



PUBLIC NOTICE

Federal Communications Commission
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Washington, D.C. 20554

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DA 12-686
Released: April 30, 2012

COMMENTS INVITED ON APPLICATION OF AT&T SERVICES INC. ON BEHALF OF AT&T CORP. TO DISCONTINUE DOMESTIC TELECOMMUNICATIONS SERVICES

WC Docket No. 12-109
Comp. Pol. File No. 1037

Comments Due: May 15, 2012

Section 214 Application

Applicant: AT&T Services Inc. on behalf of AT&T Corp.

On **April 17, 2012**, **AT&T Services Inc.** (AT&T or Applicant) filed an application with the Federal Communications Commission (FCC or Commission) on behalf of its affiliate, **AT&T Corp.**, located at **One AT&T Way, Bedminster, NJ 07921**, 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 certain domestic telecommunications services throughout the continental United States, Alaska, Hawaii, the District of Columbia, Puerto Rico and the U.S. Virgin Islands (collectively Service Areas).¹

AT&T indicates that AT&T Corp. currently offers certain Frame Relay (FR) and Asynchronous Transfer Mode (ATM) services in the Service Areas including AT&T FR service, AT&T Alaska FR service, Virtual Telecommunications Network Service (VTNS) FR service, AT&T ATM service and AT&T Alaska ATM service. AT&T describes the affected FR services as public, metropolitan and wide-area data services that utilize packet switching technology and digital transmission facilities to provide a data delivery service. AT&T describes the affected ATM services as high speed switched transport services that combine disparate applications, from separate locations, using a common network access device and physical network connection. AT&T states, however, that AT&T Corp. plans to discontinue these services because of declining market demand. AT&T specifies that AT&T Corp. plans to discontinue offering these services to new customers on or after May 31, 2012, subject to Commission authorization.² AT&T clarifies that existing customers may retain their services in accordance with the terms and conditions of their existing contracts. AT&T further clarifies that, upon expiration of existing contracts, AT&T Corp. will continue to provide these services to existing customers on a month-to-month basis until it discontinues these services entirely, which is currently planned for April 30, 2016. AT&T

¹ The application was subsequently received in the Competition Policy Division of the Wireline Competition Bureau on April 18, 2012.

² In the notice to customers, AT&T generally refers to the affected services as AT&T Packet Services and indicates that they include domestic and international Frame Relay and ATM services. Discontinuance of international service is governed by 47 C.F.R. § 63.19.

maintains that the public convenience and necessity should not be impaired by the proposed discontinuance because the market is moving to next generation technologies which provide higher bandwidths and a wider range of applications. AT&T submits that the affected services have been replaced in the market by multi-protocol label switching network-based virtual private network services which are offered by AT&T and other service providers. AT&T indicates that it notified affected customers of the proposed discontinuance by letters sent via U.S. mail on April 13, 2012. AT&T states that AT&T FR and ATM services are offered pursuant to non-dominant carrier regulation.

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 31st 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 notices, AT&T indicates that AT&T Corp. plans to discontinue offering FR and ATM services to new customers in the Service Areas including AT&T FR, AT&T Alaska FR, VTNS FR, AT&T ATM and AT&T Alaska ATM service on or after May 31, 2012, subject to Commission authorization. AT&T explains that existing customers may retain their services in accordance with the terms and conditions of their existing contracts. AT&T further explains that, upon expiration of existing contracts, AT&T Corp. will continue to provide these services to existing customers on a month-to-month basis until it discontinues these services entirely, which is currently planned for April 30, 2016. Accordingly, pursuant to section 63.71(c) and the terms of AT&T's application and notices, absent further Commission action, AT&T Corp. may cease to offer the affected services to new customers in the Service Areas on or after **May 31, 2012**, and may discontinue the affected services in the Service Areas on or after April 30, 2016, 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.

Comments objecting to this application must be filed with the Commission on or before **May 15, 2012**. Such comments should refer to **WC Docket No. 12-109 and Comp. Pol. File No. 1037**. 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 may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>. 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 and boxes 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.

This proceeding is considered a “permit but disclose” proceeding for purposes of the Commission’s *ex parte* rules.³ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter’s written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.*, .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules.

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.

– FCC –

³ 47 C.F.R. §§ 1.1200 *et seq.*