

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Technology Transitions Policy	)	GN Docket No. 13-5
Task Force	)	
	)	
AT&T Petition to Launch a Proceeding	)	GN Docket No. 12-353
Concerning the TDM-to-IP transition	)	
	)	
	)	

**Comments of Manhattan Telecommunications Corporation d/b/a Metropolitan  
Telecommunications**

Eric J. Branfman  
Joshua M. Bobeck  
Bingham McCutchen LLP  
2020 K St., NW  
Washington, D.C. 20006  
202.373.6000 (Tel.)  
202.373.6001 (Fax)  
eric.branfman@bingham.com  
josh.bobek@bingham.com

March 31, 2014

*Counsel for Manhattan  
Telecommunications Corporation  
d/b/a Metropolitan  
Telecommunications*

Manhattan Telecommunications Corporation d/b/a Metropolitan Telecommunications (“MetTel”) respectfully submits these Comments in response to the Commission’s February 28, 2014 Public Notice<sup>1</sup> in these dockets inviting comments on AT&T’s Proposal for Wire Center Trials,<sup>2</sup> following the Commission’s invitation for such experiments in its January 31, 2014 *Technology Transitions Order*.<sup>3</sup> MetTel is a competitive telecommunications provider serving business customers nationwide. MetTel offers a strategic alternative to incumbent providers with a complete product suite of voice, data and wireless solutions. MetTel bundles these services in an integrated management platform with ancillary service and support, providing value to customers that cannot be realized with any single, facilities-based carrier.

As a competitive provider that is wholly dependent on obtaining last-mile access from the incumbent LEC, MetTel has been interested in the issues raised in this proceeding from its early stages. MetTel previously filed comments in GN Docket No. 12-353 on February 25, 2013. MetTel currently serves customers in the proposed trial wire center in Florida through the purchase of AT&T’s LWC product, and therefore is vitally interested in the proposed trials. While MetTel welcomes AT&T’s proposal and wants to participate in trials, in MetTel’s view AT&T’s proposal does not yet meet the requirements established by the Commission for such trials. In particular, AT&T’s proposal lacks the necessary detail regarding how it will meet its obligations during the trial to MetTel and other wholesale customers.

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<sup>1</sup> Public Notice, *Commission Seeks Comment On AT&T’s Proposal For Service-Based Technology Transitions Experiments*, GN Docket Nos. 12-353 and 13-5, DA 14-285 (Feb. 28, 2014).

<sup>2</sup> See AT&T Proposal for Wire Center Trials, GN Docket Nos. 13-5, 12-353, filed Feb. 27, 2014 (“AT&T Proposal”).

<sup>3</sup> *Technology Transitions*, et al., GN Docket No. 13-5 et al., Order, Report and Order and Further Notice of Proposed Rulemaking, FCC 14-5 (rel. Jan. 31, 2014).

**I. The *Technology Transitions Order* Requires AT&T to Provide Detailed Information Regarding How Competition Will Be Preserved and the Products that Will Be Offered to Wholesale Customers**

The Commission’s *Technology Transitions Order* laid out ground rules for service-based trials of IP transition technology changes. The Commission stressed that proposed experiments must not undermine the “enduring values” in the telecommunications space, including, as relevant to these comments, promoting competition. The Commission set forth its expectation that those conducting a trial would notify wholesale customers regarding their ability to participate in the experiment voluntarily and the types of replacement services that would be available during the trial<sup>4</sup> and further stated that trial proposals should “offer to replace wholesale inputs with services that offer substantially similar wholesale access” “at equivalent prices, terms, and conditions.”<sup>5</sup>

The Commission also directed each applicant to explain:

- Its “plan to ensure that the same type of wholesale customers can continue to use its network”
- “[T]hat the access provided during the experiment...is functionally equivalent to that provided immediately before the experiment”
- “[T]he applicant’s plan to ensure that neither the prices or costs of such access do not increase”
- How “neither wholesale nor retail customers [will be] penalized as a result of the experiment.”<sup>6</sup>

The *Technology Transitions Order* also required that wholesale customers receive “clear, timely and sufficient notice of any service-based experiment,” noting that this “is critical” to “fulfilling” the Commission’s consumer protection responsibilities as well as [its] responsibilities

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<sup>4</sup> *Technology Transitions Order* ¶ 59.

<sup>5</sup> *Id.*

<sup>6</sup> *Technology Transitions Order* Appx. B, ¶ 35.

to protect and promote competition.”<sup>7</sup> Further, the Order required that a provider set forth how “the provider’s services will change including any differences in prices, terms and conditions.”<sup>8</sup>

## **II. AT&T’s Proposed Trial Does Not Ensure Continued Competitive Access To Reasonably Priced Wholesale Inputs During The Transition Trial, as Required by the *Technology Transitions Order***

AT&T’s trial plan is vague and incomplete regarding wholesale replacement products and timeframes, and fails to provide the assurances required in the *Technology Transitions Order*. Thus, AT&T’s proposal does not meet the requirement in the *Technology Transitions Order* that AT&T, during the trial, provide wholesale customers participating in the trial with replacement wholesale services that are equivalent to their current services, under similar rates, terms and conditions as they currently receive for their existing wholesale services.<sup>9</sup> In fact, although AT&T claims that it has “included in this plan a description with details of how we intend to proceed with respect to wholesale issues,”<sup>10</sup> substantive information regarding wholesale replacement services, including the nature of the product, rates, terms and conditions, and timing when a replacement product will be available, is wholly absent from AT&T’s proposal.

Instead of providing this needed information, AT&T’s plan asserts that AT&T is “working diligently to develop IP replacement services that it will make available” and it expects to “complete those development efforts, as well as those aimed at developing an IP-based alternative to the LWC product, as soon as possible.”<sup>11</sup> Of critical importance, AT&T admits that “it is likely the final commercial products will not be available until the trials already are

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<sup>7</sup> *Technology Transitions Order* ¶ 70.

<sup>8</sup> *Technology Transitions Order* Appx. B ¶ 46.

<sup>9</sup> *Technology Transitions Order* ¶ 59.

<sup>10</sup> AT&T Proposal, p. 10.

<sup>11</sup> AT&T Proposal, p. 27.

underway.”<sup>12</sup> AT&T must invest the time now to define replacement products to ensure that the trial will work for wholesale customers, like MetTel, who are ready, willing and able to participate in the trial, before it can meet the requirement of the *Technology Transitions Order* that wholesale customers not be “penalized as a result of the experiment.”<sup>13</sup>

AT&T also asserts that it “will notify business customers (both wholesale and retail) regarding the trials through its business customer account teams and sales agents . . .”<sup>14</sup> It is not clear whether AT&T proposes to notify MetTel or MetTel’s end-users. If the former, MetTel needs far more information than is provided in AT&T’s proposal. If the latter, then AT&T is improperly proposing to intervene in the relationship between MetTel and its customers. The *Technology Transitions Order* cannot be misread to authorize circumvention of wholesale end-user relationships.

The Commission should require AT&T to provide the detail required in the *Technology Transitions Order* so that CLECs such as MetTel, that want to participate in the experiment, can make a decision to participate based on facts rather than unsupported promises. Without CLEC participation, the Commission will have no information as to how the technology transition impacts ILECs’ relationship with their wholesale customers and CLECs’ relationships with their retail customers served using the ILEC’s wholesale inputs.

### **Conclusion**

As shown above, AT&T’s trial proposal is incomplete. The Commission should require AT&T to provide the required information regarding its wholesale replacement products and confirm that it will not bypass wholesale end user relationships within 60 days, at which time the

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<sup>12</sup> AT&T Proposal, p. 27.

<sup>13</sup> *Technology Transitions Order* Appx. B, ¶ 35.

<sup>14</sup> AT&T Wire Center Trial Operating Plan, p. 20 (filed Feb. 27, 2014).

Commission will be able to consider AT&T's proposal on the type of record that its *Technology Transitions Order* required.

Respectfully submitted,

/s/ Eric J. Branfman

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Eric J. Branfman  
Joshua M. Bobeck  
Bingham McCutchen LLP  
2020 K St., NW  
Washington, D.C. 20006  
202.373.6000 (Tel.)  
202.373.6001 (Fax)  
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