

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Technology Transitions	)	GN Docket No. 13-5
	)	
Policies and Rules Governing Retirement Of Copper Loops by Incumbent Local Exchange Carriers	)	RM-11358
	)	
Special Access for Price Cap Local Exchange Carriers	)	WC Docket No. 05-25
	)	
AT&T Corporation Petition for Rulemaking To Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services	)	RM-10593
	)	

**RESPONSE OF TEXALTEL TO PETITION OF U.S. TELEPACIFIC CORP FOR CLARIFICATION**

TEXALTEL, a trade association of CLECs that do business in Texas, hereby offers its comments in response to the Petition for Clarification of U.S. Telepacific Corp. for clarification of the Commission’s Technology Transitions Report and Order<sup>1</sup>.

INTRODUCTION

Our concerns are the appearance that the FCC assumes that there is a linkage between retirement of copper facilities and cessation of TDM services by ILECs. While these two actions could occur at the same time, real world experience is that they do not. Our other concern is one of timing of an ILEC notice of copper abandonment and CLEC notice to customers that it must discontinue services.

For CLECs, it is the abandonment of copper that threatens their ability to continue to provide services such as Ethernet Over Copper and other copper based services. While abandonment of copper may occur at the same time as cessation of TDM services, more commonly today copper is abandoned when it is replaced by fiber, and TDM services are continued at that time over the fiber facility and expanded Ethernet services are added to the services offered by the ILEC. CLECs today are seeing a shrinking radius that they can serve as remotes are established and more and more orders for copper loops are met with “no copper available”. CLECs do not have access to ILEC fiber facilities to provide Ethernet services under viable terms and conditions. While most CLECs are acquiring fiber connectivity wherever feasible there are still many customer locations where the ILEC is the only provider of last mile facilities. If ILECs are permitted to abandon copper, prior to any requirements to make access available

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<sup>1</sup> *Technology Transitions et al.*, GN Docket No. 13-5 et al., Report and Order, Order on Reconsideration and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372 (2015) (“*Technology Transitions Order*”).

over fiber at reasonable prices, or prior to any requirements to make viable wholesale IP alternatives available, then CLEC services, and their customers, face disruption.

#### REGULATORY CONSIDERATIONS

A regulatory concern of CLECs is that when the CLEC receives notice of copper abandonment, it must seek Commission approval to abandon customers, and such approval may not be forthcoming prior to the ILEC abandoning copper and there may not even be enough time for the CLEC to even check for alternative last mile providers. At a minimum, the Commission should ensure that copper cannot be abandoned until the Commission has approved customer abandonment. Resolving this minor issue does not resolve the customer inconvenience of losing the CLEC service, but would give CLECs more time to look for alternative last mile access instead of having to immediately notify customers of an impending discontinuance when the CLEC receives the copper retirement notice

#### CONCLUSION

TEXALTEL shares the Commission's goals of increasing broadband deployment and competition. TEXALTEL urges Commission to consider alternative means to fix the gap in rules that could result in customers losing access to CLEC broadband services due to ILEC copper retirements.

Respectfully submitted,

TEXALTEL

*/s/ Charles D. Land, P.E.*

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