

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

In the Matter of)	
)	
Verizon Petition for Limited Waiver of Rule)	
61.74(a) to Allow a Verizon Tariff to)	
Reference Another)	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 support of Verizon’s request for a limited waiver of the prohibition in Rule §61.74(a) from referencing in its tariffs other tariff publications.¹ As Verizon explains, Rule §61.74(a), which 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, “serves no public policy purpose and compels [carriers] to telegraph upcoming filings, which can impede and delay [their] ability to respond in the marketplace.”² On November 30, 2017, AT&T filed its own petition seeking limited relief from Rule 61.74(a).³

As the Verizon Petition explains, whenever an incumbent carrier seeks to revise or introduce a tariff provision that includes a cross reference, Commission Rule §1.772 requires that

¹ 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*”). On November 9, 2017, the commission released a Public Notice requesting comments on *Verizon’s Petition*. See Public Notice, *Wireline Competition Bureau Seeks Comment on Verizon Petition for Waiver of the Commission’s Rule for Tariffs Referring to Tariffs*, WC Docket No. 17-308 (Nov. 9, 2017).

² *Verizon Petition* at 1.

³ 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) (a copy of AT&T’s Petition is attached hereto as Attachment A). In that Petition, AT&T explains that it is similarly situated to Verizon and has essentially the same need for the requested relief. The Commission should issue limited waivers to all incumbent telephone companies without requiring each of them to file their own separate petitions.

the carrier first obtain special permission.⁴ 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.⁵

In its Petition, Verizon sufficiently demonstrates why it should be granted the limited relief it requests. The Verizon incumbent local exchange carrier (ILEC) companies maintain separate FCC tariffs, based upon their historical corporate operating territories;⁶ Verizon has customers that choose to purchase its services under tariffed discount plans that offer customers discounts based on commitments to purchase services out of these Verizon ILECs' tariffs;⁷ and because these tariffed discount plans apply throughout Verizon's footprint, each tariff must be cross-referenced in the contracts for these tariffed discount plans.⁸ Requiring special permission from the Commission just to allow Verizon to insert in its tariffs a cross-reference to other relevant Verizon FCC tariffs adds no intrinsic value and no public policy purpose.

Moreover, the request for relief is *limited*. As the Verizon Petition makes clear, the waiver only seeks relief from the prohibition against a carrier cross-referencing *its own tariffs* – it does not seek to lift the prohibition on referencing other documents.⁹ The waiver would not

⁴ *Id.* at 3. 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.”

⁵ 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).

⁶ *Verizon Petition* at 2.

⁷ *Verizon Petition* at 2.

⁸ *Id.*

⁹ *Verizon Petition* at 4.

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.¹⁰

Finally, as noted above, Verizon is not the only incumbent local exchange carrier that is being constrained by operation of §61.74(a). 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. 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.

For the foregoing reasons, AT&T supports Verizon's waiver request and requests the Commission extend to all ILECs the same limited relief from Rule §61.74(a)'s prohibition on tariffs cross-referencing other tariffs.

Respectfully submitted,

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December 11, 2017

¹⁰ *Id.*

ATTACHMENT A

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

In the Matter of)	
)	
Petition of AT&T Services, Inc. for Limited)	WC Docket No. ____
Waiver of Rule 61.74(a) to Allow an AT&T)	
Tariff to Reference Another)	

PETITION FOR LIMITED WAIVER OF RULE § 61.74(a)

AT&T Services, Inc., on behalf of its affiliates hereby respectfully seeks a limited waiver of Rule §61.74(a) which prohibits tariffs from referencing other tariff publications. On October 26, 2017, Verizon filed a petition for waiver of Rule §61.74(a) when one of Verizon’s FCC tariffs references another Verizon tariff.¹ As Verizon explains, Rule §61.74(a), which 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, “serves no public policy purpose and compels [carriers] to telegraph upcoming filings, which can impede and delay [their] ability to respond in the marketplace.”² AT&T is similarly situated to Verizon and has essentially the same need for the requested relief. By this Petition, AT&T hereby formally requests the same relief.³

Verizon is not the only incumbent local exchange carrier that is being constrained by operation of §61.74(a). Just like Verizon, AT&T’s FCC tariffs reflect the incumbent local exchange carriers that comprise its corporate history: Bellsouth Telecommunications, LLC; Nevada Bell Telephone Company; Pacific Bell Telephone Company; Southwestern Bell Telephone, L.P.; Illinois Bell Telephone Company; Michigan Bell Telephone Company; Ohio Bell Telephone Company; and Wisconsin Bell Telephone Company (“AT&T ILECs”). Each one of

¹ 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*”). On November 9, 2017, the commission released a Public Notice requesting comments on *Verizon’s Petition*. See Public Notice, *Wireline Competition Bureau Seeks Comment on Verizon Petition for Waiver of the Commission’s Rule for Tariffs Referring to Tariffs*, WC Docket No. 17-308 (Nov. 9, 2017).

² *Verizon Petition* at 1.

³ The Commission should issue limited waivers to all incumbent telephone companies without requiring each of them to file their own separate petitions.

these AT&T ILECs has its own FCC tariff, offering the same or very similar access services. Just like Verizon,⁴ AT&T has customers that choose to purchase AT&T's services under tariffed discount plans that offer customers discounts based on commitments to purchase services out of these AT&T ILECs' tariffs. And, just like Verizon,⁵ because these tariffed discount plans apply throughout AT&T's footprint, each tariff must be cross-referenced in the contracts for these tariffed discount plans. Requiring special permission from the Commission just to allow a AT&T to insert in its tariffs a cross-reference to other relevant AT&T FCC tariffs adds no intrinsic value and no public policy purpose. In 2016 alone, AT&T filed 10 applications for special permission related to Rule 61.74.

As the Verizon Petition explains, 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.⁶ 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.⁷

There is no public policy purpose that would justify the continued use of the special permission process for the innocuous instances where AT&T wishes to insert in an AT&T tariff a cross-reference to another AT&T tariff. The requirement not only places unnecessary filing burdens and

⁴ *Verizon Petition* at 2.

⁵ *Id.*

⁶ *Id.* at 3. 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."

⁷ 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).

pre-approval requirements on incumbent carriers but also harms competition by impinging on the carriers' ability to quickly respond to consumers' demands and places a needless layer of regulatory uncertainty on the parties' negotiations.

Moreover, good cause exists for granting this *limited* waiver. As the Verizon Petition makes clear, the waiver only seeks relief from the prohibition against a carrier cross-referencing *its own tariffs* – it does not seek to lift the prohibition on referencing other documents.⁸ The waiver would 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.⁹

For the foregoing reasons, AT&T requests the Commission grant it a limited waiver from Rule §61.74(a)'s prohibition on tariffs cross-referencing other AT&T tariffs.

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⁸ *Verizon Petition* at 4.

⁹ *Id.*