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Ms. Marlene Dortch
Secretary
Federal Communications Commission
455 12th Street, SW
Washington, DC 20554

Re: *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; Regulation of Business Data Services for Rate-of-Return Local Exchange Carriers; Business Data Services in an Internet Protocol Environment; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 17-144; Business Data Services in an Internet Protocol Environment, WC Docket No. 16-143; Special Access for Price Cap Local Exchange Carriers, WC Docket No. 05-25*

Dear Ms. Dortch:

On June 6, 2019 Caroline Van Wie and the undersigned met with Terri Natoli (on telephone), Lisa Hone, David Zesiger, Chris Koves and Gregory Capobianco. During that meeting we discussed AT&T's comments urging the Commission to reaffirm its findings from the 2017 BDS decision that Price Cap Carriers' BDS transport is competitive nationwide. We also discussed those portions of CenturyLink's and USTelecom's Reply Comments¹ responding to INCOMPAS's suggestion that the *April Data Tables* overstate competition because they do not consider distance to CLEC splice points. As AT&T explained in the earlier phases of the BDS proceeding, when providers deploy a BDS network in an area, basic economics and best engineering practices dictate the simple step of including splice points at regular intervals to ensure that the network is capable of serving existing and potential BDS demand in that area.² As AT&T has documented, its engineering guidelines provide for splice points at regular intervals.³ In addition, it is AT&T's standard procedure to include "slack" in a fiber deployment that permits the provider to add splice points later at minimal cost.⁴ This is true for both metro-fiber deployments and long-haul fiber deployments.⁵ AT&T's guidelines were developed based in part on AT&T's vendors' recommended practices and procedures, vendors who supply a majority of the fiber community.⁶ For these reasons, AT&T agrees with CenturyLink and USTelecom that it would defy credulity for a CLEC to claim that it deployed fiber networks that lack the capability to connect to buildings they pass, and especially to the ILEC wire centers and carrier hotels they pass.

¹ Reply Comments of USTelecom – The Broadband Association, WC Docket Nos. 18-141; 17-144; 16-143; 05-25 (May 28, 2019) at 12-13; Reply Comments of CenturyLink, WC Docket Nos. 18-141; 17-144; 16-143; 05-25 (May 28, 2019) at 10-12.

² See Letter from Christopher T. Shenk (counsel for AT&T) to Marlene H. Dortch (Secretary, FCC), BDS NPRM WC Docket Nos. 16-143; 05-25; 15-247; RM-10593 (Sept. 23, 2016), at 3 and *citing* attached Declaration of Gregg Ditullio ("Ditullio Decl.") ¶¶ 2-14.

³ See Letter from Christopher T. Shenk (counsel for AT&T) to Marlene H. Dortch (Secretary, FCC), WC Docket No. 05-25; RM-10593, at 11, n.36 (March 21, 2016).

⁴ Ditullio Decl. ¶¶ 2-14.

⁵ Ditullio Decl. ¶¶ 2-14.

⁶ Ditullio Decl. ¶ 13.

Finally, AT&T reiterated that there is no physical difference between the facilities used for BDS transport and UNE transport nor is there any difference in the economic analysis of competition.⁷ When UNE transport facilities are not available, CLECs often use BDS transport as a substitute. As such, there is no rational basis for finding that UNE transport is not competitive in the situations where BDS transport would be deemed competitive.⁸

Please direct any questions to the undersigned.

Sincerely,

/s/ Keith M. Krom
Keith M. Krom

cc: Terri Natoli
Lisa Hone
David Zesiger
Chris Koves
Gergory Capobianco

⁷ See also Comments of AT&T, WC Docket Nos. 18-141; 17-144; 16-143; 05-25 (May 9, 2019) at 6. (“In both cases [UNE and BDS transport], interoffice transport facilities connect points of significant traffic aggregation, which makes such transport services susceptible to facilities-based entry.”).

⁸ AT&T notes that all of the materials from the BDS proceeding cited in this letter have previously been incorporated into the forbearance proceeding (WC Docket No. 18-141) by the Wireline Competition Bureau. See Wireline Competition Bureau to Incorporate Business Data Services Data and Second Further Notice and Further Notice Record into USTelecom Forbearance Proceeding, WC Docket Nos. 18-141, 17-144, 16-143, 05-25; RM-10593, Public Notice, DA 19-249 (WCB Apr. 3, 2019).