

**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

**REPLY COMMENTS OF THE CALIFORNIA ASSOCIATION OF COMPETITIVE  
TELECOMMUNICATIONS COMPANIES (CALTEL)**

The California Association of Competitive Telecommunications Companies (CALTEL) submits these reply comments in support of U.S. TelePacific Corp.’s Petition for Clarification (“Petition”) of the Commission’s *Technology Transitions* Report and Order (Tech Transitions Order).<sup>1</sup> CALTEL responds to the oppositions filed by Verizon and ADTRAN, and supports the alternatives recommended by TelePacific as modified by the comments of XO Communications (XO).

**I. Discussion**

TelePacific’s Petition correctly identifies a potential problem created by the ambiguity

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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*”).

and lack of clear harmonization in the Commission’s Tech Transitions Order regarding the relationship between rules that address retirement of ILEC copper facilities (and elimination of the wholesale inputs that rely on them) on the one hand, and rules that address discontinuation of retail services subject to Section 214 on the other. TelePacific has offered two reasonable alternatives, and XO has offered a further modification to one those alternatives, all of which would ensure that CLECs can engage in responsible contingency planning to minimize end-user customer disruptions without running afoul of the Commission’s Section 214 rules. CALTEL supports adoption of TelePacific’s request as modified by XO.<sup>2</sup>

Moreover, some of the comments filed in opposition to the Petition, as well as comments recently filed on the remaining open issues in this proceeding, provide evidence that there is a bigger problem with ambiguity and lack of harmonization that the Commission should address. For example, ADTRAN states that “if the ILEC will be discontinuing service (and not just retiring the copper), then the ILEC is required to maintain ‘reasonably comparable’ wholesale access to last-mile services.”<sup>3</sup> While true, this provision only applies to situations where a CLEC is utilizing *finished services* (such as TDM special access or wholesale platform services purchased from an ILEC) in order to serve its end-user customers, and has no bearing on the situation that TelePacific is addressing. Indeed, where CLEC customers are being served via Ethernet over Copper (EoC) or other technologies that rely on wholesale inputs like unbundled copper loops, the Order clearly did not adopt any such requirements. ADTRAN is either itself confused, or perhaps is mixing apples and oranges in an attempt to confuse the reader. In any

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<sup>2</sup> Comments of XO Communications, LLC in Support of U.S. TelePacific Corp. Petition for Clarification, filed December 27, 2015.

<sup>3</sup> Opposition of ADTRAN, Inc. at p. 3.

event, this assertion appears to lead ADTRAN to conclude erroneously that CLECs have access to alternative means of provisioning EoC and similar services that have been “imposed by the FCC” as well as alternatives that are “market-place driven.”<sup>4</sup>

ADTRAN does not appear to be the only party that is confused. In its comments filed in response to the Further Notice of Proposed Rulemaking (FNPRM) in this proceeding, the California Public Utilities Commission (CPUC) stated that:

The FCC should be mindful that it is looking at the transition in this FNPRM through a lens focused on copper retirement, whereas the CPUC is looking through a lens focused on carrier of last resort and basic service requirements, including provision of Lifeline. The CPUC requires approval for withdrawal of service, but not for retirement of copper facilities.<sup>5</sup>

CALTEL respectfully submits that when a regulatory body as well-respected and well-versed on these issues as the California PUC misunderstands how two components in a Commission Order inter-relate, that is ample evidence that further clarification is warranted. Without such clarification, the Commission runs the risk of continuing to create regulatory uncertainty on issues critical to CLECs and the competition they provide.

## **II. Conclusion**

CALTEL supports clarification of the Commission’s Tech Transitions Order as described above.

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<sup>4</sup> *Id.* at p. 5.

<sup>5</sup> Comments of the California Public Utilities Commission, filed October 30, 2015, at p. 7.

Reply Comments of CALTEL  
GN Docket No. 13-5

/s/

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