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June 5, 2014

VIA ECFS

EX PARTE NOTICE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *Technology Transitions, GN Docket No. 13-5; and AT&T Petition to Launch a Proceeding Concerning the TDM-to-IP Transition, GN Docket No. 12-353*

Dear Ms. Dortch:

On June 3, 2014, I spoke with Matt DelNero, Deputy Chief of the Wireline Competition Bureau, concerning the Commission's review of the AT&T proposed trials in two wire centers in Alabama and Florida, and AT&T's May 27 filing that states "in order to assuage concerns, we noted that AT&T does not currently anticipate seeking approval to grandfather any TDM service earlier than the second half of 2015."¹ AT&T's letter also states that information about its discontinuance plans for its services are competitively sensitive and that it recognizes the requirements of Section 214 must be followed before discontinuing services.

The purpose of my conversation with Mr. DelNero was to discuss the fact that the companies COMPTTEL represents are currently purchasing wholesale inputs from AT&T in the affected wire centers; that we have well established in this record that AT&T's proposed trials do not meet the requirements of the Commission's January Order² to ensure that competition will continue during and after the trials;³ and that these companies will need adequate and timely information in order to plan for changes that will occur as a result of AT&T's trials. Without sufficient and timely information about the equivalent wholesale inputs that AT&T will make

¹ See Letter from Robert C. Barber, AT&T, to Marlene H. Dortch, FCC, GN Docket Nos. 13-5 and 12-353 (May 27, 2014) ("AT&T's May 27 Letter").

² See *Technology Transitions, et al.*, Order, Report and Order and Further Notice of Proposed Rulemaking, Report and Order, Order and Further Notice of Proposed Rulemaking, Proposal for Ongoing Data Initiative, GN Docket Nos. 13-5, 12-353, ¶ 59 (rel. Jan 31, 2014) ("*Technology Transitions Order*").

³ See Comments of CompTel, GN Docket Nos. 13-5 and 12-353 (Mar. 31, 2014).

available, as required by the Commission's *Technology Transitions Order*, the customers COMPTel's members serve are at risk of service disruption. Customers will likely blame their own service provider should disruptions occur, not AT&T, which would allow AT&T to have a competitive advantage.

AT&T has been working on its trial for at least 18 months, and yet from the record and its May 27 letter, it is evident that it still is not ready to proceed. Many of the wholesale replacement products remain "TBD" or are not equivalent replacement products. Moreover, there are many other issues raised in the docket that need to be resolved to ensure that universal service, competition, public safety, and consumer protection continue during and after the trials. Indeed, it is now clear how disingenuous it was of AT&T to be critical of the agency's timeframe in reviewing AT&T's original petition⁴ when in fact the Commission managed to complete its review of the petition and went to Order within 14 months.

In the meantime, AT&T proceeds to market the trials to consumers in the two wire centers as though this is merely a new product rollout when its significance is so much greater.⁵ AT&T alone knows when it will proceed with the various stages of the trials. The transparency of the trials—transparency that AT&T has lauded as necessary—is truly lacking for competitors to adequately plan so that their consumers are not negatively impacted. As such, I urged the Commission to use its oversight to ensure that AT&T provides sufficient information in a timely fashion to allow all those affected by these trials to plan accordingly.

⁴ See, e.g., "IP technology transition trials proposed by FCC met with mixed response," by Sean Buckley, at <http://www.fiercetelecom.com/story/ip-technology-transition-trials-proposed-fcc-met-mixed-response/2013-05-13>.

⁵ See Attachments to AT&T's May 27 Letter. The Commission should closely review these materials and determine whether they adequately describe the services consumers will be offered. AT&T describes some of the services as "Internet-based services," without providing any specific information as to the nature of the services. As the Commission is fully aware, Internet Protocol is simply a protocol; it is not a service. Thus, the materials do not offer sufficient information as to the nature of the replacement services that AT&T plans to offer in lieu of legacy services. In addition, as the Commission also is fully aware, AT&T will not provide both wireline and wireless services throughout both wire centers chosen for the experiments. Where consumers may only have wireless available to them, the materials may be inadequate in describing the services that will continue to be available after wireline services are discontinued.

Respectfully submitted,

/s/ Angie Kronenberg

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