

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Petition of AT&T Services, Inc. for Forbearance) WC Docket No. 16-363
Under 47 U.S.C. § 160(c) from Enforcement of)
Certain Rules for Switched Access Services and)
Toll Free Database Dip Charges)

ORDER

Adopted: December 5, 2017

Released: December 5, 2017

By the Chief, Wireline Competition Bureau:

1. On September 30, 2016, AT&T Services, Inc., on behalf of its affiliates (collectively, AT&T), filed the above-captioned petition for forbearance, requesting that the Commission forbear, pursuant to section 10 of the Communications Act of 1934, as amended, from applying (1) “the tariffing requirements of the 1996 Telecommunications Act and its rules as to all tandem switching and tandem-switched transport charges on all traffic to or from local exchange carriers (LECs) engaged in access stimulation under the Commission’s rules” and (2) “rules that permit LECs to tariff and assess per-query database dip charges on toll-free calls.” On November 16, 2017, AT&T submitted a request to withdraw its Petition without prejudice to re-filing. For the reasons below, we grant AT&T’s request to withdraw its Petition.

2. Contemporaneously with the Motion, AT&T, together with other industry participants, filed a letter urging the Commission to “adopt rules to require carriers that are engaged in access stimulation to bear financial responsibility for all terminating switched transport costs (including both flat-rated and usage-sensitive charges) between their end office (or remote or functional equivalent) and

1 Petition of AT&T Services, Inc. for Forbearance Under 47 U.S.C. § 160(c), WC Docket No. 16-363, at 1, 13,18 (filed Sept. 30, 2016) (Petition). On November 2, 2016, the Wireline Competition Bureau (Bureau) issued a Public Notice seeking comment on the Petition. Pleading Cycle Established for Comments on AT&T Petition for Forbearance from Certain Tariffing Rules, WC Docket No. 16-363, Public Notice, 31 FCC Rcd 11935 (WCB Nov. 2, 2016) (Public Notice). On August 18, 2016, pursuant to 47 U.S.C. § 160(c), the Bureau extended, the deadline for Commission action on the Petition to December 29, 2017. Petition of AT&T for Forbearance Under 47 U.S.C. § 160(c) from Certain Rules for Switched Access Services and Toll Free Database Dip Charges, WC Docket No. 16-363, Order, DA 17-789 (WCB Aug. 18, 2017).

2 Motion to Withdraw Petition for Forbearance, WC Docket No. 16-363 (filed Nov. 16, 2017) (Motion).

3 47 C.F.R. § 1.59 (requiring Commission approval for to withdraw a forbearance petition when a request to withdraw is not filed “prior to the tenth business day after the due date for reply comments announced in the public notice”). The Public Notice established December 19, 2016 as the due date for reply comments; therefore, AT&T would have had to file its request to withdraw by January 4, 2017, had it wanted to be able to withdraw the Petition without approval. See Public Notice; 47 C.F.R. § 1.4 (e)(1)-(2), (j) (discussing computation of time with respect to holidays).

the tandem switch to which the terminating carrier requires inbound calls to be routed.”⁴ According to the letter, “[s]uch rules would resolve a significant component of AT&T’s forbearance petition.”⁵

3. In 2011, the Commission adopted a policy of bill-and-keep and, as the first step in moving to bill-and-keep, adopted changes to the rules to transition terminating end office switching and certain transport rate elements to bill-and-keep.⁶ The Commission also sought comment on other rate elements, including tandem switching and tandem transport services and originating end office switching charges.⁷ More recently, we have asked parties to refresh the record on issues raised by AT&T in its Petition.⁸ In light of those recent Public Notices and the Commission’s stated policy of moving to bill-and-keep, we grant this Motion and dismiss the Petition.

4. ACCORDINGLY, IT IS ORDERED, pursuant to section 1.59(b) of the Commission’s rules, 47 C.F.R. § 1.59(b), and the authority delegated under sections 0.91 and 0.291 of the Commission’s rules, 47 C.F.R. §§ 0.91, 0.291, that the request to withdraw the petition of AT&T Services, Inc. and its affiliates IS GRANTED and that the petition for forbearance filed on September 30, 2016 IS DISMISSED.

5. IT IS FURTHER ORDERED, pursuant to section 1.102(b)(1) of the Commission’s rules, 47 C.F.R. § 1.102(b)(1), that this order SHALL BE effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Kris Anne Monteith
Chief
Wireline Competition Bureau

⁴ Letter from Hank Hultquist, Vice President-Federal Regulatory, AT&T Comm’ns, et al., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 01-92, WC Docket No. 16-363, at 1 (filed Nov. 16, 2017).

⁵ *Id.* at 2.

⁶ See *Connect America Fund et al.*, WC Docket No. 10-90 et al., Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 17663, 17676, para. 34 (2011), *pets. for review denied sub nom. In re FCC 11-161*, 753 F.3d 1015 (10th Cir. 2014).

⁷ See *id.* at 17875-77, paras. 663-66.

⁸ See *Parties Asked to Refresh the Record Regarding 8YY Access Charge Reform*, Public Notice, WC Dockets Nos. 10-90 et al. (June 29, 2017); *Parties Asked to Refresh the Record on Intercarrier Compensation Reform Related to the Network Edge, Tandem Switching and Transport, and Transit*, Public Notice, WC Dockets Nos. 10-90 et al. (Sept. 8, 2017).