

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

In the Matter of)	
)	
Petition of AT&T for Forbearance)	WC Docket No. 06-125
Under 47 U.S.C. § 160 From Title II and)	
Computer Inquiry Rules with Respect to)	
its Broadband Services)	
)	
BellSouth Petition for Forbearance)	
Under 47 U.S.C. § 160 from Title II and)	
Computer Inquiry Rules with Respect to)	
its Broadband Services)	

COMMENTS OF MOBILE SATELLITE VENTURES SUBSIDIARY LLC

Mobile Satellite Ventures Subsidiary LLC (“MSV”)¹ hereby submits these reply comments in support of the Petitions for Declaratory Ruling filed by Time Warner Telecom Inc. (“TWTC”) and COMPTTEL in the above-captioned proceeding.² As requested by COMPTTEL and TWTC, the Commission should issue a declaratory ruling confirming that AT&T may not detariff any of its broadband services or otherwise

¹ MSV is the entity authorized by the Commission in 1989 to construct, launch, and operate a U.S. mobile satellite service (“MSS”) system in the L-band. In November 2004, MSV became the first entity licensed to operate an Ancillary Terrestrial Component (“ATC”). MSV is developing the first hybrid cellular-satellite communications network, which will create a new category of wireless services and reshape the telecommunications industry through the delivery of ubiquitous, transparent and seamless coverage of North America to conventional handsets. When completed, the MSV network will transform communications through the delivery of advanced emergency response, aviation and transportation services as well as content-rich entertainment services to consumers through interoperable, user-friendly voice, video and high-speed data services.

² *Pleading Cycle Established for COMPTTEL Petition for Declaratory Ruling*, Public Notice, DA 07-4686 (Nov. 20, 2007); *Pleading Cycle Established for Time Warner Telecom Inc. Petition for Declaratory Ruling*, Public Notice, DA 07-4908 (Dec. 6, 2007).

exercise the recently-granted forbearance relief³ until the expiration of the voluntary commitments made by AT&T during its merger with BellSouth.⁴

Both the AT&T/BellSouth Merger Order and the AT&T Forbearance Order make clear that forbearance granted to AT&T does not supersede or in any way affect the voluntary commitments entered into by AT&T when it merged with BellSouth.⁵ Under the terms of its merger commitments, AT&T may “not seek or give effect to any future forbearance that diminishes or supersedes the merged entity’s obligations or responsibilities . . . during the period in which those obligations are in effect.”⁶ In addition, the Forbearance Order made clear that “[t]he limited forbearance relief granted herein does not in effect in any way the full force and effect of the merger commitments adopted in the AT&T/BellSouth Order.”⁷

Moreover, as the TWTC Petition makes clear, and as commenting parties have explained, eliminating the tariffing requirements would diminish the effectiveness of AT&T’s merger commitments and would make it extremely difficult, if not impossible, for the Commission to enforce such commitments.⁸ Without tariffs, for example, it would be next to impossible to determine whether AT&T was complying with the

³ *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to its Broadband Services*, Memorandum Opinion and Order, WC Docket No. 06-125, FCC 07-180 (rel. Oct. 12, 2007) (“*AT&T Forbearance Order*”).

⁴ See *AT&T Forbearance Order* at 45 (Separate Statement of Commissioner Robert M. McDowell) (“Upon the expiration of the voluntary merger conditions agreed to by AT&T as the result of its merger with BellSouth, after December 29, 2010, AT&T will be relieved from existing tariffing, price freeze and facilities discontinuance requirements for non-TDM-based business broadband services.”).

⁵ See Comments of Level 3 Communications, LLC et al., WC Docket No. 06-125, at 2-3 (Dec. 21, 2007); TWTC Emergency Petition for Declaratory Ruling, WC Docket No. 06-125, at 2 (Nov. 21, 2007).

⁶ *AT&T Inc. and BellSouth Corporation Application for Transfer of Control*, Memorandum Opinion and Order, WC Docket No. 06-74, FCC 06-189, at 155, Appendix F (2007).

⁷ *AT&T Forbearance Order* at 3, ¶ 2.

⁸ TWTC Petition at 5-12; Level 3 et al. Comments at 3-5; Comments of BT Americas, WC Docket No. 06-125, at 3-5 (Dec. 21, 2007).

commitment that prohibits it from making its special access offerings available to its affiliates under terms and conditions that are not available to similarly situated unaffiliated special access customers.⁹

* * *

In conclusion, MSV urges the Commission issue a declaratory ruling confirming that AT&T may not detariff any of its broadband services or otherwise exercise the recently-granted forbearance relief until the expiration of the voluntary commitments made by AT&T during its merger with BellSouth.

Respectfully submitted,

/s/ Devendra T. Kumar
Devendra T. Kumar
GOLDBERG, GODLES, WIENER
& WRIGHT
1229 19th St., N.W.
Washington, DC 20036
(202) 429-4900 – Telephone
(202) 429-4912 – Facsimile

/s/ Jennifer A. Manner
Jennifer A. Manner
Vice President, Regulatory Affairs
MOBILE SATELLITE VENTURES
SUBSIDIARY LLC
10802 Parkridge Boulevard
Reston, VA 20191
(703) 390-2700 – Telephone

*Of Counsel to Mobile Satellite
Ventures Subsidiary LLC*

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⁹ TWTC Petition at 7-8, 10.