



Robert C. Barber
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Via Electronic Submission

Ex parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

**Re: In the Matter of Suspension and Investigation of AT&T Special
Access Tariffs, WC Docket No. 13-299**

Dear Ms. Dortch:

On January 27, 2014, Frank Simone, Debra Clemens, Christopher Heimann and the undersigned of AT&T and David Lawson of Sidley Austin LLP met with Jon Sallet, Julie Veach, Deena Shetler, Eric Ralph, Kalpak Gude, Elizabeth McIntyre (by telephone), Pam Arluk, Lisa Gelb, Doug Slotten, Jamie Susskind, Tim Stelzig, Stephanie Weiner, Suzanne Tetreault, Marcus Maher, Claude Aiken, and Joel Rabinovitz (by telephone) of the FCC concerning the above-captioned matter.

During the meeting, AT&T explained the legal basis for our tariff modifications, filed November 25, 2013, that would grandfather certain term plans for DS_n services in order to facilitate the TDM-to-IP transition. In particular, we described the pertinence of the D.C. Circuit's decision in *BellSouth Telecommunications, Inc. v. FCC*, 469 F.3d 1052, 1058 (D.C. Cir. 2006), in which the court noted the "critical fact" that companies like AT&T have no obligation to offer term discount plans at all. We also noted long-standing Commission precedent concluding that the Section 214 discontinuance process was not applicable to tariff actions such as these. See, e.g., *AT&T Termination of TELPAK Service*, 64 FCC 2d 959, 965 (June 13, 1977); *Western Union Telegraph Co. Petition for Order to Require the Bell System to Continue to Provide Group/Supergroup Facilities*, 74 FCC 2d 293, 297 (Nov. 15, 1979). We also continued discussions regarding possible further revisions to the tariffs that would permit customers to continue to order and maintain DS_n services under certain term plans – and to obtain the associated pricing – up to a date closer to the 2020 deadline AT&T has established for completing the migration of all customers from TDM-based services.

Pursuant to Section 1.1206(b) of the Commission's rules, a copy of this notice is being filed in the above-referenced docket. Please do not hesitate to contact me with any questions regarding this matter.

Very truly yours,

/s/Robert C. Barber

cc: Jon Sallet
Julie Veach
Lisa Gelb
Deena Shetler
Eric Ralph
Kalpak Gude
Elizabeth McIntyre
Pam Arluk
Doug Slotten
Jamie Susskind
Tim Stelzig
Stephanie Weiner
Suzanne Tetreault
Marcus Maher
Claude Aiken
Joel Rabinovitz