

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

In the Matter of)	
)	
Technology Transitions Policy Task Force)	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
)	

**COMMENTS OF AT&T SERVICES, INC. IN REPLY TO OPPOSITIONS
TO THE U.S. TELEPACIFIC CORP. PETITION FOR RECONSIDERATION**

AT&T Services, Inc. (“AT&T”) files these Comments in reply to the oppositions filed to U.S. TelePacific Corp.’s Petition for Reconsideration¹ By its Petition, TelePacific requests the Commission significantly modify the recently enacted copper retirement rules² — turning the now expanded notice requirements into a de facto approval process. In accordance with the reasons laid out in the Verizon and ADTRAN Oppositions, TelePacific’s Petition should be denied.

The Commission recently expanded to six months — doubling — the required advance notice carriers must provide to interconnecting carriers when proposing to retire copper facilities.³

¹ See Petition for Clarification of U.S. TelePacific Corp., GN Docket No. 13-5, *et al.* (Nov. 18, 2015) (“TelePacific Petition”). On December 4, 2015, the Wireline Competition Bureau determined that while styled as a petition for clarification, the petition would be treated as a petition for reconsideration.

² Technology Transitions, *et al.*, Report and Order, Order on Reconsideration, and Further Notice of Proposed Rulemaking, 30 FCC Rcd 9372 (2015) (“*Tech Transitions Order*”).

³ *Tech Transitions Order* at ¶ 29.

As Verizon noted, the Commission held that the expanded notice period “strikes an appropriate balance between the planning needs of interconnecting carriers and their customers and the needs of incumbent LECs to be able to move forward in a timely fashion with their business plans.”⁴ AT&T agrees with ADTRAN⁵ that this newly established 180-day time period should be more than sufficient for an affected carrier to determine whether any service that it is currently providing will be affected by the copper retirement to the degree that it would need to file a Section 214 discontinuance application.

Moreover, as other commenters have noted, adopting TelePacific’s suggestion that a provider’s copper retirement notice be held up until a Section 214 application — submitted by another carrier and over which the provider has no control — is approved would create inappropriate opportunities for other parties to inject delay and uncertainty.⁶ In expanding the timeframe for the advance notice the Commission made clear that the process to retire copper should remain solely notice based — noting that uncertainty about the timeline for copper retirement would hamstring providers who seek to upgrade their network.⁷

TelePacific’s Petition fails to justify the additional delay in retiring copper facilities that would result from its proposal. Indeed, as Verizon correctly points out, “TelePacific’s request presupposes that a series of potential events will occur in every copper retirement, each of which

⁴ Verizon Opp. at 4.

⁵ ADTRAN Opp. at 2.

⁶ Verizon Opp. at 4.

⁷ *Id.* at ¶ 31 (“[F]ixing a single time period following the Commission’s release of public notice,” will “provide all parties certainty”).

is at best and none of which is certain to occur in practice.”⁸ There is no basis for the Commission to modify its newly-established copper retirement notice requirements.

Respectfully submitted,

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⁸ Verizon Opp. at 2. Revealingly, XO, which filed comments supporting the Petition, actually highlights how rare the situation TelePacific paints would be when it describes the steps it would take after learning of an ILEC’s intention to retire copper. “*In some instances*, at the end of this process, which *may* begin to approach the date for copper retirement, XO *may* determine it infeasible to continue providing services to customers in the area that will be impacted by the copper retirement. In such a case, XO would need to file a Section 214 application for approval of discontinuance.” Comments of XO Communications, LLC in Support of U.S. TelePacific Corp. Petition for Clarification (Dec. 28, 2015) at 3 (emphasis added).