

**Before the  
Federal Communications Commission  
Washington, DC 20554**

In the Matter of	)	
	)	
Application of AT&T Corp. to Discontinue	)	WC Docket No. 12-178
Domestic Telecommunications Services	)	Comp. Pol. File No. 1044

**COMMENTS OF SPRINT NEXTEL CORPORATION**

Sprint Nextel Corporation (“Sprint”), by its attorneys, respectfully submits these comments in response to the Public Notice issued by the Federal Communications Commission (“FCC” or “Commission”)<sup>1</sup> inviting comments on AT&T’s Application to discontinue AT&T Local Private Line (TCG) – Dedicated Entrance Facility service (“DEF service”) in 26 states and the District of Columbia.<sup>2</sup>

As a customer, Sprint is pleased that AT&T is planning to offer Ethernet in places it currently offers SONET-based DEF service.<sup>3</sup> Sprint wants to ensure, however, that AT&T does not use this technology change as an excuse to impose unjustified costs on its existing customers.<sup>4</sup> For example, AT&T states that as existing contracts for DEF services expire in affected locations, it will continue to provide service to those customers “on a month-to-month

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<sup>1</sup> Public Notice, *Comments Invited on Application of AT&T Services Inc. on Behalf of AT&T Corp. to Discontinue Domestic Telecommunications Services*, WC Docket No. 12-178, DA 12-1009 (rel. June 27, 2012).

<sup>2</sup> Section 63.71 Application of AT&T Corp., WC Docket No. 12-178 (June 6, 2012) (“Application”).

<sup>3</sup> Application at 2.

<sup>4</sup> AT&T claims that its choice to discontinue DEF services should not impair the public convenience and necessity. Application at 3. The imposition of unjustified costs on AT&T’s customers would adversely affect the public convenience and necessity, however. *See* 47 C.F.R. § 63.71(a)(5).

basis” until it discontinues these services in 2017.<sup>5</sup> AT&T, however, does not commit in its petition to continue to charge those customers the same rates during that period as they pay under their current contracts. Customers who are prevented from entering into new contracts for SONET-based DEF services by AT&T’s unilateral decision to convert to lower cost Ethernet technology should not be forced to pay higher rates as the SONET-based technology is phased out.

Similarly, AT&T does not state that customers will be permitted to migrate from their current SONET-based DEF circuits to AT&T’s new Ethernet offering or a competing provider’s service without paying a termination fee or a migration charge. While such charges may be imposed under current contracts when a customer chooses to migrate circuits during the term of a contract, it would be unreasonable to impose such charges when the provider forces the customer to migrate. In addition, AT&T’s Application does not address whether it plans to impose installation charges for circuits that customers are forced to buy to replace their existing DEF services. Customers should not have to pay any nonrecurring charges associated with the installation of any services or circuits they have to purchase as a result of AT&T’s decision to discontinue its DEF service, particularly given that AT&T presumably anticipates that it will realize a savings as a result of the customers’ move from DEF services to lower-cost Ethernet services.

Finally, Sprint is concerned with AT&T’s statement that it will not allow customers to make changes to their existing configurations. Such a restriction may prevent Sprint from making efficient use of the SONET-based circuits it currently leases from AT&T.<sup>6</sup> Customers often subdivide OCn circuits, such as those that are the subject of AT&T’s Application, into

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<sup>5</sup> Application at 2.

<sup>6</sup> See Application at 2.

smaller bandwidth circuits to meet the customers' needs. If AT&T's restriction on reconfigurations prevents a customer from changing its existing circuit arrangements to utilize the full capacity of the leased circuits, the customer should not be forced to bear the cost of that restriction. Rather, the customer should receive a credit for the unused/unusable capacity.

In sum, Sprint does not object to AT&T's decision to replace SONET-based DEF services with Ethernet-based services in the affected locations. Sprint, however, urges the Commission to ensure that AT&T's network changes do not unreasonably and unfairly burden existing customers of those services.

Respectfully submitted,

**SPRINT NEXTEL CORPORATION**

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July 12, 2012

## Certificate of Service

I hereby certify that on this 12th day of July, 2012, I caused a true and correct copy of the foregoing Comments to be served by hand delivery to:

Terri L. Hoskins  
AT&T Services, Inc.  
1120 20th Street NW, Suite 1000  
Washington, DC 20036

Additionally, I caused true and correct copies of the foregoing Comments to be served by fax, electronic mail, and U.S. mail (two copies) to:

Carmell Weathers  
Competition Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20054  
Fax: (202) 418-1413  
Carmell.Weathers@fcc.gov

Finally, I caused a true and correct copy of the foregoing Comments to be served by electronic mail to:

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/s/ Ruth E. Holder  
Ruth E. Holder