at p.3.

<sup>12</sup> See 47 CFR § 63.71(a) and § 63.71(c).

<sup>13</sup> CPUC Comments at p. 3.

Commission's rules do not require carriers to demonstrate that a customer "understands" what the notification letter means, and for good reason. No carrier can demonstrate what its customers do or do not understand. Rather, at most, a carrier can describe the notice provided to its customers and explain why such notice reasonably informs customers of impending changes to their services – as AT&T has shown here and in its Application. In addition, the CPUC's suggestion that AT&T has provided "short notice" is disingenuous at best. As illustrated above, AT&T proposes a generous transition period for these services.

Next, the CPUC complains that the Application did not indicate whether any "'replacement service' is available in any of the various affected areas."<sup>14</sup> However, AT&T stated that it offers "AT&T Switched Ethernet service, DS-1 service, or Wireless Data service" as replacement services. AT&T offers one or more of these services throughout the footprint of the Affected Services. The CPUC also asserts that AT&T's proposed replacement services are not "functional equivalents" to the Affected Services. The customer can choose to upgrade their application to use 21<sup>st</sup> century transport or can buy Customer Premise Equipment to interwork between their legacy equipment and the newer transport services. In either case, AT&T's process allows significant time to prepare and plan for any necessary changes.

In sum, AT&T's proposed effective dates should not be delayed. As discussed above and in the Application, AT&T's ability to maintain the reliability of these services decreases every day. Instead of encouraging delay, customers should be incented to transition their services sooner rather than later to avoid unplanned and prolonged outages. As explained above and in AT&T's Application, the public convenience and necessity will not be adversely affected by the

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<sup>14</sup> *Id.* at p. 4.

discontinuance of the Affected Services, and accordingly, AT&T respectfully requests the Commission grant its Section 63.71 Application under the streamlined process.

Respectfully submitted,

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