The Telecommunications Act is Technology Neutral

- Section 251(c)(2)(B) specifically provides requesting carriers the right to interconnect with the ILEC network at "any technically feasible point."

- Section 251(c)(2)(C) requires ILEC to provide interconnection equal to that offered to itself, any affiliate, third party.

The "PSTN's" transition from a circuit-switched architecture to IP is fundamentally no different than the transition from analog to digital technology.

The FCC Has Already Separated Wholesale Interconnection Rights from Retail Classification

> *"The regulatory classification of the service provided to the ultimate end user has no bearing on the wholesale provider's rights as a telecommunications carrier to interconnect under section 251."*
>
> *TWC Declaratory Ruling* at ¶ 15

- The FCC does not need to address the regulatory classification of interconnected VoIP (and other IP-enabled interconnected services) before addressing interconnection rights and obligations of those services under Sections 251 and 252.

- Whether or not the retail service is (or is not) an information service, transport and termination of interconnected services (circuit-switched and IP-enabled) is a telecommunications service.

The Critical Safeguards Of 251/252 Are Necessary To Protect And Promote Competition

- Agreements must be publicly filed;
- Agreements must be available for opt-in;
- Rates, terms and conditions for reciprocal compensation must be just, reasonable and reciprocal;
- ILEC must provide interconnection to competitors on same terms and conditions it provides to itself/affiliate; and
- Where agreement cannot be reached, disputes resolved through arbitrations.

To Facilitate Interconnection of VoIP and IP Enabled Service, Clarification Order Should:

- Extend the conclusions of Time Warner Declaratory Ruling (i.e., interconnection and transport/termination of VoIP and IP enabled services are telecommunications, irrespective of retail classification) to 251(c) Interconnection;

- Make clear that 251/252 interconnection rights and obligations are technology neutral and apply to VoIP and IP-enable services where IP facilities have been deployed; and

- Make clear that an ILEC cannot rely on corporate structure to evade its interconnection obligations.

AT&T Discusses Its SIP Peering Architecture[1]

By Doug Mohney, Contributing Editor

AT&T (News - Alert) is gearing up a full-blown SIP transport architecture and plans to peer with a select number of Tier 1 providers **-- everyone else is going to have to purchase transport services.** Further, while not explicitly detailed or stated by AT&T, the company could already be running SIP peering traffic with one or more Tier 1 carriers on the Q-T.

For HD voice and UC video advocates, SIP peering at the Tier 1 carrier level is the primary key to make seamless calls/sessions between end-users regardless of what network they are on. Currently, there are many "islands" of HD voice and UC video calls at the enterprise and ITSP/hosted VoIP level, but few of them can talk to each other, much less to a large Tier 1 carrier.

AT&T's public discussion of SIP transport and SIP peering across its network and with other Tier 1 providers is a significant game changer, given AT&T's status and the number of end-points (i.e. devices and phone numbers) it has, over 90 million between wireline, broadband, and wireless phones in operation.

Details on the company's SIP plans came at the fifth annual IIT VoIP Conference and Expo recently in Chicago. AT&T's Senior VoIP Enterprise Architect/Manager Sumitra Sinha gave a remarkable and thorough presentation free of marketing hype, discussing in no-nonsense terms the company's strategy, business opportunities for SIP traffic, and the underlying architecture the company has setup to make everything run smoothly at a carrier class level.

AT&T will exchange SIP traffic at the access border controller layer (i.e. SBCs, more specifically Acme Packet (News - Alert) SBCs) via IP handoff at a few "strategic locations," directly peering with a select number of Tier 1 carriers. AT&T will also provide transit and direct termination through its network and support all roaming traffic to interwork with other wireless carriers. A PowerPoint slide listed connection points in Los Angeles, New York, Philadelphia and Atlanta.

While a number of VoIP purists have been railing against phone numbers, AT&T is onboard with ENUM in a big way, first using its own internal database for lookup, then accessing the CC1 ENUM Telcordia (News - Alert) database for lookups; CC1 holds/will hold more than 500 million phone numbers in North America, including AT&T and Verizon's, for IP-based interconnect rather than dropping into the PSTN.

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[1] http://sip-trunking.tmcnet.com:80/topics/enterprise-voip/articles/109840-att-discusses-its-sip-peering-architecture.htm

Unlike IP peering, AT&T doesn't believe that SIP peering will be settlement-free. Instead, there will be a number of business models (i.e. rates) with SLAs included in service. Traditional IP peering has been done on a "best effort" basis, but moving up the network stack means that MPLS and QoS come into play to provide the necessary speed for supporting real-time communications (i.e. voice and video).

One use of SIP transport that AT&T is strongly discouraging: Wholesale dumping of vanilla VoIP calls onto AT&T's PSTN network. Sinha said that carriers that tried to dump SIP traffic onto AT&T's TDM network for simplified transit purposes would find their calls rejected. Carriers who wanted such services are encouraged to negotiate with AT&T to use the company's SIP trunks for ingress and egress.

Transcoding for various flavors of codecs will be supported in the architecture, including AMR and AMR-WB, the favorites of the GSM cellular industry. AT&T Wireless currently support AMR, so it's not a big stretch to see AMR-WB to show up in the U.S. in a year or two.

The benefits of SIP transport AT&T expects to see is better voice quality at lower costs. It is a migration the company would like to see happen sooner, rather than later, given the costs of supporting both IP and PSTN/TDM infrastructure.

Last month, both Cincinnati Bell (News - Alert) and Metaswitch said "major carriers" were in discussions as to the ways SIP transport could be used for making money and delivering enhanced services such as video and HD voice. And I've been lead to believe at least one or two Tier 1 carriers could already be plugged into AT&T's SIP transport architecture for initial testing of traffic exchange.

PUC DOCKET NO. 26381

PETITION OF UTEX COMMUNICATIONS CORPORATION FOR ARBITRATION PURSUANT TO SECTION 252(b) OF THE FEDERAL TELECOMMUNICATIONS ACT AND PURA FOR RATES, TERMS, AND CONDITIONS OF INTERCONNECTION AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY	§ § § § § § § § §	**PUBLIC UTILITY COMMISSION OF TEXAS**

AMICUS BRIEF OF TW TELECOM OF TEXAS LLC, SPRINT COMMUNICATIONS COMPANY, L.P., CBEYOND COMMUNICATIONS, LLC AND McLEODUSA TELECOMMUNICATIONS SERVICES, INC. D/B/A PAETEC COMMUNICATIONS, INC.

TO THE HONORABLE COMMISSION:

COMES NOW, tw telecom of texas llc, Sprint Communications Company, L.P., Cbeyond Communications, LLC and McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Communications, Inc. (collectively, "CLECs") and file this amicus brief in support of the Proposal for Award ("PFA") in the above proceeding.

While this arbitration proceeding involves only two parties, AT&T Texas and UTEX, it involves issues of interest to many carriers, including CLECs, because there is no question that the traditional circuit switched architecture of the Public Switched Telephone Network ("PSTN") is being replaced by IP-based architecture that will support real-time voice services alongside other converged services. In recognition of this underlying trend, the Federal Communications Commission ("FCC") recently released a Public Notice asking interested parties to identify "which policies and regulatory structures may facilitate … the efficient migration to an all IP

world."[1] Against this backdrop, CLECs file this amicus brief to address two the relatively narrow (yet critical) issues in the PFA: 1) whether AT&T Texas must provide SIP and other forms of IP signaling to accommodate IP-to-IP interconnection in compliance with Sections 251 and 252 of the federal Telecommunications Act ("the Act") and 2) whether AT&T must agree to provide interconnection at any technically feasible location, which could include points other than AT&T Texas' end offices and tandem switches.[2]

1. SIP Signaling is a Form of Interconnection under FCC rules and the Act.

The Arbitrators correctly identify SIP as a signaling protocol and further conclude that the only relevant issue is whether providing these forms of interconnection are technically feasible.[3] As such, the PFA properly recognizes that the Act establishes technology-neutral obligations on AT&T Texas (as an ILEC) that do not disappear as new technology is introduced.[4]

Although the PFA recognizes that AT&T Texas bears the burden of proof in showing that a form of interconnection is not technically feasible, the Commission should be aware that technical feasibility should *not* be an issue with regard to SIP-based interconnection. In the long distance market where AT&T faces competition, it today will interconnect in IP-format (with

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[1] Comment Sought on Transition from Circuit-Switched Network to All-IP Network, NBP Public Notice # 25, GN Docket Nos. 09-47, 09-51, and 09-137, DA 09-2517 (rel. Dec. 1, 2009) at 2.

[2] *See* UTEX Exceptions to PFA at 7 and 8.

[3] *See* PFA at p. 97:

> Signaling is part of the ILEC's responsibilities under FTA § 251(c)(2), which defines interconnection as an obligation of the ILEC to interconnect "[f]or the transmission and *routing* of telephone exchange service and exchange access."
>
> ***
>
> AT&T Texas bears the burden of proving that ATM, SIP, SS7 DS3, OC3, OC12, Ethernet, Gig E, and DSL are not technically feasible methods of interconnection, and it has not met this burden of proof.

[4] The PFA also correctly applies the "technical feasibility" standard to the use of other technologies, such as ATM, Ethernet, etc … *Ibid.*

SIP signaling) for domestic and international long distance calling.[5] Obviously, the technology itself does not care about the geographic label (i.e., local or long distance) on a call – the same capabilities used by AT&T to interconnect for the termination of "long distance" calls could be used to terminate "local" calls as well.

Separately, there is a position advocated in this arbitration that is inconsistent with prior representations by AT&T Texas. Specifically, the PFA cites an AT&T Texas' contention that it does not use IP signaling in its own network.[6] This claim directly contradicts other statements by AT&T Texas. Specifically, AT&T Texas (the ILEC) has clearly announced that it is deploying a converged network solution to support multiple services, including VoIP service to its U-Verse customers based on the SIP protocol.[7] Moreover, AT&T Texas informed this Commission during its USF proceeding[8] that it would be offering U-Verse VoIP in Texas no later than March 2010, and that the service would be provided by AT&T Texas using AT&T Texas' own facilities.[9] In light of these admissions, there can be no question that SIP-based interconnection is technically feasible today and that AT&T Texas is fully aware of the fact.

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5 *See* AT&T Voice Over IP Connect Service (AVOICS) available from AT&T Wholesale (Attachment 1).

6 PFA at 97, citing AT&T Texas Ex. 20, Neinast Rebuttal, at 17:7-10.

7 *See* Attachment 2, where AT&T explains (at 1) that its IMS platform will "Be Based on SIP and IP," and noting (at 2) that it would start supporting "IMS-enabled U-verse Voice managed VoIP service" beginning in 2007.

8 PUC Project No. 34723, *Petition for Review of Monthly Per Line Support Amounts from the Texas High Cost Universal Service Plan Pursuant to PURA § 56.031 and PUC Subst. R. 26.403.*

9 AT&T's First Supplemental Response, RFIs No. 6-4 and 6-5, Texas PUC Docket No. 34723, March 19, 2008 (Attachment 3) stating:

RFI 6.4: Does AT&T intend, at any point in the next 24 months, to provision voice service to subscribers of U-verse using a voice telephony product provisioned using VoIP (or any other packet-switched protocol)?

AT&T: Yes.

RFI 6.5: If the answer to 6-3 or 6-4 above is "yes," please:

a. Identify the AT&T affiliate that will be providing the VoIP service;

AT&T – indeed, the entire industry, including CLECs – are indisputably moving to an all-IP network for provision of service, including voice service. As AT&T explained to the FCC:

> Due to technological advances, changes in consumer preference, and market forces, the question is *when*, not *if*, POTS service and the PSTN over which it is provided will become obsolete..... It is for that reason that one of the most important steps the Commission can take to facilitate an orderly transition to an all-broadband communications infrastructure is to eliminate the regulatory requirements that prolong the life of POTS and the PSTN. A smooth transition to an all-broadband world is essential to attaining the goal of universal broadband service.[10]

As the PSTN migrates to IP technology, phone service will not disappear, it will simply be provisioned over a new technology platform. This transition is fundamentally no different than the transition that occurred as the nation moved from a largely analog-based telephone network to the digital network that exists today.[11] As carriers move from a circuit-switched architecture to IP, a critical – yet inevitable – step will be the replacement of circuit-based interconnection and traffic exchange arrangements with IP-based arrangements. If AT&T believes, as it has told the FCC, that all telephone networks must transition to IP technology,

---

b. Indicate whether any of AT&T-Texas' facilities will be used to provision the VoIP service, and, if so,

c. Describe exactly how AT&T-Texas will be compensated for the use of its facilities by its affiliate.

AT&T: a. AT&T Texas itself will be providing the VoIP service.

b. Yes.

c. Not applicable. AT&T Texas itself will provide AT&T U-verse Voice service to the customer.

[10] *See* Comments of AT&T Inc. On The Transition From The Legacy Circuit-Switched Network To Broadband, GN Docket Nos. 09-47, 09-51, and 09-137, Dec. 22, 2009 ("*AT&T PSTN-to-IP Comments*") at 2.

[11] When the Federal Communications Commission first established detailed "interconnection" requirements to enable long distance competition (such as the various Feature Group access arrangements that interconnected long distance networks to the local exchange), the PSTN was largely characterized by analog transmission and in-band signaling. Over the years, however, this analog architecture was replaced with digital transmission and switching, and in-band signaling was replaced by Signaling System 7 (SS7). These changes were no different than today's transition from a circuit-switched network to an IP-based network.

what will happen to AT&T Texas if it never deploys IP signaling in its network? Or has AT&T decided that the simplest path to deregulation is to just obsolete the AT&T Texas network and let it atrophy and die? To prevent such a self-serving outcome, regulators must remain informed and continue to recognize that the interconnection obligations imposed by the Act are technology neutral and cannot be so easily evaded by an incumbent refusing to modernize its network (or by manipulating its assets among affiliates) and by refusing to negotiate or arbitrate terms for IP based interconnection.

We note also that it is impossible to square AT&T's position at the FCC favoring an all-IP network with its view in this case that competitors should be relegated to existing circuit-switched facilities in perpetuity because of AT&T Texas' claimed fear of stranded investment.[12] There is simply no question that an important step to an all-IP network is the replacement of legacy interconnection arrangements with arrangements based on IP, which are less costly and more efficient.

2. The ICA Should Not Limit Interconnection Points to AT&T Texas' End Office and Tandem Switches.

As noted by UTEX in its Brief on Exceptions,[13] federal rules contemplate points of interconnection at meet points other than an incumbent's central office or tandem switching locations.[14] It is particularly important now, as the PSTN transitions from a circuit-switched to

---

12 *See* AT&T Brief at 83.

13 *See* UTEX Exceptions to PFA at 7 and 8.

14 *See* 47 C.F.R. § 51.321(b) Technically feasible methods of obtaining interconnection or access to unbundled network elements include, but are not limited to:

(1) Physical collocation and virtual collocation at the premises of an incumbent LEC; and

(2) Meet point interconnection arrangements.

Where, meet point interconnection is a defined term (47 C.F.R. § 51.5):

packet network, that interconnection language be sufficiently flexible to accommodate new architectures. It makes no sense to limit interconnection to "end offices and tandem switches," which only exist in the legacy circuit-switched architecture that is being phased out. Consequently, we fully support, and believe this Commission is legally required to grant under the FCC rules, the UTEX exception that would allow interconnection at other technically feasible locations.

In conclusion, during this time of unprecedented investment in IP facilities, CLECs hope that carriers' limited resources will not be wasted in a debate proving the obvious point that IP-based interconnection using (among other protocols) SIP is technically feasible, or arguing for interconnection at points other than end-offices and tandem switches. Such a debate would needlessly divert resources from the deployment of IP facilities, which even AT&T Texas recognizes as a national goal.[15] We applaud the PFA as providing a partial foundation for this transition,[16] and encourage the Commission to continue its national leadership by adopting the PFA's requirement that AT&T Texas must provide SIP-based forms of interconnection (subject to the legal, but not factual, requirement that such interconnection is technically feasible).

> *Meet point interconnection arrangement.* A *meet point interconnection arrangement* is an arrangement by which each telecommunications carrier builds and maintains its network to a meet point.

[15] AT&T has gone so far as to call on the FCC to establish a firm deadline for the end of circuit-switched technology. *AT&T PSTN-to-IP Comments* at 12.

[16] Access to SIP signaling information does not, by itself, enable interconnection and traffic exchange of packet-based voice traffic. However, it is the only issue raised by this arbitration and the proposed findings of the PFA are a necessary first step to such interconnections becoming a reality.

Respectfully submitted,

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By: _____
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ATTORNEYS FOR TW TELECOM OF TEXAS LLC, SPRINT COMMUNICATIONS COMPANY, L.P., CBEYOND COMMUNICATIONS, LLC AND McLEODUSA TELECOMMUNICATIONS SERVICES, INC. D/B/A PAETEC COMMUNICATIONS, INC.

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document has been served on counsel for the parties electronically, via facsimile, or U.S. first class mail on this 14th day of October, 2010.

_____
Robin A. Casey

ATTACHMENT 1

AT&T VoIP Services

AT&T Voice Over IP Connect Service (AVOICS)

Your VoIP customers expect high quality voice services. With AT&T Voice Over IP Connect Service (AVOICS) you get unbranded and unbundled transport and termination of your domestic and international VoIP traffic with the reliability, security and performance you expect from AT&T. Give your VoIP service a competitive edge by also offering your end users access to unbranded Directory Assistance for the domestic U.S., Canada and Puerto Rico – a great value-added service available with AVOICS.

Your connection to AVOICS is via AT&T's Managed Internet Service (MIS)/Multiprotocol Label Switching – Private Network Transport (MPLS-PNT) service, which provides class-of-service voice quality, key security elements and advanced network reliability. Your service implementation is managed end-to-end by our highly experienced team of VoIP experts. Our multi-layer support structure is designed to provide you with industry-leading customer service every step of the way.

AVOICS accepts your U.S. originated domestic outbound (1+) calls and U.S. originated international outbound (011+) calls using Session Initiation Protocol (SIP) signaling. AVOICS also supports codecs G.711 and G.729 A/B. AVOICS provides long distance termination of "native" IP traffic, defined as traffic that originates as IP and is transported as IP from its point of origination to AT&T. AVOICS accepts U.S. originated domestic outbound (1+) calls and U.S. originated international outbound (011+) calls using Session Initiation Protocol (SIP) signaling. AVOICS also supports codecs G.711 and G.729 A/B. In addition, the AT&T network supports T.38 fax over IP.

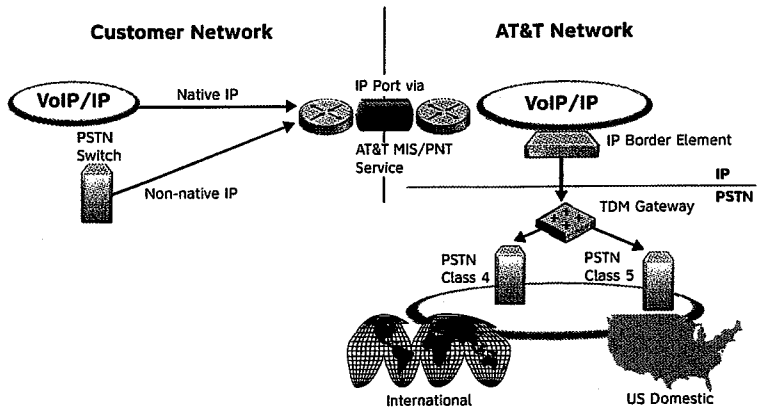
BENEFITS

- Expand your reach – AT&T's IP domain interoperates with the broader Public Switched Telephone Network (PSTN)
- Cost savings – Offer advanced voice services over your IP network
- Reliability – AT&T is one of the most dependable communication providers in the industry, offering 24/7 proactive network monitoring
- Security – AVOICS employs state-of-the-art security technologies and intrusion detection features

FEATURES

- Class-of-service voice quality
- Domestic and international terminations
- Supports SIP signaling
- Supports codecs G.711 and G.729 A/B
- AT&T network supports T.38 fax over IP
- Flexible options for receiving CDRs
- Proactive and reactive monitoring, 24/7
- Optional access to Directory Assistance

AVOICS Connectivity



at&t

AVOICS also provides long distance termination of "non-native" IP traffic, defined as traffic that originates as TDM, undergoes a protocol conversion to IP in your network and is then transported as IP from your network to AT&T's.

AVOICS's rate structure is designed to help you better manage costs and accurately bill your end users. AVOICS service for domestic termination has an unbundled rate structure with separate rate elements for transport and terminating access. Connectivity facilities are billed under the applicable agreements for those facilities (e.g., MIS agreement). AVOICS service for international termination has a bundled rate structure for transport and termination and requires connectivity facilities in the same manner as for domestic termination.

On a daily basis, AT&T will collect, format, guide and rate minutes of use for your AVOICS service and create a file of Call Detail Records (CDRs). For your convenience, AT&T offers flexible options for receiving your CDRs, including an electronic interface.

AVOICS is monitored 24/7 by our highly experienced technical staff in AT&T's Global Customer Support Centers (GCSC).

The GCSC performs proactive and reactive monitoring to support problem determination, reporting and resolution. Our state-of-the-art network management systems are designed and maintained to keep your service running smoothly.

For more information contact your AT&T Representative or visit us at www.att.com/wholesale.

09/24/08 AB-1169-04

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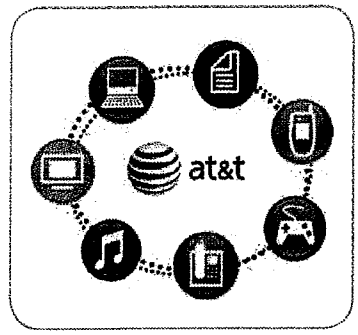
Your world. Delivered.

ATTACHMENT 2

AT&T Network Convergence and the Role of IMS

IP Driving Anytime, Anywhere Communications

As Internet Protocol (IP)-based communications continue to take hold in the U.S., the long-promised benefits of convergence are becoming a reality. Still, with so much focus on IP-based applications and devices, the true key to convergence has often been overlooked. It all starts with the network. And the network must be able to deliver applications and information anytime, anywhere, and to any IP-enabled device.



With IP-based services and a fully converged network to carry them, customers in the near future will no longer have to associate specific applications with specific devices or network connections. A full range of information and content will be accessible via a single device, and the intelligent network will deliver it over the best available connection at a given place and time.

The prospects for convergence are exciting, but bridging the gap from hype to reality requires continual innovation and a complete range of network assets – from wireless and wireline access to a powerful and advanced IP backbone network to carry information around the globe.

IMS: Enabling the Next Evolution in Communications

For the past 10 years, AT&T has pursued its vision for delivering network convergence, building the nation's most advanced IP backbone network and complete wireless and wireline access capabilities, and playing a key role in the development of IP-based applications.

AT&T was the first major U.S.-based carrier to implement IP multimedia subsystem (IMS) technology into its network. IMS is a network architecture that allows wireless and wireline networks and devices to work together and provides for standardized interfaces between applications, network layers and back-office systems. It's the glue that will enable AT&T to deliver communications virtually anytime, anywhere and on any device.

AT&T's Common Architecture for Real-Time Services (CARTS): Building From IMS

IMS is not a service – it's an architecture. And AT&T is taking IMS to a new level with its Common Architecture for Real-Time Services (CARTS) – the company's IMS platform and foundation for converged services. As it matures and deployment expands, the architecture will enable AT&T to build intelligence into its network and share information with any of the "three screens" – the PC, TV and wireless device.

IMS at a Glance

What It Is	What It Is Not
> An architectural framework	> A service
> Based on SIP and IP	> An application
> Multimedia service delivery platform	> A complete network architecture
> Standardized in 3GPP, initially for next-generation wireless network	> Limited to voice
> Very sophisticated with complex capabilities	> Completely standardized
> Standardizes interfaces between applications, network layers and back-office systems	> Rigidly defined
> Delivers on the promise of wireless-wireline convergence	> A widely deployed mature platform
> Capable of being deployed with its full capabilities by AT&T	

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What AT&T CARTS Will Deliver

1. Consistent user experience
2. Seamless transition between networks and devices
3. Single, common service platform, with uniform treatment of access technologies
4. Communications and entertainment that adapt to the customer's lifestyle

AT&T will begin introducing CARTS-enabled applications for residential and business customers later this year and will continue through 2008 and beyond. Following is an overview of the rollout road map.

2007	2008 and Beyond
> AT&T Video Share	> Continue to build new IMS-enabled services for consumer, wireless and enterprise markets
> IMS-enabled U-verse℠ Voice managed VoIP service	> Complete evolution of wireline and wireless networks to CARTS unified network
> VoIP IMS-enabled services and applications for enterprise customers	> Dual-mode service
> Beginning of long distance phone network migration to CARTS network	

Converged Services of the Future

The new-generation services delivered from AT&T's IMS CARTS architecture will enable business and residential users to work and communicate more efficiently and effectively than ever before. The combination of applications on a single device means that services that were once separate can now be consolidated to perform in ways that we wouldn't have thought possible a few years ago – a phone that can be a video home monitoring device or a TV that can be the messaging hub for voice, text or video communications.

Following is a snapshot of the types of services that both businesses and consumers could benefit from in the not-so-distant future.

Consumer Convergence Applications of the Future	Business Convergence Applications of the Future
> Video services and sharing	> Dual-mode phone
> Social networking	> PBX capabilities in remote locations, across many devices
> Music	> Video sharing
> Location-based service enabler	> Vertical applications
> TV voicemail	
> TV talking caller ID	
> TV wireless caller ID	
> Dual-mode phone	

ATTACHMENT 3

RFI No. 6-4

Does AT&T intend, at any point in the next 24 months, to provision voice service to subscribers of U-verse using a voice telephony product provisioned using VoIP (or any other packet-switched protocol)? Please respond to this question without regards to whether the voice telephony product is considered by AT&T to be a telecommunications or information service.

Answer: AT&T Texas is supplementing this response pursuant to SOAH Discovery Order No. 8, dated March 11, 2008 (and amended March 12, 2008). Subject to and without waiving the remaining objections filed by AT&T Texas on February 15, 2008 that were not withdrawn by AT&T Texas or overruled by SOAH Discovery Order No. 8, AT&T Texas provides the following supplemental response:

Yes.

Responsible Person: Jason Constable
Area Manager-Regulatory Relations
308 S. Akard St., Room 720.C6
Dallas, TX 75202

RFI No. 6-5a

If the answer to 6-3 or 6-4 above is "yes," please:

a. Identify the AT&T affiliate that will be providing the VoIP service;

Answer: AT&T Texas is supplementing this response pursuant to SOAH Discovery Order No. 8, dated March 11, 2008 (and amended March 12, 2008). Subject to and without waiving the remaining objections filed by AT&T Texas on February 15, 2008 that were not withdrawn by AT&T Texas or overruled by SOAH Discovery Order No. 8, AT&T Texas provides the following supplemental response:

AT&T Texas itself will be providing the VoIP service.

Responsible Person: Jason Constable
Area Manager-Regulatory Relations
308 S. Akard St., Room 720.C6
Dallas, TX 75202

RFI No. 6-5b

If the answer to 6-3 or 6-4 above is "yes," please:

b. Indicate whether any of AT&T-Texas' facilities will be used to provision the VoIP service, and, if so

Answer: AT&T Texas is supplementing this response pursuant to SOAH Discovery Order No. 8, dated March 11, 2008 (and amended March 12, 2008). Subject to and without waiving the remaining objections filed by AT&T Texas on February 15, 2008 that were not withdrawn by AT&T Texas or overruled by SOAH Discovery Order No. 8, AT&T Texas provides the following supplemental response:

Yes.

Responsible Person: Jason Constable
Area Manager-Regulatory Relations
308 S. Akard St., Room 720.C6
Dallas, TX 75202

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RFI No. 6-5c

If the answer to 6-3 or 6-4 above is "yes," please:

c. Describe exactly how AT&T-Texas will be compensated for the use of its facilities by its affiliate.

Answer: AT&T Texas is supplementing this response pursuant to SOAH Discovery Order No. 8, dated March 11, 2008 (and amended March 12, 2008). Subject to and without waiving the remaining objections filed by AT&T Texas on February 15, 2008 that were not withdrawn by AT&T Texas or overruled by SOAH Discovery Order No. 8, AT&T Texas provides the following supplemental response:

Not applicable. AT&T Texas itself will provide AT&T U-verse[sm] Voice service to the customer.

Responsible Person: Jason Constable
Area Manager-Regulatory Relations
308 S. Akard St., Room 720.C6
Dallas, TX 75202

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AT&T Texas
October 21, 2010

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PETITION OF UTEX COMMUNICATIONS CORPORATION FOR ARBITRATION PURSUANT TO SECTION 252(b) OF THE FEDERAL TELECOMMUNICATIONS ACT AND PURA FOR RATES, TERMS, AND CONDITIONS OF INTERCONNECTION AGREEMENT WITH SOUTHWESTERN BELL TELEPHONE COMPANY	**§ § § § § § § § § §**	**PUBLIC UTILITY COMMISSION OF TEXAS**

AT&T TEXAS' RESPONSE TO AMICUS BRIEF OF TW TELECOM, SPRINT, CBEYOND, AND MCLEODUSA D/B/A PAETEC

COMES NOW Southwestern Bell Telephone Company d/b/a AT&T Texas ("AT&T Texas") and files this Response to the Amicus Brief filed by tw telecom of texas llc, Sprint Communications Company, L.P., Cbeyond Communications, LLC, and McLeodUSA Telecommunications Services, Inc. d/b/a PAETEC Communications, Inc. (collectively, "Amici").

I. EXECUTIVE SUMMARY

Amici's Brief is no "friend of the court" submission. It is, instead, a disingenuous attempt by Amici to advance their personal business interests. Amici falsely claim that the brief they submit is "in support of the Proposal for Award."[1] To the contrary, the arguments Amici make and the "relief" they seek are inconsistent with the Arbitrators' Proposal for Award and would violate federal law and this Commission's precedent.

Amici's suggestion that the Proposal for Award supports session initiation protocol ("SIP") interconnection is false. The Arbitrators made no finding that AT&T Texas had SIP interconnection capabilities in its network. Instead, the Arbitrators

[1] Amici's Brief at 1.

rejected UTEX's proposed contract language for SIP and ATM interconnection because "the technical feasibility for ATM and SIP have yet to be determined."[2]

Relying on a misinterpretation of AT&T Texas' discovery responses in another docket and a misuse of AT&T Internet advertising, Amici erroneously claim that interconnection using SIP is technically feasible under a §§ 251/252 interconnection agreement ("ICA") with AT&T Texas and should be ordered. In seeking to introduce evidence and establish "facts" in an arbitration to which they are not a party, Amici overreach. Moreover, their claims are not true. AT&T Texas does not have the capability to provide SIP under an ICA.

Amici further request that the Arbitrators find that the points of interconnection between AT&T Texas and CLECs are not limited to AT&T Texas' end office and tandem switches. This is a request that the Arbitrators' reverse their ruling that, consistent with PUC Docket No. 28821, UTEX is limited to obtaining interconnection solely at AT&T Texas central office and tandem switches. As a non-party, Amici have no standing to seek a reversal of the Arbitrators' rulings.

Amici also provide no legal basis for their request that the Arbitrators disregard the Commission's rulings in Docket No. 28821 but, instead, urge such a reversal because of Amici's predictions about how the PSTN will transition from a "circuit-switched to packet network."[3] No such transition has occurred: no regulatory framework for achieving the transition has been implemented and, while many customers have opted for VoIP, the networks that comprise the PSTN remain an essential communications platform for millions of consumers. Moreover, it is doubtful

[2] Proposal for Award at 99.

[3] Amici's Brief at 5-6.

that incumbent LECs like AT&T Texas will be forced to provide interconnection via SIP as part of their responsibilities under §§ 251 and 252 of the Federal Telecommunications Act ("FTA"). In any event, when or how such a transition will take place is a question for Congress and the FCC: speculative predictions about how that transition will be effected cannot be the basis for a state commission decision under §§ 251 and 252.

The Arbitrators should not take any action in response to Amici's filing and should not alter their Proposal for Award on the basis of Amici's erroneous claims and misguided arguments.

II.
DISCUSSION

A. Interconnection via SIP is not technically feasible for AT&T Texas.

Amici erroneously assert that SIP is a viable means for interconnection under an AT&T Texas' interconnection agreement. As support for their claim, Amici assert that "[i]n the long distance market where AT&T faces competition, it today will interconnect in IP-format (with SIP signaling) for domestic and international long distance calling."[4] As the Commission well knows,[5] AT&T Texas provides long-distance service through bundling the services of its long-distance affiliate with its local PSTN services. AT&T Texas does not have *any* of its long-distance affiliate's IP network in its network. The ability of AT&T Texas' long-distance affiliate to provide SIP signaling has nothing to do

[4] Amici's Brief at 2-3.

[5] Pursuant to 47 U.S.C. §§ 271 and 272, AT&T Texas was initially required to maintain separate affiliates for long distance service as well as for other services, including InterLATA information services. These separate affiliate requirements have now expired pursuant to § 272(f), but AT&T Texas' parent company has maintained a separate long distance affiliate as well as other separate affiliates.

with whether AT&T Texas can itself provide SIP interconnection under an interconnection agreement.

Amici also erroneously claim that AT&T Texas' discovery responses in PUC Docket No. 34723 "prove" AT&T Texas has SIP interconnection capabilities. AT&T Texas' answers to those RFIs accurately represent that AT&T Texas is providing U-verse VoIP services and that some of its facilities are used in so doing. AT&T Texas provides U-verse VoIP and other U-verse services, however, through bundling of its wireline capabilities with the Internet/IP services and facilities owned by and provided through its affiliate SBC Internet Services d/b/a AT&T Internet Services ("ATTIS").

As the affidavit of Joseph M. Bailey[6] shows, the facilities that AT&T Texas owns are not capable of interconnecting via SIP with CLECs.[7] The IP signaling equipment associated with the U-verse products that AT&T Texas bundles and markets is either situated within customer premises equipment or is owned and operated by AT&T Texas' affiliates. Neither customer premises equipment nor the IP signaling equipment of AT&T Texas' affiliates are part of the AT&T Texas' network. And the Commission cannot order interconnection via SIP under an ICA by ordering interconnection with AT&T Texas' affiliates, which are not subject to the §§ 251/252 obligations imposed only on incumbent LECs. Moreover, as the Arbitrators have stated, "[t]he interconnection arrangements between UTEX and AT&T Texas affiliates are outside the scope of this ICA."[8]

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[6] Attached hereto as Attachment A.

[7] AT&T Texas is attaching this affidavit not as an evidentiary basis for changing the Arbitrators' conclusion here that the technical feasibility of interconnection via SIP has not yet been determined. AT&T Texas understands that the record is closed for that purpose. Instead, AT&T Texas is attaching this affidavit to rebut the false allegations made by Amici.

[8] Proposal for Award, Attachment B Matrix at 52 (AT&T GTC Issue 7).

Amici's suggestion that the Texas Commission should *order* AT&T Texas to deploy IP signaling in its network is out of bounds.[9] The Commission has no such authority.

Amici's claim that AT&T Texas is allowing its network "to atrophy and die" is equally baseless. AT&T Texas is vigilant in ensuring that its PSTN network operates reliably and efficiently. The problem is that the PSTN *will* eventually become obsolete because IP broadband – which carriers and cable companies alike have had an opportunity to develop in a largely unregulated environment[10] – is superior. That problem is clearly a national one that must be first addressed at a national level. In fact, that is precisely the issue AT&T Texas' parent raised in its December 2009 filing at the FCC, which Amici quotes on page 4 of its brief. Amici have quoted this filing out of context and misuse its true intent and purpose. A copy of AT&T's comments in their entirety is provided as Attachment B.

B. The Arbitrators should not overturn their ruling that points of interconnection between AT&T Texas and UTEX are limited to end office and tandem switches.

The Arbitrators should reject Amici's request that the Arbitrators expand the points of interconnection between AT&T Texas and CLECs beyond AT&T Texas' end office and tandem switches. This request is inconsistent with the Arbitrators' Proposal for Award and with Commission precedent established in Docket No. 28821,[11] which recognized that the only technically feasible points of interconnection with AT&T Texas

[9] Amici's Brief at 5.

[10] Time Warner is a prime example of a cable company that has developed an enormous IP broadband network across the country that enables Time Warner to provide voice, television, and Internet services to its customers in much the same way that AT&T Texas does through the bundling of its services with its affiliate ATTIS. *See* Attachment A.

[11] Proposal for Award, Attachment B Matrix at 166 (AT&T NIM Issue 1-3).

are at AT&T Texas' end office and tandem switches. The Commission has no authority to order interconnection with the networks of AT&T Texas' affiliates as part of the interconnection available under an AT&T Texas ICA.

Amici provide no legal basis for their request, citing only 47 C.F.R. § 51.321(b), which limits methods of interconnection to what is technically feasible. The contract language the Arbitrators have here approved applies that principle.

Having no legal basis for their argument, Amici encourage the Arbitrators to disregard Commission precedent because of Amici's predictions about how the PSTN will transition from a "circuit-switched to packet network."[12] No such transition has been implemented, however, and the networks that comprise the PSTN remain an essential communications platform for millions. Amici's suggestion that incumbent LECs like AT&T Texas must continue their burdensome responsibilities under §§ 251/252 is – at best – a doubtful proposition in an IP broadband world where many entities – including Amici themselves – have had over a decade to develop their own IP broadband networks. When and how the transition from the PSTN to an IP broadband communications system occurs is a federal question that the Texas Commission cannot resolve.

III.
CONCLUSION

For the reasons stated, the Arbitrators should reject Amici's proposals, which are contrary to fact and inconsistent with federal law and Commission precedent.

[12] Amici's Brief at 5-6.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Thomas J. Horn, General Attorney for AT&T Texas, certify that a true and correct copy of this document was served to all parties hereto on October 21, 2010, in the following manner, via: U.S. Mail, electronic mail, facsimile, or overnight delivery.