PUBLIC NOTICE

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

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

WC Docket No. 12-322
Comp. Pol. File No. 1060

Comments Due: November 26, 2012

Section 214 Application
Applicant: AT&T Services Inc. on behalf of BellSouth Telecommunications, LLC d/b/a AT&T Southeast

On **October 15, 2012, AT&T Services Inc.** (AT&T or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliate, **BellSouth Telecommunications, LLC d/b/a AT&T Southeast** (AT&T Southeast or Applicant), located at **One AT&T Way, Rm 5C222K, Bedminster, NJ 07921**, 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 telecommunications service in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee (collectively Service Areas). With an amendment filed on November 8, 2012, AT&T corrected certain deficiencies in its application and updated the record regarding revised notice to customers. Accordingly, AT&T's application is deemed complete as of November 8, 2012.

AT&T indicates that AT&T Southeast currently offers Wavelength Dedicated Ring Service (WDRS) in the Service Areas. AT&T explains that WDRS provides high volume transparent and bit rate specific optical transport capabilities in a dedicated ring configuration. AT&T asserts, however, that AT&T Southeast plans to discontinue the service because of low market demand. AT&T indicates that, on or after December 1, 2012, subject to Commission authorization, AT&T Southeast plans to no longer offer WDRS to new customers and plans to impose certain restrictions on service to existing customers. AT&T specifies that, effective December 1, 2012, subject to Commission authorization, AT&T Southeast plans to no longer allow existing customers to renew term payment plans, enter into new term agreements, or add new WDRS nodes at new locations, although existing customers will be allowed to modify their existing WDRS to add new circuits between existing node locations. AT&T asserts that AT&T Southeast plans to no longer accept move, add or change orders of any type for existing WDRS effective December 1, 2016. In addition, AT&T clarifies that, upon expiration of existing term agreements, AT&T Southeast will continue to provide WDRS on a month-to-month basis until it discontinues the service entirely, which is currently planned for September 30, 2017. AT&T maintains that the public convenience and necessity will not be impaired by the proposed discontinuance because there is very low market demand for the service and a variety of transport services are readily available from AT&T and other providers including AT&T Ultravailable Network Service. AT&T indicates that affected customers were sent letters regarding the proposed discontinuance via U.S. mail on October 11,

2012, and that affected customers also were notified with revised letters sent in accordance with section 63.71 of the Commission's rules on November 2, 2012. AT&T asserts that AT&T Southeast offers WDRS pursuant to non-dominant carrier regulation.

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 31st 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, AT&T indicates that AT&T Southeast plans to discontinue offering WDRS to new customers and plans to impose certain restrictions on service to existing customers in the Service Areas on or after December 1, 2012, subject to Commission authorization. AT&T asserts that AT&T Southeast also plans to no longer accept move, add or change orders of any type for existing WDRS effective December 1, 2016. AT&T clarifies that, upon expiration of existing contracts, AT&T Southeast will continue to provide WDRS to existing customers on a month-to-month basis until it discontinues the service entirely, which is currently planned for September 30, 2017. Accordingly, pursuant to section 63.71(c) and the terms of the application, absent further Commission action, AT&T Southeast may cease to offer WDRS to new customers and may impose restrictions on service to existing customers in the Service Areas on or after **December 10, 2012**, in accordance with AT&T's filed representations. In addition, pursuant to section 63.71(c) and the terms of the application, absent further Commission action, AT&T Southeast may cease to accept move, add or change orders of any type for existing WDRS in the Service Areas on or after December 1, 2016, and may discontinue WDRS in the Service Areas on or after September 30, 2017, in accordance with AT&T's 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.

Comments objecting to this application must be filed with the Commission on or before **November 26, 2012**. Such comments should refer to **WC Docket No. 12-322 and Comp. Pol. File No. 1060**. 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 may be filed electronically using the Internet by accessing the ECFS: http://fjallfoss.fcc.gov/ecfs2/. 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 who choose to file by paper must file an original and one copy of each filing. 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. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters 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 and boxes 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, Express, and Priority mail must 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules.[1] Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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 –

[1] 47 C.F.R. §§ 1.1200 *et seq.*