Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Petition of Intrado Communications of Virginia Inc. for Arbitration Pursuant To Section 252(b) of the Communications Act of 1934 to Establish an Interconnection Agreement with Verizon South Inc. and Verizon Virginia Inc.	)	WC Docket No. 08-185
	)	
Petition of Intrado Communications of Virginia Inc. for Arbitration Pursuant to Section 252(b) of the Communications Act of 1934 to Establish an Interconnection Agreement with Central Telephone Company of Virginia and United Telephone – Southeast, Inc. (Collectively, "Embarq")	)	WC Docket No. 08-33

REPLY COMMENTS OF AT&T, INC.

AT&T Inc., on behalf of itself and its affiliates (collectively, "AT&T"), respectfully submits these reply comments in response to the Wireline Competition Bureau's (Bureau's) June 4, 2009 *Public Notice* with respect to this consolidated arbitration proceeding.[1]

A. The Bureau Should Confine Its Efforts to the Narrow, Virginia-Specific Issues and Parties Before It.

Almost all commenters recognize, as AT&T does, that these arbitration proceedings are ill-suited to addressing complex, broad, national policy issues that are or might be implicated by the competitive provision of 911 services. As these commenters properly observe, the posture of these proceedings, and the case-specific nature of the questions presented, make it inadvisable

[1] *Comment Sought on Competitive Provision of 911 Service Presented by Consolidated Arbitration Proceedings*, WC Docket Nos. 08-33, 08-185, DA 09-1262 (rel. June 4, 2009) (*Public Notice*).

for the Bureau to try to address larger competition policy questions here.[2] Consistent with the substantial weight of the comments, the Bureau should focus its efforts on resolving the narrow legal and factual questions before it and eschew broad policy detours that are not germane to the resolution of those issues.[3]

If the Bureau believes that it needs to consider *Virginia-specific competitive impacts* in its resolution of this matter, however, it should give careful consideration to the comments of the Virginia Telecommunications Industry Association ("VTIA"), an association of both ILEC and CLEC telecommunications service providers in Virginia. VTIA presents specific concerns about the adverse impacts of Intrado's cost-shifting approach to 911 service competition for Virginia consumers, particularly in rural areas, as the following anecdote from one of its members, Citizens Telephone Cooperative, Inc., demonstrates:

> Earlier this year Citizens was informed of negotiations between Intrado and Franklin County, Virginia that would potentially allow Intrado to provide 911 services to that county. Neither Citizens nor VTIA are privy to whatever cost justification may have been discussed between Intrado and Franklin County, but the proposal between those parties failed to consider the material costs that would be imposed on Citizens and its rural customers resulting from Intrado's proposed service arrangement. Among other things, in order for Intrado to provide 911

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[2] *See* Verizon's Comments at 2-3 ("The Bureau is now standing in the place of the Virginia Commission in order to decide the 'interconnection disputes that were the subject of the Virginia Commission proceeding.' [citation omitted] Those specific interconnection disputes (should the Bureau even reach them) do not include, or require the resolution of, any general policy issues concerning the competitive provision of 911 voice services. It is therefore improper to undertake the kind of general policy inquiry contemplated in the Public Notice as part of this arbitration proceeding and consistent with Commission precedent to refrain from doing so."). *See, e.g.*, Embarq's Comments at 2; ITTA's Comments at 5-6; Joint Public Safety 9-1-1 Entities' Comments at 10; Washington State Enhanced 911 Program's Comments at 2.

[3] AT&T respectfully disagrees with the Public Utility Commission of Ohio's view that "parties not directly involved in the arbitration . . . would nonetheless be affected by the arbitration's outcome." PUCO's Comments at 2. The Bureau's Section 252(e)(5) determination of the interconnection issues in these proceedings will not establish binding precedent beyond the parties to the proceedings and their operations in the affected Virginia territories. *See, e.g., Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration*, Order, 17 FCC Rcd 27039, ¶ 3 (2002).

> services to Franklin County, Intrado requested that Citizens establish trunking, at its own cost and without any reimbursement, between Citizens' switch in Floyd, Virginia and a connection point to Intrado located in Raleigh, North Carolina.
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> * * *
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> Citizens only serves 144 customers in Franklin County. The cost of providing the trunking requested by Intrado would be approximately $2,088 per month. Thus Intrado's proposed competitive provision of 911 service to Franklin County would result in a cost of approximately $14.50 per customer. Intrado's proposed solution is neither efficient nor fair to the rural residents of Franklin County. Citizens has understandably objected to Intrado's proposal.[4]

AT&T, as demonstrated in its comments, shares the concerns described by VTIA, and further agrees with VTIA's conclusion that the competitive approach symbolized by Citizens' experience with Intrado is *not* the kind of competition that federal or state regulators should facilitate. Indeed, as VTIA succinctly put it, "[c]ompetition that merely redirects costs associated with new entrants from such new entrants to current service providers *is not competition at all* but rather a direct subsidy for some at the expense of others."[5]

B. AT&T Has Not Sought to Thwart 911/E911 Competition in Michigan.

Finally, AT&T wishes to respond briefly to certain allegations made by one commenter, MITA/TelNet. MITA/TelNet accuse AT&T of obstructing 911/E911 services competition in Michigan *via* the creation of "technical and financial bottlenecks to hinder numerous aspects of competitive 911 service."[6] MITA/TelNet then make certain vague allegations involving an "incumbent," presumably in support of its charge against AT&T.[7] To the extent that MITA/TelNet's allegations are directed at AT&T, the allegations are unwarranted and meritless.

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[4] VTIA's Comments at 2-3. Citizens' experience, as described by VTIA, is further illustration of the concerns AT&T raised in its comments regarding non-facilities-based competition and the cost-shifting/un-shared risk model such competition embodies. *See* AT&T's Comments at 8-9.

[5] *Id*. at 3 (emphasis added).

[6] MITA/TelNet's Comments at 2.

[7] *See id*. at 2-4.

AT&T Michigan was involved in a dispute over the past year with a Michigan CLEC arising out of the parties' state-approved interconnection agreement (ICA), which covered *inter alia* the provision of 911/E911 services. AT&T believed that the CLEC sought to violate the terms of the ICA and, in the course of the dispute, AT&T merely sought to ensure performance of the ICA terms to which the CLEC voluntarily agreed, including the terms regarding 911/E911 services. AT&T's actions, moreover, were consistent with the provision of reliable and resilient emergency network services in Michigan and cannot be legitimately characterized as an effort to thwart 911/E911 services competition in Michigan or elsewhere, as MITA/TelNet allege.[8] In any event, the matter has since been resolved.

CONCLUSION

For the foregoing reasons, and for those articulated in its previously-filed comments, AT&T urges the Commission to confine itself to the specific issues in the arbitration at hand. To the extent that the Commission feels it needs to consider 911/E911 competitive issues generally, however, it should be guided by the proper objective: the establishment and maintenance of a robust, reliable and resilient end-to-end 911/E911 infrastructure for the nation.

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[8] *Id*. at 2.

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CERTIFICATE OF SERVICE

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