

**BEFORE THE  
FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554**

In the Matter of

Applicant(s): AT&T Services, Inc., on behalf of its affiliates, BellSouth Telecommunications, LLC, d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, and AT&T Tennessee; Illinois Bell Telephone Company, LLC, d/b/a AT&T Illinois; Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana; Michigan Bell Telephone Company, d/b/a AT&T Michigan; Nevada Bell Telephone Company, d/b/a AT&T Nevada; Pacific Bell Telephone Company, d/b/a AT&T California; Southwestern Bell Telephone Company, d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; The Ohio Bell Telephone Company, d/b/a AT&T Ohio; and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin.

WC Docket No. 19-238

**COMMENTS OF THE  
CALIFORNIA PUBLIC UTILITIES COMMISSION**

AROCLES AGUILAR  
HELEN M. MICKIEWICZ

505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (415) 703-1319  
Email: Helen.Mickiewicz@cpuc.ca.gov

Attorneys for the  
California Public Utilities Commission

September 30, 2019

## I. INTRODUCTION

The California Public Utilities Commission (CPUC) submits these comments in response to the above-captioned Section 214 application(s) AT&T filed with the Federal Communications Commission (FCC) on August 30, 2019. In its application(s), AT&T has provided notice, on behalf of its affiliates nationwide, of its intent to discontinue domestic dominant carrier telecommunication services. Also on August 30<sup>th</sup>, the Wireline Competition Bureau issued a Public Notice seeking comment on the applications.<sup>1</sup> The CPUC comments here on the potential effects of the proposed service discontinuance in California, where AT&T affiliate Pacific Bell dba AT&T California provides service as an Incumbent Local Exchange Carrier (ILEC), and is a carrier of last resort throughout its territory.

FCC rules require an ILEC to submit to the FCC an application to discontinue service pursuant to Section 214 of the Communications Act.<sup>2</sup> The FCC's rules also deem a section 214 application to be "deemed granted" pursuant to 47 CFR 63.71(f) on the 31<sup>st</sup> day after it has been filed. Indeed, DA 19-15 states that the AT&T application "will be deemed granted automatically on October 29, 2019, the 60<sup>th</sup> day after the release date of this public notice, unless the Commission notifies any applicant(s) that their grant will not be automatically effective."<sup>3</sup> At a minimum, the CPUC asks that the FCC notify

---

<sup>1</sup> *Comments invited on Section 214 Application (s) to Discontinue Domestic Dominant Carrier Telecommunications Service*, WC Docket No. 19-238 (DA 19-815), rel. August 30, 2019.

<sup>2</sup> 47 USC 214(a).

<sup>3</sup> DA 19-185, p. 1.

AT&T that its application will not become automatically effective on October 29, 2019, pending further FCC review of the concerns California raises here.

## **II. THE CPUC OPPOSES THE GRANTING OF THIS APPLICATION FOR RELEVANT SERVICES AT&T PROVIDES IN CALIFORNIA**

On September 13, CPUC staff sent a data request to AT&T to learn which customers subscribe to these services and their location in California, to determine which ones would be affected by this request. On September 17<sup>th</sup>, AT&T requested an extension to answer part of the request, and on September 18, staff supplemented the data request with further information about the number of affected lines per customer. On September 23, AT&T responded to the request.

The AT&T application proposes to terminate services in California in three categories of interstate service: voice grade service, generic digital, and program audio.<sup>4</sup> The customers of these services include the United States government in several capacities, school districts, churches and places of worship, city and county governments, radio stations and media companies, and other carriers which have purchased these services from AT&T but where the end customer is not disclosed. Altogether, AT&T is requesting permission from the FCC to terminate service to more than 800 individual circuits.

---

<sup>4</sup> More broadly, AT&T proposes to discontinue the following interstate services: Voice Grade, High Capacity (64K), Digital Data, Digital Data Access, interstate Metallic, Telegraph Grade, Direct Analog, Base Rate (DS0), MegaLink Data, Derived Data Channel, Generic Digital Transport, and Program Audio Service.

The FCC's rules allow for service discontinuance "unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected."<sup>5</sup> In California's view, the public convenience and necessity would be adversely affected if AT&T is allowed to terminate service to these circuits.

For example, the U.S. government, in its capacity to protect citizens, operate airports, oversee interstate transportation systems, and secure the borders, uses some of these circuits. Many of the organizations and businesses on AT&T's customer list provide vital community services; indeed, some of them are themselves city and county governments. The media outlets using program audio service are very likely doing so to provide programming to the public for the purposes of civic discourse, dissemination of news and vital information, and even for Emergency Alert Service (EAS) for disasters. In rural areas, where wireless service has been disrupted by fires or other emergencies, local radio service is an essential means of communicating with the public.

FCC rules also require the service provider to notify customers of the proposed service discontinuance, and AT&T has included in its application the letter it sent to customers. The letter is identified as a "second notice, but the application does not state when the "first" notice was sent to the affected customers. In addition, the application does not demonstrate that AT&T's customers actually understand they are about to lose their service on relatively short notice. Nor does the application indicate whether any

---

<sup>5</sup> 47 CFR 63.71 (a)(5)(i). Procedures for Discontinuance, reduction or impairment of service by domestic carriers.

applicable “replacement service” is available in any of the various affected areas. Rather, the AT&T notice letter says that the company offers “AT&T Switched Ethernet, DS1 Service or Wireless Data as a replacement service for the affected services.”<sup>6</sup> Although these offered “replacement services” are communications services, they are not functional equivalents. To operate with these new services, customers may have to completely change their customer premises equipment, likely requiring a costly capital outlay for which these customers have not budgeted. Further, these replacement services, are quite likely to be much more expensive than the pricing for the existing service AT&T seeks to terminate.

### **III. CONCLUSION**

For the stated reasons, the CPUC urges the FCC to deny AT&T’s request. California fully supports the transition to advanced technologies, but not by employing a procedure which potentially abandons customers, government agencies, and media outlets who need and rely on these vital services. Given the very short comment cycle, the CPUC did not have time to contact affected customers to make critical determinations on potential availability of alternatives.

The CPUC urges the FCC to notify AT&T that its section 214 application to discontinue identified services in California will not become effective on October 29, 2019. Further, the CPUC urges the FCC to require a more detailed showing from AT&T as to whether, and if so, what alternative services are available to affected customers.

---

<sup>6</sup> AT&T 2<sup>nd</sup> Notification letter to affected customers, August 20, 2019.

Finally, California urges the FCC to obtain from AT&T evidence that the company has taken steps to ensure that its customers will not be left without service when AT&T seeks to discontinue existing services covered by the section 214 application.

Respectfully submitted,

By: /s/ HELEN M. MICKIEWICZ

---

HELEN M. MICKIEWICZ

505 Van Ness Avenue  
San Francisco, CA 94102  
Telephone: (415) 703-1319  
Email: [Helen.Mickiewicz@cpuc.ca.gov](mailto:Helen.Mickiewicz@cpuc.ca.gov)

September 30, 2019

Attorney for the  
California Public Utilities Commission