



PUBLIC NOTICE

Federal Communications Commission
45 L St., N.E.
Washington, D.C. 20554

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Internet: <http://www.fcc.gov>

DA 21-1554
Released: December 14, 2021

**APPLICATION OF AT&T SERVICES, INC., ON BEHALF OF ITS AFFILIATE, AT&T CORP.
TO DISCONTINUE DOMESTIC NON-DOMINANT CARRIER TELECOMMUNICATIONS
SERVICES IS GRANTED**

WC Docket No. 21-296
Comp. Pol. File No. 1709

On July 13, 2021, AT&T Services, Inc., on behalf of its competitive local exchange service affiliate, AT&T Corp. (AT&T), filed an application with the Federal Communications Commission (FCC or Commission) 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 CFR § 63.71, to discontinue a competitive local exchange service, AT&T Residential Local Service (Affected Service), in California.¹ On July 27, 2021, the Wireline Competition Bureau (Bureau) released a public notice seeking comment on the Application.² The public notice stated that the Application would be automatically granted on August 27, 2021, unless the Commission notified the applicant that the grant would not be automatically effective.³ On August 11, 2021, the California Public Utilities Commission (CPUC) filed a comment in opposition to an automatic grant of AT&T's discontinuance application.⁴ The Bureau released a public notice on August 25, 2021, announcing that AT&T's Application would not be automatically granted.⁵ After release of the No Auto Grant PN, the Commission received ten additional late-filed comments in response to AT&T's discontinuance application.⁶ AT&T filed a reply on September 29, 2021 explaining

¹ See Section 63.71 Application of AT&T Corp., WC Docket No. 21-296 (filed July 13, 2021) (Application), <https://ecfsapi.fcc.gov/file/10713195727859/ATT%20%20214%20%20CA%20CLEC%20Discontinuance%20final%20071321.pdf>.

² Comments Invited on Section 214 Application(s) To Discontinue Domestic Non-Dominant Carrier Telecommunications Services, WC Docket No. 21-296, Public Notice, DA 21-919 (WCB July 27, 2021), <https://ecfsapi.fcc.gov/file/072710867791/DA-21-919A1.pdf>

³ *Id.* at 1. Section 63.71(f) of the Commission's rules states, in relevant part, that domestic non-dominant carrier applications to discontinue, reduce or impair service "shall be automatically granted on the 31st day... unless the Commission has notified the applicant that the grant will not be automatically effective." 47 CFR § 63.71(f).

⁴ The CPUC requested that the Commission delay any grant of authority until after the CPUC has completed its review of the related state discontinuance application. See CPUC Comments, <https://ecfsapi.fcc.gov/file/108112700423045/WC%20Docket%20No%2021-296%20CPUC%20Comments.pdf>. See AT&T Response, <https://ecfsapi.fcc.gov/file/10817937620039/CA%20CLEC%20Response%20081721.pdf>.

⁵ Application of AT&T Services, Inc., On Behalf of its Affiliate, AT&T Corp. To Discontinue Domestic Non-Dominant Carrier Telecommunications Services Is Not Automatically Granted, WC Docket No. 21-296, Public Notice, DA 21-1048 (WCB Aug. 25, 2021) (No Auto Grant PN).

that none of the individuals that submitted late-filed comments were AT&T customers subject to, or impacted by, the proposed discontinuance, which is why they did not receive notice.⁷ Subsequently, the CPUC filed a letter stating that it no longer objected to AT&T's proposed discontinuance and explaining it had approved AT&T's related state application to migrate its customers to the incumbent local exchange carrier.⁸

Upon considering the record and evaluating the relevant factors,⁹ we find that there is no basis in the record to conclude that granting AT&T's application will adversely affect the public convenience and necessity.¹⁰ TDM-based wireline local exchange service remains available to all current or potential AT&T customers in California. Accordingly, the Bureau authorizes AT&T to discontinue its competitive local exchange service, AT&T Residential Local Service, as requested.¹¹

Therefore, pursuant to sections 1, 4(i), and 214 of the Act,¹² and sections 0.91, 0.291, and 63.71 of the Commission's rules,¹³ the Bureau hereby grants AT&T's application. Pursuant to section 1.103 of the Commission's rules,¹⁴ the grant is effective upon release of this Public Notice.

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⁶ These individual commenters, all California residents, generally asserted that they: did not receive notice of the proposed discontinuance; believe that the Commission should deny AT&T's application because they did not want to lose TDM-based residential landline service; and, believe that the Affected Service is more reliable than other alternatives such as wireless and VOIP services.

⁷ See Letter from Cindy J. Manheim, Assistant Vice President-Senior Legal Counsel, AT&T, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-296 (filed Sept. 29, 2021) (AT&T Reply), <https://ecfsapi.fcc.gov/file/109291487419955/CA%20CLEC%20214%20Reply%20092921.pdf>. AT&T has determined that six of these commenters are purchasing voice service from Pacific Bell Telephone Company, d/b/a AT&T California (AT&T ILEC services) not the AT&T entity that is the Applicant in this discontinuance, and the remaining four commenters are not subscribers of voice service from either AT&T Corp. or Pacific Bell Telephone Company. *Id.*

⁸ See Letter from Travis T. Foss, Attorney, CPUC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 21-296 (filed Nov. 5, 2021) (indicating that the CPUC no longer objects to AT&T's FCC discontinuance application, and explaining that the CPUC has authorized AT&T to migrate approximately 2000 of its customers to Frontier on December 16, 2021, once AT&T receives FCC authorization on its application) (CPUC Letter).

⁹ The Commission typically considers several factors when balancing the interests of the carrier and the affected user community, including: (1) the financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations. *Application for Authority Pursuant to Section 214 of the Communications Act of 1934 to Cease Providing Dark Fiber Service*, File Nos. W-P-C-6670 and W-P-D-364, 8 FCC Rcd 2589, 2600, para. 54 (1993) (*Dark Fiber Order*), remanded on other grounds, *Southwestern Bell v. FCC*, 19 F.3d 1475 (D.C. Cir. 1994).

¹⁰ 47 U.S.C. § 214(a).

¹¹ The Commission has considerable discretion in determining whether to grant a carrier authority to discontinue service pursuant to section 214. *FCC v. RCA Communications, Inc.*, 346 U.S. 86, 90-91 (1953); see also *Verizon Telephone Companies, Section 63.71 Application to Discontinue Expanded Interconnection Service Through Physical Collocation*, WC Docket No. 02-237, Order, 18 FCC Rcd 22737 (2003).

¹² 47 U.S.C. §§ 151, 154(i), 214.

For further information, contact Kimberly Jackson, (202) 418-7393 (voice), Kimberly.Jackson@fcc.gov, of the Competition Policy Division, Wireline Competition Bureau. For further information on procedures regarding section 214 applications, please visit <https://www.fcc.gov/encyclopedia/domestic-section-214-discontinuance-service>.

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¹³ 47 CFR §§ 0.91, 0.291, 63.71.

¹⁴ 47 CFR § 1.103.