



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

MAILED

NOV - 5 2010

FCC Mail Room

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DOCKET FILE COPY ORIGINAL

DA 10-2062
Released: October 26, 2010

COMMENTS INVITED ON APPLICATION OF AT&T INC. ON BEHALF OF BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T SOUTHEAST TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 10-206
Comp. Pol. File No. 940

Comments Due: November 25, 2010

Section 214 Application

Applicant: AT&T Inc. on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast

On July 2, 2010, AT&T Inc. (AT&T or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its incumbent local exchange carrier affiliate, **BellSouth Telecommunications, Inc. d/b/a AT&T Southeast** (AT&T Southeast), located at **675 West Peachtree Street NE, Atlanta, GA 30375**, requesting authority under section 214 of the Communications Act of 1934, as amended, 47 U.S.C. § 214, and section 63.71 of the Commission's rules, 47 C.F.R. § 63.71, to discontinue a certain domestic tariffed telecommunications service in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee (collectively Service Areas).

AT&T indicates that AT&T Southeast currently offers Dry Fiber service throughout the Service Areas.¹ AT&T explains that this service is a point-to-point arrangement between two customer premises using four optical fibers, and that it is offered without optical signal regeneration to compensate for signal losses. AT&T states, however, that AT&T Southeast plans to discontinue offering Dry Fiber service to new customers pursuant to its tariff effective January 1, 2011, subject to Commission approval. AT&T also indicates that current customers of Dry Fiber service will continue to receive this service pursuant to the rates, terms and conditions of the tariff until the customer migrates to an alternative service arrangement or until AT&T Southeast discontinues providing Dry Fiber service, which will occur no sooner than January, 2012. AT&T represents that AT&T Southeast will further provide remaining customers with 12 months notice prior to discontinuing their Dry Fiber service in order to ensure that customers have ample opportunity to migrate from their Dry Fiber service. AT&T asserts that the public convenience and necessity will not be adversely affected by the discontinuance of this service because there are many providers of fiber services in the AT&T Southeast region, including American Fiber Systems, Allied Fiber and Synesys. AT&T states that AT&T Southeast notified affected customers of the proposed discontinuance by letters sent via U.S. mail on March 25, 2010. AT&T asserts that AT&T Southeast is a non-dominant carrier with respect to the service to be discontinued, but acknowledges that this application will be processed using the Commission's rules for dominant carriers.

¹ AT&T states that Dry Fiber service is offered pursuant to AT&T Southeast's FCC Tariff No. 1, Section 7.2.10.

In accordance with section 63.71(c) of the Commission's rules, AT&T's application will be deemed to be granted automatically on the 60th day after the release date of this public notice, unless the Commission notifies AT&T that the grant will not be automatically effective. In the application and notice to customers, AT&T indicates that AT&T Southeast plans to discontinue offering Dry Fiber service to new customers pursuant to its tariff on January 1, 2011, subject to regulatory approval. AT&T further indicates that current customers of Dry Fiber service will continue to receive the service pursuant to the rates, terms and conditions of the tariff until they migrate to alternative service arrangements or until AT&T Southeast discontinues Dry Fiber services, which will occur no sooner than January, 2012. Accordingly, pursuant to section 63.71(c) and the terms of AT&T's application, absent further Commission action, AT&T Southeast may cease to offer Dry Fiber service in the Service Areas on **January 1, 2011**, and may terminate service to affected customers in the Service Areas on or after January 1, 2012 in accordance with its filed representations. The Commission normally will authorize proposed discontinuances of service unless it is shown that customers or other end users would be unable to receive service or a reasonable substitute from another carrier, or that the public convenience and necessity would be otherwise adversely affected.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **November 25, 2010**. Such comments should refer to **WC Docket No. 10-206 and Comp. Pol. File No. 940**. Comments should include specific information about the impact of this proposed discontinuance on the commenter, including any inability to acquire reasonable substitute service. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998). Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the Web site for submitting comments. Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

Parties who choose to file by paper must send an original and four copies of the comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission. **Effective December 28, 2009, the Commission's contractor will only receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at the FCC Headquarters building, located at 445 12th Street, S.W., Room TW-A325, Washington, D.C. 20554.** The filing hours are Monday through Friday, 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554.

Two copies of the comments should also be sent to the Competition Policy Division, Wireline Competition Bureau, Federal Communications Commission, 445 12th Street, S.W., Room 5-C140, Washington, D.C. 20554, Attention: Carmell Weathers. In addition, comments should be served upon the Applicant. Commenters are also requested to fax their comments to the FCC at (202) 418-1413, Attention: Carmell Weathers.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

For further information, contact Carmell Weathers, (202) 418-2325 (voice), carmell.weathers@fcc.gov, or Kimberly Jackson, (202) 418-7393 (voice), kimberly.jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. The tty number is (202) 418-0484. For further information on procedures regarding section 214 please visit http://www.fcc.gov/wcb/cpd/other_adjud.

- FCC -