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October 11, 2007

BY ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Time Warner Cable Section 63.71 Discontinuance Applications WC Docket Nos. 07-203 and 07-205; Comp. Pol. File Nos. 829 and 830

Dear Ms. Dortch:

This letter responds to the comments filed by AT&T in connection with the above-referenced applications of Time Warner Cable Information Services (California), LLC d/b/a Time Warner Cable (“TWC”) to discontinue the provision of circuit-switched telephone services to customers in and around Los Angeles, California. AT&T’s request to deny these applications streamlined approval is entirely without merit.¹

As TWC’s applications made clear, TWC will comply not only with the Commission’s requirements set forth in Section 63.71, but also with California law, including any obligations imposed in the proceedings now pending before the California Public Utilities Commission (“CPUC”). Indeed, as AT&T concedes, “[t]he Administrative Law Judge presiding over Time Warner’s application before the CPUC is working with Time Warner, AT&T California and Verizon, to ensure that the mass migration process does not result in the loss of service for customers.”² Therefore, denying the applications at issue automatic approval under Section

¹ Notably, because AT&T filed comments in WC Docket No. 07-203 on October 4, 2007 — *i.e.*, two days *after* the October 2 comment deadline — its request to deny that application streamlined approval should be rejected on that basis alone. In any event, that untimely request, along with AT&T’s timely comments in WC Docket No. 07-205, should be rejected on the merits for the reasons described below.

² Letter of Terri L. Hoskins, Senior Attorney, AT&T, to Marlene Dortch, Secretary, FCC, WC Docket No. 07-205, at 2 (filed Oct. 2, 2007).

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63.71 is wholly unnecessary, because TWC *already* must comply with any conditions that may be imposed by the CPUC.

While the overall length of the mass migration process remains uncertain, TWC requires prompt authorization from this Commission to *begin* that process, subject to the approval of the CPUC. Otherwise, TWC's ability to discontinue circuit-switched services could be held hostage by AT&T indefinitely. In particular, in light of AT&T's acknowledged effort to have TWC reimburse AT&T for its costs,³ AT&T would have the incentive and opportunity to drag out the state proceeding until it extracted additional concessions from TWC if it knew that FCC authority would be withheld pending completion of that state proceeding. Nothing in Section 63.71 or Commission precedent remotely warrants withholding approval of a discontinuance application to give the incumbent LEC increased leverage in a parallel state proceeding.

Moreover, AT&T acknowledges that it is not the only incumbent LEC serving the areas at issue in TWC's discontinuance applications.⁴ Thus, despite the fact that Verizon has *not* objected to the grant of TWC's applications in the ordinary course, AT&T's request to withhold approval of the applications would result in the denial of discontinuance authority in the communities served by Verizon. AT&T plainly lacks standing to object to the streamlined grant of discontinuance authority in communities it does not even serve.

Finally, as TWC has noted in a separate letter in WC Docket No. 07-203, the few consumers who initially objected to the planned discontinuance have now made alternative service arrangements. No consumers — out of more than 22,000 total — objected to the discontinuance at issue in WC Docket No. 07-205. The absence of any unresolved consumer complaints further illustrates the baseless nature of AT&T's request.

For all these reasons, the Commission should reject AT&T's meritless request to remove the applications at issue from streamlined treatment.

Sincerely,

/s/ Matthew A. Brill

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cc: Kimberly Jackson
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Carmell Weathers

³ *See id.* at 1.

⁴ *See id.* at 1 n.1.