

**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	)	
	)	
	)	

**REPLY COMMENTS OF GRANITE TELECOMMUNICATIONS, LLC**

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## I. Introduction and Summary

Granite Telecommunications, LLC respectfully submits these Reply 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> in response to the *Technology Transitions Order*.<sup>3</sup>

In its initial comments, Granite applauded AT&T's submission,<sup>4</sup> but demonstrated that, particularly with respect to wholesale competition issues, AT&T's wire center trial proposal is significantly incomplete. In particular, Granite explained that AT&T has failed to provide specific, detailed information regarding its wholesale IP-based replacement products as suggested in the *Technology Transitions Order*.

Most commenters on AT&T's Proposal recognize the serious flaws in AT&T's wire center plan that must be addressed prior to approval.<sup>5</sup> CenturyLink's comments, in contrast,

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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 ("*Technology Transitions Order*").

<sup>4</sup> Granite's Initial Comments (at pp. 6-8) explained that it has customers in both the Carbon Hill and Kings Point Wire Centers and would like to participate in AT&T's trial. To that end Granite supports the Alabama Commission's suggestion that the state commissions establish a Technical Issues Workgroup to regularly review ongoing issues; Granite would be willing to participate in any such workgroups. See Comments of the Alabama Public Service Commission, at pp 2-3. (filed March 31, 2014).

<sup>5</sup> See, e.g., Comments of the Michigan Public Service Commission, at p. 2 (filed March 31, 2014); Comments of the National Consumer Law Center, at p. 4 (filed March 31, 2014); Redacted Comments of Cbeyond Communications, LLC, Integra Telecom, Inc., Level 3 Communications, LLC and tw telecom inc., at p. 23 (filed March 31, 2014) ("Cbeyond et al Comments"); Comments of Windstream Corporation, at p. 2 (filed March 31, 2014) ("Windstream Comments"); Comments of COMPTTEL, at p. 2 (filed March 31, 2014)

praise AT&T's Proposal but ignore the application's fundamental lack of detail regarding wholesale IP-based replacement services, thereby attempting to lower the bar for future trials that CenturyLink may propose.<sup>6</sup>

In these reply comments, Granite urges the Commission to recognize the significant gaps in AT&T's Proposal and suggests two principal ways the Commission should respond. First, the Commission should insist that AT&T furnish the detailed information regarding IP-based replacement wholesale service as part of the trial.

Second, AT&T's reluctance to provide information about wholesale replacement products underscores the need for the Commission to restructure its competition framework to reflect the transition to IP-based networks in parallel with conducting service-based experiments. The Commission should expedite its consideration of those issues on a parallel track and not await the trials.

## **II. The Commission Should Require that AT&T Correct the Flaws in its Wire Center Trial Proposal**

Granite's initial comments explained that AT&T's Proposal falls short of providing details regarding its wholesale replacement products and at the same time reflects that AT&T intends to offer IP-based retail products, providing itself a significant advantage in competing for customers that might be inclined to switch to IP-based services.<sup>7</sup> As Granite explained in its initial comments, AT&T's Proposal includes no specific replacement service or product for Local Wholesale Complete, the AT&T wholesale service Granite and many other competitive

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("COMPTTEL Comments"); Comments of Public Knowledge, the New America Foundation's Open Technology Institute and the Benton Foundation, at p. 7 (filed March 31, 2014) ("Public Knowledge Comments").

<sup>6</sup> Comments of CenturyLink, at p. 5 (filed March 31, 2014).

<sup>7</sup> Granite Comments, at p. 7.

carriers rely on to serve their customers.<sup>8</sup> Further, AT&T did not identify any rates, terms or conditions for wholesale replacement service despite the *Technology Transitions Order* instructions that trial proponents include replacement services that are “functionally equivalent” to existing wholesale services and that “neither the prices [n]or costs” for such services should increase.<sup>9</sup>

CenturyLink’s claims that AT&T “itemize[d] ...each [replacement] IP-based product and service” in Exhibit E are incorrect.<sup>10</sup> For the most part, AT&T has failed to disclose the rates, terms or conditions applicable to the few wholesale replacement services it has identified.<sup>11</sup> Rather than disclose these terms, as instructed in the *Technology Transitions Order*,<sup>12</sup> AT&T predicts that compliant rates, terms and conditions will arise through negotiations.<sup>13</sup> Granite agrees with other commenters who have noted that this lack of detail denies the Commission the ability to ensure that the “rates and costs” for AT&T’s wholesale services “do not increase as a result of the experiment.”<sup>14</sup> In places where AT&T has identified replacement wholesale services, its description, as COMPTTEL explained, lacks detail regarding the functionality of the identified replacement services.<sup>15</sup>

Thus, AT&T must identify all of its replacement products, both retail and wholesale, including providing rates, terms and conditions, for any service it expects to include over the

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<sup>8</sup> Granite Comments, at p. 7.

<sup>9</sup> Granite Comments, p. 4 citing *Technology Transitions Order*, Appx. B ¶ 35.

<sup>10</sup> CenturyLink Comments, at p. 5.

<sup>11</sup> AT&T Proposal at pp. 19-21.

<sup>12</sup> *Technology Transitions Order*, ¶ 23 (plan must explain how wholesale price and cost of access will not increase).

<sup>13</sup> AT&T Wire Center Trial Operating Plan, at p. 47.

<sup>14</sup> See Cbeyond et al Comments, at p. 23.

<sup>15</sup> COMPTTEL Comments, at p. 6.

course of its trial.

### **III. The Commission Should Not Wait for Results from the Trial to Recalibrate its Regulatory Framework to Reflect the Transition to IP-Based Networks**

In the *Technology Transitions Order*, the Commission indicated that it was not “deciding legal or policy issues within the service-based experiments but will use the data generated through the experiments to inform [its] decisions.”<sup>16</sup> Granite agrees with Comments urging the Commission to press ahead on a parallel track with its regulatory review of the legal and policy issues concerning competition in the business market.<sup>17</sup>

There is broad support for parallel processes. Public Knowledge states that the “Commission should not delay moving forward to address the many unresolved legal and policy issues in the network transition”<sup>18</sup> Windstream explains that AT&T’s Proposal “should not delay efforts to create a consistent, fact-based regulatory framework to ensure that business and government consumers will benefit from access to competitive services.”<sup>19</sup>

Granite agrees with those commenters, such as Windstream and COMPTTEL, who urge the Commission “to move quickly on the managerial framework to guide the technology transition.”<sup>20</sup> The shortcomings in AT&T’s trial proposal’s description of its wholesale obligations “demonstrate[] the need for the Commission to implement the wholesale

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<sup>16</sup> *Technology Transitions Order*, ¶ 60.

<sup>17</sup> See Granite GN Docket No. 12-353 Comments, pp. 36-43. (Jan. 28, 2013); see, e.g., Comments of XO Communications, LLC, at pp. 15-16 (filed March 31, 2014) (“XO Comments”).

<sup>18</sup> Public Knowledge Comments, at p. 2.

<sup>19</sup> Windstream Comments, p. 10.

<sup>20</sup> COMPTTEL Comments, at p. 3.

recommendations in the National Broadband Plan.”<sup>21</sup> As Public Knowledge correctly observes, “the potential utility of these technical trials does not mean that the Commission should delay in moving forward with the many unresolved legal and policy issues in the network transition.”<sup>22</sup>

As other parties properly observe, developing the managerial framework, so that the Commission can promote the transition to IP while also promoting robust competition in all markets, must be a priority.<sup>23</sup> This process of revising the Commission’s wholesale regulatory framework should not be held hostage to the trial process. AT&T’s trial proposal suggests that the Commission can have little confidence that AT&T is committed to developing and offering IP-based replacement products to its wholesale customers on rates, terms and conditions comparable to those available today. It is therefore incumbent upon the Commission to take clear steps requiring AT&T and other ILECs to provide reasonably priced access to last mile facilities and wholesale services regardless of the underlying technology platform the ILEC has chosen to deploy.

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<sup>21</sup> COMPTTEL Comments at pp. 9-10.

<sup>22</sup> Public Knowledge Comments, p. 3.

<sup>23</sup> XO Comments, pp. 15-16.

#### IV. Conclusion

AT&T's trial proposal is incomplete. The Commission should require AT&T to provide missing information regarding its wholesale replacement products so the Commission can assess how AT&T will continue to meet its wholesale obligations and to promote competition. Further, the Commission should move forward with revising its framework for promoting competition so that robust competition is preserved during and after the transition from current TDM-based networks to the future IP-based networks.

Respectfully submitted,

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