



Frank S. Simone  
Assistant Vice President-  
Federal Regulatory

AT&T Services Inc. T: 202.457.2321  
1120 20<sup>th</sup> Street, NW F: 832.213.0282  
Suite 1000  
Washington, DC 20036

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## EX PARTE NOTICE

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> 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:

As AT&T explained in its opposition to the applications for review of the Wireline Competition Bureau's approval of the cost assignment plans submitted by AT&T, Verizon and Qwest, the Bureau was under no obligation when it issued the Public Notice to address the Applicants' arguments to undo the Commission's forbearance decision and put in place a new cost assignment system.

The Bureau's actions here are consistent with a whole range of routine activities that have never been subject to formal APA procedures. As outlined in the Commission's Order in this proceeding, the Bureau's review of AT&T's Compliance Plan was subject to a specific and narrow Commission delegation of authority. The Bureau was (1) to prescribe administrative filing requirements for the Plan, (2) approve the plan upon being satisfied that, once implemented, the Plan would preserve the integrity of AT&T's accounting system in the absence of the cost assignment rules, and (3) "*release a public notice notifying the public of approval of the plan.*" *Forbearance Order* at ¶ 31 & n. 114 (emphasis added). The Commission's direction that the Bureau issue public notice of its approval – as opposed to an "order" – demonstrates that the Commission clearly did not contemplate that the Bureau would issue a point-by-point analysis, discussion or rebuttal of the arguments and positions taken by those commenting on AT&T's Compliance Plan, or even the merits of the Plan itself. Given the contours of the Commission's mandate, then, the Bureau's December 31, 2008 *Notice*

was hardly inappropriate. Applicants' suggestions to the contrary, thus, are fundamentally misguided.

It was entirely proper, of course, for the Commission to have prescribed the Bureau's actions in this fashion. If the Commission had wanted or needed the kind of expansive Bureau action that Applicants now demand, it would have required it. The Commission, in its wisdom, did not do so. That decision – which was well within the Commission's prerogatives – bound the Bureau in this matter, and it cannot be said that the Bureau acted inconsistently with the mandate given.

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: J. McKee  
S. Deutchman  
S. Bergmann  
N. Alexander