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June 22, 2016

Via Electronic Submission

Ex parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: *Technology Transitions, GN Docket No. 13-5; AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353*

Dear Ms. Dortch:

AT&T Services, Inc. on behalf of its affiliates (“AT&T”) submits this letter in response to the unsubstantiated claims submitted by Public Knowledge (“PK”) on June 6, 2016 in the above referenced docket.

Specifically, PK asserts without any evidence that “it is premature” for the Commission to adopt “AT&T’s Proposal to Streamline the Discontinuance Process for Technology Transitions” (“AT&T’s Proposal”).¹ But, the evidence in the communications market tells a different story. As AT&T demonstrated in its Comments and in its Proposal, by year-end 2016, less than 10% of housing units in states where AT&T operates as an ILEC continue to use TDM-based legacy POTS services.² With so few customers remaining on legacy POTS, carriers should be able to utilize an efficient process to transition their remaining customers, such as the certification options in AT&T’s Proposal.

Further, AT&T’s Proposal focuses on protecting the public by ensuring that the public convenience and necessity would not be impaired as carriers transition services. AT&T’s Proposal includes the Commission’s proposed criteria that may not be adequately satisfied by alternative sources, i.e. coverage, public safety and 911 standards, service for individuals with disabilities, and device and service interoperability standards. In addition, AT&T’s Proposal adopts metrics for each of these criteria that take into account the needs of the affected

¹ Letter from Harold Feld, Senior VP Public Knowledge’s to Ms. Marlene Dortch, Secretary FCC, Comments at 1, filed June 6, 2016, GN Docket 12-353, filed 6/6/16 (“PK June 6, 2016 Letter”).

² Letter from David Talbott, Assistant Vice President AT&T to Ms. Marlene Dortch, Secretary FCC, Comments at 1, filed June 1, 2016, GN Docket 12-353. (“AT&T June 1, 2016 *Ex Parte*”).

customers, and maintains reasonable notice requirements and discontinuance time frames. As a result, AT&T's Proposal ensures that customers' needs will be met and they will be fully informed during a technology transition.

In addition, PK erroneously asserts that the Commission should adopt network reliability and cybersecurity criteria for 214 applications associated with technology transitions because the TDM network is the "tent pole" of numerous communications networks that depend on the stability and reliability of the PSTN.³ AT&T believes PK is referring to the unique role ILECs have in providing TDM network interconnection via its network of tandem switches so that calls can be routed between service providers. Under PK's theory, an ILEC could lose 100% of its customers and still be required to maintain TDM services and the network supporting those services because other networks need the PSTN. PK is wrong on this point. For example, if AT&T discontinues POTS in a specified geography, it would not affect the network reliability and efficacy of cybersecurity relating to local or interexchange interconnection. If and when an ILEC discontinues a service that is used for interconnection, such as TDM-based interstate access-type services, those services and replacement services will have the opportunity to be scrutinized by the Commission during the applicable discontinuance process.

With respect to network reliability, AT&T previously explained that it is unnecessary for the Commission to adopt a network reliability criterion for 214 discontinuances because the communications market has made it abundantly clear that next generation services are reliable. As noted above, the majority of mass market customers have already transitioned to IP-based or wireless voice services. Moreover, once these customers transition, they typically do not return to legacy services. To be sure, most customers enjoy the customization, reliability and accessibility of the next generation services, as providers monitor the trends and the needs of their customers, and tailor their services to meet customer demand or risk losing market share.

As AT&T explained in its Proposal, the Commission should not include cybersecurity as a substitute criterion under the AT&T Proposal or an alternative streamlined discontinuance process.⁴ The FCC's proposed test in the Further Notice - that the applicant demonstrates the replacement service offers "comparably effective protection from network security risks" - is unworkable.⁵ The legacy TDM network is based on circuit-switched, time division multiplexing technology which is fundamentally different than packet-switched, Internet Protocol technology. As AT&T noted in its comments in the NPRM, it is difficult to measure or accurately compare effective cybersecurity in these different contexts. Moreover, the security risks applied to the TDM network are likewise fundamentally different from an all-IP network. Thus, AT&T believes it would be infeasible for AT&T (or other carriers) to certify that the two networks have "comparably effective protection from network security risks". As

³ PK June 6, 2016 Letter.

⁴ AT&T June 1, 2016 *Ex Parte*.

⁵ *Technology Transitions; Policies and Rules Governing Retirement of Copper Loops by Incumbent Local Exchange Carriers; Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Service*, GN Docket No. 13-5, 30 FCC Rcd 9372 at ¶ 227 (2015).

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a result, adopting such a requirement could sidetrack the proposed test and inadvertently make a streamlined discontinuance process unavailable to carriers. In addition, as AT&T previously noted in connection with cybersecurity and other of the FCC's proposed substitute criteria, any such requirements should be considered in a rulemaking proceeding so that the requirements would apply to all providers, not just those seeking § 214 approval.

Nonetheless, if the Commission were to adopt cybersecurity as a substitute criterion under Certification #2 of AT&T's Proposal, the Commission should adopt an alternative approach that would provide the Commission and the public confidence that the carrier is applying appropriate security practices to its substitute services. Under this alternate proposed test, the applicant would certify in its § 214 Certification #2 application that it has a cybersecurity risk management program in place to ensure the "reasonable" security of its IP network.⁶ Carriers would be deemed to satisfy the reasonableness standard if they have adopted one or more commonly accepted industry cybersecurity standards in their cybersecurity risk management program that applies to the network over which the substitute service is provisioned. Examples of these standards include, but are not limited to: the International Organization for Standardization's ISO:27001; the National Institute for Standards and Technology (NIST) Cybersecurity Framework; the Statement on Auditing Standards No. 70: Service Organizations (SAS70); Control Objectives for Information and Related Technology (COBIT); and the PCI Security Standards Council. This alternate test would better enable the Commission to validate appropriate cybersecurity practices are in place and provide each applicant the flexibility to adopt the specific security standard applicable to its customer set and business plans.

PK also claims that AT&T's "pilot program" reports show that AT&T is having "...difficulty in coordinating local government, state government, local businesses and the local populations..."⁷ This statement is incorrect and contrary to the facts presented in AT&T's various Wire Center Trial Reports. Those Reports show that AT&T's experience has been quite the opposite and that coordination with local governments, businesses and the local population is anything but a "huge problem" for AT&T. In Carbon Hill, Alabama, an advisory committee consisting of local government representatives, community leaders and AT&T meets regularly to address community issues in connection with the Trial. In the West Delray Beach area of Florida, AT&T is working with a variety of local groups (e.g., home owners associations, business associations and local disability groups) to address issues relevant to each of those groups. The Reports thus far show that the Trials have been a positive experience for both the community and the Company.

Please do not hesitate to contact me with any questions regarding this matter.

Sincerely,

/s/ David L. Talbott

⁶ This is consistent to the Federal Trade Commission's approach to cybersecurity. See Comment of the Staff of the Bureau of Consumer Protection of the Federal Trade Commission at 27, filed May 27, 2016 in WC Docket 16-106, *Protecting the Privacy of Customers of Broadband and Other Telecommunications Services*.

⁷ PK June 6, 2016 Letter.

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