



PUBLIC NOTICE

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

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DA 11-1653

Released: September 30, 2011

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

WC Docket No. 11-157
Comp. Pol. File No. 1009

Comments Due: October 31, 2011

Section 214 Application

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

On September 14, 2011, AT&T 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), located at **2600 Camino Ramon 4S 503, San Ramon, CA 94583**, 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 throughout AT&T Southeast's service territory in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee (collectively Service Areas).¹ By an amendment filed on September 28, 2011, AT&T corrected the name of the legal entity listed in its original application. Accordingly, AT&T's application is deemed complete as of September 28, 2011.

AT&T indicates that AT&T Southeast currently offers SMARTGate service a/k/a SPA Managed Shared Ring Network service in the Service Areas. AT&T describes SMARTGate service as a managed high capacity shared network service capable of providing a transport link with high performance and reliability parameters and a level of redundancy/diversity designed to limit a single event from interrupting service. AT&T asserts, however, that the equipment that supports this service was declared end of sale by the manufacturer. AT&T states that, as a result, it plans to discontinue offering SMARTGate service to new customers on or after November 30, 2011, pending regulatory approval. AT&T clarifies that existing customers may retain their service until July 1, 2014, pursuant to the terms and conditions of their existing service agreement. In its notice letter, AT&T further clarifies that on or after November 30, 2011 existing customers may not purchase additional SMARTGate service arrangements, but they may continue to purchase additional On-Net and Off-Net circuits and directly related elements associated with an existing SMARTGate service, subject to existing capacity availability, for the remainder of any term commitment, including any contract, term plan or other applicable arrangement. AT&T also indicates in the notice letter that, upon the expiration of any term commitment,

¹ AT&T's application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on September 16, 2011. AT&T's original filing referred to the legal entity as AT&T Inc. on behalf of BellSouth Telecommunications, Inc. d/b/a AT&T Southeast.

service will be provided on a month-to-month basis at the then applicable rate until service is discontinued on or after July 1, 2014. AT&T maintains that the public convenience and necessity will not be impaired by the proposed discontinuance of service because AT&T Southeast plans to offer SMARTRing, DS3, OCN, or Ethernet services as alternative service arrangements. AT&T indicates that, on September 12, 2011, it sent notice of the proposed discontinuance to its one subscriber of SMARTGate service via U.S. mail. AT&T acknowledges that AT&T Southeast is considered dominant with respect to the service to be discontinued.

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 60th 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 and customer notice, AT&T indicates that AT&T Southeast plans to discontinue offering SMARTGate service to new customers in the Service Areas and establish certain restrictions on existing service on or after November 30, 2011, pending regulatory approval. AT&T further indicates that AT&T Southeast plans to discontinue providing SMARTGate service to existing customers on or after July 1, 2014, subject to regulatory approval. Accordingly, pursuant to section 63.71(c) and the terms of AT&T's application and notice, absent further Commission action, AT&T Southeast may cease to offer SMARTGate service to new customers and may apply its restrictions on existing service in the Service Areas on or after **November 30, 2011**, in accordance with AT&T's filed representations. In addition, AT&T Southeast may terminate service to existing customers in the Service Areas on or after July 1, 2014, 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.

This proceeding is considered a "permit but disclose" proceeding for purposes of the Commission's ex parte rules, 47 C.F.R. §§ 1.1200-1.1216. Comments objecting to this application must be filed with the Commission on or before **October 31, 2011**. Such comments should refer to **WC Docket No. 11-157 and Comp. Pol. File No. 1009**. 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 filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/cgb/ecfs/>. 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 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.

The application will be available for public inspection and copying during regular business hours at the FCC Reference Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554, (202) 418-0270. A copy of the application may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone (202) 488-5300, facsimile (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. 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.

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