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EX PARTE NOTICE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W. - Room TW-A325
Washington, D.C. 20554

Re: Petition of AT&T Inc. For Forbearance Under 47 U.S.C. § 160(c)
From Enforcement of Certain of the Commission's Cost
Assignment Rules, WC Docket No. 07-21; Petition of Verizon For
Forbearance Under 47 U.S.C. § 160(c) from Enforcement of
Certain of the Commission's Record Keeping and Reporting
Requirements, WC Docket No. 07-273; Petition of Qwest
Corporation for Forbearance from Enforcement of the
Commission's ARMIS and 492A Reporting Requirements
Pursuant to 47 U.S.C. § 160, WC Docket No. 07-204

Dear Ms. Dortch:

On February 25, 2009, Robert Quinn, Jr., Theodore Marcus and the undersigned on behalf of AT&T met with and Scott Bergmann, Senior Legal Advisor to Commissioner Jonathan Adelstein, to discuss its opposition to the applications for review of the Wireline Competition Bureau's approval of the cost assignment forbearance plans submitted by AT&T, Verizon and Qwest.

AT&T reiterated its position that each of these compliance plans contained all of the explanations that the forbearance orders required. After reviewing the plans the Wireline Competition Bureau did exactly what the Commission had directed it to do, it issued a public notice stating that it had reviewed the plans and concluded that "AT&T, Verizon and Qwest have satisfied the condition that they obtain Bureau approval of compliance plans describing how they will continue to fulfill their statutory and regulatory obligations." In addition, the applications for review are nothing more than a transparent attempt to reargue the underlying cost assignment forbearance order in flagrant disregard of the Bureau's instruction that its review process should *not* be viewed as an opportunity to do so, and that any such arguments would not be "considered."

The attached handout was distributed at the meeting.

Pursuant to section 1.1206 of the Commission's Rules, this letter is being filed electronically with the Commission. If you have any questions, please contact me at (202) 457-2321.

Sincerely,

/s/ Frank S. Simone

cc: S. Bergmann

ATTACHMENT

AT&T's Compliance Plan Met the FCC Requirements

- The Commission appropriately recognized that it has no current use for allocated data.
- State commission commenters agreed that AT&T's compliance plan was a "reasonable attempt to reply to the granted forbearance and to address some continuing data needs."
- The only issue to be addressed with respect to the applications for review of the Bureau's approval of AT&T's compliance plan is whether the Bureau followed the Commission's directives.
- The Bureau's did exactly what the Commission directed it to do:

It satisfied itself that AT&T would maintain the capability to produce cost assignment data should the Commission ever need to examine such data in the future and issued a Public Notice approving the plan.
- The limited proceeding before the Bureau was at most an informal adjudication for the purposes of the APA and there is no requirement to satisfy the traditional APA standards of explanation that exist in other contexts.
- Additionally, the bureau had no authority to consider most of the Applicants' arguments. In its notice inviting public comment, the Bureau reminded interested parties that comments should not be viewed as an opportunity to reargue the merits of forbearance, and that any such arguments would not be considered.
- The applications for review are a transparent attempt to re-litigate the cost allocation forbearance.
- The applicants' "Blueprint" is not an alternative compliance plan but rather a vastly more complicated and onerous cost allocation process than was in place prior to forbearance.
- Criticism over AT&T's plan to develop special studies or revise allocation ratios as needed is unwarranted. In the unlikely event that there is a need for allocated data in the future, any special study methodology or change in ratios can be thoroughly reviewed by the Commission.