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March 12, 2009

VIA HAND DELIVERY

Hon. Eddie Roberson, Chairman
c/o Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

filed electronically in docket office on 03/13/09

Re: Rulemaking to Establish a More Uniform Directory Assistance Policy
for Telecommunications Carriers in Tennessee
Docket No. 09-00012

Dear Chairman Roberson:

On February 24, 2009, the Authority held a Workshop in this docket. At the conclusion of the Workshop, Mr. Carsey Mundy of the TRA Staff stated that any written comments should be filed by March 13, 2009. Following are the written comments of AT&T Tennessee.

Summary of Comments

Given the many alternative Directory Assistance ("DA") services available to consumers in Tennessee, there is no good reason to mandate that a small subset of those providers, AT&T Tennessee and a few ILECs, give away their service for free while their competitors are not required to do so. Today, Tennesseans have the ability to obtain listing information from VoIP providers (such as Comcast), wireless providers, 1-800 DA service providers, print directory publishers, Internet-based providers and Short Messaging Service ("SMS") text messaging providers.

Customers in Tennessee Have Many Choices For Directory Assistance Service

Many of these alternatives are free to customers. For example, AT&T offers DA service at **no charge** to calling customers via 1-800-YellowPages. Service

providers that compete with AT&T also allow consumers to call a 1-800 number for DA listings. Examples include 1-800-FREE411, 1-800-GOOG411, and 1-800-THEINFO, in addition to 1-800-YellowPages. In some cases, the customer may be required to listen to a brief advertisement before receiving the requested listing information at no charge.

AT&T and its competitors, including Yellowbook, provide free paper directories to consumers. Additionally, AT&T and competing companies in the publishing business have begun placing their directories online. For example, AT&T's directories can be found online at www.yellowpageslive.com. Through this website, all users will have the ability to view, **at no charge**, hundreds of AT&T Real Yellow Pages directories across the country. Customers can simply determine the state they are interested in viewing and select the particular directory of interest – for example, Memphis or Knoxville region directories. There are easy-to-use navigation tools, including a font size feature allowing the user to significantly increase the font size to assist those who may have difficulty seeing standard font listing information.

Numerous Internet websites provide DA and listing services. Examples include:

www.411.com
www.411locate.com
www.555-1212.com
www.anywho.com
www.aol.com
www.google.com
www.lookupanyone.com
www.peoplefinders.com
www.peoplelookup.com
www.peoplesearchnow.com
www.realpages.com
www.superpages.com
www.switchboard.com
www.whitepages.com
www.yahoo.com
www.yellow.com

www.yellowbook.com
www.yellowonline.com

There are also a number of directory and listing services that use text messaging capability on mobile phones. The customer simply types in a name, plus a city, state, zip code or area code, and sends a text message to the provider by means of a short code, instead of a telephone number. The user then waits for a text response with the requested information. Mobile search options using SMS text messaging include:

4INFO (44636)
ASKME (27563)
CS411 (27411)
GOOGL (46645)

Virtually all wireless carriers provide DA services that are easily accessible from handsets and other mobile devices.

During the Workshop, the Consumer Advocate and Protection Division (CAPD) asserted that numerous Tennesseans had no alternative DA services available to them because of the "digital divide", meaning such consumers did not own a personal computer. The CAPD also claimed that many Tennesseans did not have access to wireless DA services because such consumers did not have access to wireless services.

In fact, most of the DA alternatives available to Tennesseans, including VoIP (Comcast, Charter, etc.), printed directories, 1-800 services and wireless services do **not** rely on ownership of a personal computer, so any digital divide issue would not even come into play.

Contrary to the CAPD's unsupported assertion, virtually all Tennesseans have access to wireless services and a huge number of Tennesseans choose to subscribe to those services. According to the January 2009 FCC *Annual Report and Analysis of Competitive Market Conditions with Respect to Commerce Mobile Services*, over **5 million** Tennesseans subscribed to wireless service from one of the ten carriers providing cellular service in Tennessee.

Lack of Regulatory Parity

Except for AT&T Tennessee, and a few other ILECs regulated by the TRA, **none** of these competitors are required to provide free DA service. Despite vigorous competition and an abundance of consumer choices for DA services, the playing field is **not** even close to being level.

Wireless service providers are not regulated by the TRA and are not required to provide free DA calls to their customers. VoIP service providers, including Comcast (which is now the third largest telephone company in the United States), are not regulated by the TRA and are not required to provide free DA calls to their customers. Nor are SMS-based providers, Internet-based providers, or publishers of paper directories required to provide free DA calls to their customers, although many do so voluntarily as a means of competing for customers.

Finally, there is another factor that compounds this glaring lack of regulatory parity. CLECs in Tennessee, although they **are** regulated by the TRA and compete against AT&T and other ILECs, are not required to provide free DA service to their customers. Requiring CLECs to provide free DA service would not satisfactorily address this lack of regulatory parity, because major competitors, including wireless, VoIP, SMS, directory publishers, and others are beyond the jurisdiction of the TRA.

Conclusion

Given the choices available to Tennessee consumers for DA services, the Authority should allow all service providers to compete on a level playing field. Free DA service should not be mandated by the TRA. In fact, due to the existence of many competitive alternatives, DA service should be deregulated and free call allowances and exemptions be made optional.

Respectfully submitted,



Joelle J. Phillips