

WL 07-162

DOCKET FILE COPY ORIGINAL

COMM. BUR.

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

2007 JUL 18 P 6:37

RECEIVED

In the Matter of)
)
Section 63.71 Application of)
)
BellSouth Telecommunications, Inc. d/b/a)
AT&T Southeast)
)
For Authority Pursuant to Section 214 of)
The Communications Act of 1934, As Amended,)
To Discontinue the Provision of Service)

File No.

FILED/ACCEPTED
JUL 17 2007
Federal Communications Commission
Office of the Secretary

SECTION 63.71 APPLICATION OF AT&T SOUTHEAST

AT&T Inc., on behalf of its incumbent local exchange carrier affiliate, BellSouth Telecommunications, Inc. d/b/a AT&T Southeast applies for authority under Section 214(a) of the Communications Act, as amended ("the Act"), 47 U.S.C. § 214 and Section 63.71 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, to discontinue offering Dry Fiber service throughout its nine state territory, which includes the states of Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.¹

As required by Section 63.71(a) and (b) of the Commission's rules, AT&T Southeast provides the following information:

Name and Address of Carrier (47 C.F.R. §§ 63.71(a)(1), (b)(2)):

BellSouth Telecommunications, Inc. d/b/a AT&T Southeast
675 West Peachtree St. NE., Atlanta, Georgia 30375

Date of Planned Service Discontinuance (47 C.F.R. §§ 63.71(a)(2), (b)(2)):

AT&T Southeast plans to discontinue offering this service on a common carrier basis, pursuant to tariff, effective September 30, 2007, subject to Commission approval of this application.

Existing customers may continue to receive Dry Fiber service through private carriage agreements with a term not to exceed 36 months after AT&T Southeast receives approval to withdraw the service or the customer migrates to an alternative service arrangement, whichever occurs first.

Points of Geographic Areas of Service Affected (47 C.F.R. §§ 63.71(a)(3), (b)(2)):

The services will be discontinued in the AT&T Southeast service territories in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

Brief Description of Type of Service Affected (47 C.F.R. §§ 63.71(a)(3), (b)(2)):

AT&T Southeast's Dry Fiber service is a point-to-point arrangement between two customer premises using four optical fibers and is offered without optical signal regeneration to compensate for signal losses.

AT&T Southeast's Dry Fiber service is currently offered on a month-to-month basis via AT&T Southeast's FCC Tariff No. 1, Section 7.2.1.0. Existing customers, including customers that order Dry Fiber Service on or before September 30, 2007, will continue to receive Dry Fiber service pursuant to the terms and conditions contained in AT&T Southeast's tariff, through

¹ AT&T Southeast's Dry Fiber service is offered pursuant to AT&T Southeast FCC Tariff No. 1, Section 7.2.10. AT&T Southeast will continue to offer "Dark Fiber" to telecommunications carriers on an unbundled basis as required by paragraph 385 of the Commission's *Triennial Review Order*.

privately negotiated agreements, until the customers migrate to an alternative service arrangement, or for 36 months after AT&T Southeast receives approval to discontinue Dry Fiber service, whichever occurs first. After September 30, 2007, subject to Commission approval, AT&T Southeast will no longer accept requests for Dry Fiber service pursuant to tariff. Instead, AT&T Southeast will negotiate customized, fiber connectivity services via private carriage agreements.

The public convenience and necessity will not be adversely affected by the discontinuance of this service because there are many competitive providers of fiber services in the AT&T Southeast region, including but not limited to, AT&T Southeast's affiliate AT&T DataComm. Furthermore, customers may also choose to substitute this service with AT&T Southeast's SONET or Wavelength transport services.

Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71(b)(3)):

On July 13, 2007, AT&T Southeast notified their customers of the planned discontinuance by letter sent by U.S. Mail. A copy of the customer notification is attached hereto as Attachment A.

Copies of this Application are being sent, first class U.S. Mail, to the public utilities commission and governor of each state in which discontinuance is proposed and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a) of the Commission's rules.

Regulatory Classification of Carrier (47 C.F.R. § 63.71(b)(4)):

AT&T Southeast asserts that it is non-dominant in the provision of Dry Fiber service, but acknowledges that this Application will be processed using the Commission's rules for dominant carriers.

Questions about this application may be addressed to Toni Acton, AT&T Services, Inc., Director, Federal Regulatory, 1120 20th Street N.W., Suite 1000, Washington, D.C. 20036, (202) 457-3039.

Conclusion:

The public convenience and necessity will not be adversely affected by the discontinuance of this service since AT&T Southeast will continue to offer service on a customized, individually negotiated basis and there are comparable services offered by other carriers. Therefore, AT&T Southeast respectfully requests the Commission to approve its Section 63.71 Application to discontinue the provision of Dry Fiber service.

Respectfully submitted,

AT&T Inc.

By: /s/Terri L. Hoskins

Terri L. Hoskins
Gary L. Phillips
Paul K Mancini

AT&T Services, Inc.
1120 20th Street NW
Suite 1000
Washington, DC 20036

Its Attorneys

Dated: July 17, 2007

ATTACHMENT A



July 13, 2007

AT&T Southeast Region 9-State - Discontinuance of Dry Fiber

Dear Valued AT&T Customer,

Effective September 30, 2007, pending Federal Communications Commission (FCC) approval, Dry Fiber, [Tariff F.C.C. No. 1, Section 7.2.10], will no longer be available in the AT&T Southeast nine-state region, including Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Following the effective date, customers with Dry Fiber on order or in effect prior to September 30, 2007 will continue to receive Dry Fiber. However, no new Dry Fiber requests will be accepted. AT&T Southeast will continue to offer Dry Fiber to those customers, through privately negotiated agreements, until the customers migrate to alternative offerings, or for 36 months after AT&T receives FCC approval to withdraw the Dry Fiber tariff, whichever occurs first.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) 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. If you wish to object, you should file your comments as soon as possible, but no later than 30 days after the Commission releases public notice of the proposed discontinuance. Address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the §63.71 Application of AT&T Southeast. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

AT&T Southeast reserves the right to make any modifications to or to cancel the above information prior to the proposed filing or effective date. Should any modifications be made to the information, these modifications will be reflected in a subsequent letter sent at the time of the filing. AT&T Southeast will incur no liability to the CLEC if such information, mentioned above, is cancelled by AT&T Southeast or is not ultimately put into effect.

Please contact your AT&T Account Team for additional information.

Sincerely,

AT&T Southeast
675 W. Peachtree St. NE
Atlanta, GA 30375

CERTIFICATE OF SERVICE

I do certify that I have, this 17th day of July 2007, served a copy of the foregoing
Section 63.71 Application by U.S. Mail postage prepaid to the following:

/s/Lacretia Hill
Lacretia Hill

Alabama Public Service Commission
100 N. Union Street
Suite 850
Montgomery, AL 36130

Governor Bob Riley
State Capitol
600 Dexter Avenue
Montgomery, AL 36130

Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Governor Charlie Crist
Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334

Office of the Governor
Georgia State Capitol
Atlanta, GA 30334

Kentucky Public Service Commission
211 Sower Boulevard
Frankfort, KY 40602

Governor Ernie Fletcher
700 Capital Avenue
Suite 100
Frankfort, KY 40601

Louisiana Public Service Commission
Galvez Building, 12th Floor
602 North Fifth Street
P.O. Box 91154
Baton Rouge, LA 70821

Secretary of Defense
Attn: Special Asst. for Telecommunications
Pentagon
Washington, D.C. 20301

Office of the Governor
P.O. Box 94004
Baton Rouge, LA 70804-9004

Mississippi Public Utilities Commission
Woolfolk Building
501 North West Street
Jackson, MS 39201

Governor Haley Barbour
P.O. Box 139
Jackson, MS 39205

North Carolina Utilities Commission
430 North Salisbury Street
Dobbs Building
Raleigh, NC 27603-5918

Governor Michael F. Easley
Office of the Governor
20301 Mail Service Center
Raleigh, NC 27699-0301

Public Service Commission of South
Carolina,
101 Executive Center Dr., Suite 100
Columbia, SC 29210

Governor Mark Sanford
Office of the Governor
P.O. Box 12267
Columbia, SC 29211

Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

Governor Phil Bredesen
Governor's Office
Tennessee State Capitol
Nashville, TN 37243-0001