

**BEFORE THE
TENNESSEE REGULATORY AUTHORITY**

COMPETITIVE CARRIERS OF THE SOUTH, INC.)	
)	DOCKET NO. <u>13-00157</u>
)	
v.)	
)	
BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T TENNESSEE)	
)	

COMPLAINT

Competitive Carriers of the South, Inc. ("CompSouth" or "Complainant"), files this Complaint pursuant to T.C.A. §§ 65-4-121 and 109 (m) against BellSouth Telecommunications, Inc., d/b/a AT&T Tennessee ("AT&T") regarding significant changes to the terms and conditions of AT&T's Special Access tariffs filed October 22, 2013. Those tariffs became effective December 10, 2013.

1. CompSouth is a not-for-profit corporation, whose members are competitive local exchange carriers ("CLECs"). The members of CompSouth are customers and competitors of AT&T in Tennessee and elsewhere.

2. AT&T is an incumbent, local exchange carrier in Tennessee. AT&T is regulated by the Tennessee Regulatory Authority pursuant to the "Market Regulation Act of 2009" as described in T.C.A. § 65-5-109.

3. AT&T offers tariffed, special access services at rates that vary depending on the length of time the customer is willing to commit to purchase the services. Customers may order services on a month-to-month basis or may contract to buy service for one or more years. The longer the contract, the cheaper the monthly rates. Prior to the effective date of the October 22,

2013 amendment, customers could purchase special access services for up to seven years. AT&T's filing eliminated contracts for special access services longer than 36 months while making no offsetting changes in the pricing schedule. This results in a substantial price increase for special access services. If, for example, a customer currently subscribes to a seven year (eighty-four month) contract, this filing tariff change will force the customer to switch to a shorter, thirty-six month contract when his current contract expires. The customer's monthly charges will increase by as much as 20% to 30% for some services, resulting in a substantial windfall to AT&T with no added benefit to the customer.

4. Special access, one form of high-capacity broadband, is a pervasive component of nearly every communications service used by business and mass market customers. Competitive carriers also use special access services to connect to public safety answering points ("PSAPs"). Ultimately, AT&T's increase in special access prices will impact a broad array of business and consumer activities.

5. AT&T has not said that these rate increases are required to cover AT&T's costs of providing special access services. To date, AT&T's only public explanation of the reason for eliminating special access contracts of over thirty-six months is the company's announced intention to switch all TDM special access users to IP-based services by 2020. In an "Accessible Letter" to customers and regulators announcing these tariff changes, AT&T wrote, "These tariff modifications are an initial step toward implementing AT&T's plan to . . . migrate its legacy TDM network to IP-based network facility and services . . . [AT&T] intends to complete that transition by 2020." AT&T Accessible Letter ACCESS13-073, dated October 25, 2013.

6. Based upon information and belief, CompSouth submits that there is no factual basis for AT&T's claim that the company will be unable to continue offering DS1 and DS3

services following its alleged transition to an "all IP" network. For example, the TDM equipment used by many businesses and governmental entities, including emergency communications districts, is not going to be replaced for some time. To continue serving those customers during and following the transition to an IP network, carriers—including AT&T—use "circuit emulation services" ("CES") which allows the transport of TDM-equivalent circuits such as DS1 over IP networks. Attached to this Complaint is a motion asking that CompSouth be allowed to ask AT&T discovery questions concerning, among other things, circuit emulation technologies. CompSouth believes that AT&T's responses to these questions will show that AT&T can and will continue offering DS1 and DS3 services though CES or other similar technologies and that the elimination of long-term discounts for DS1 and DS3 services is not necessitated by the transition to IP but by AT&T's desire to increase revenue from the sale of DS1 and DS3 services.

7. Although AT&T now operates pursuant to market regulation, the statutes governing the regulation of market regulated carriers expressly preserve the TRA's jurisdiction to "continue to exercise its jurisdiction in its role as a dispute resolution forum to hear complaints between certificated carriers, including complaints to prohibit anti-competitive practices and to issue orders to resolve such complaints." The market regulation statute further states that the TRA shall "apply federal, not state, substantive law . . . for the purpose of adjudicating such state complaints."

8. Federal telecommunications law requires, inter alia, that "all charges, practices, classifications, and regulations for and in connection with such communication service shall be just and reasonable" and prohibits "any unjust or unreasonable discrimination in charges,

practices, classifications, regulations, facilities, or services" and making or giving "any undue or unreasonable preference or advantage to any particular person." 47 U.S.C. §§ 201 and 202.

9. CompSouth submits that these 20% to 30% increases in the price of AT&T's special access services are unjust, unreasonable, discriminatory, and anti-competitive and that AT&T's announced intention to discontinue offering these services to competitive carriers is unreasonable, discriminatory, and anti-competitive.

10. Concurrent with its intrastate tariff filing, AT&T also filed an identical amendment to its interstate, special access tariffs eliminating long term contracts of more than thirty-six months along with the associated discounts. Responding to petitions filed by carriers and end users, the Federal Communications Commission ("FCC") issued an Order December 9, 2013, finding "that there are substantial questions regarding the lawfulness of AT&T's tariff revisions that require further investigation." "In the Matter of Suspension and Investigation of AT&T's Special Access Tariffs," WC Docket No. 13-299. A copy of the FCC's Order is attached.

11. Like the FCC, the TRA now follows "federal substantive law" in considering the legality of AT&T's tariff filing and its impact on carriers and customers. The FCC's finding that there are "substantial questions concerning the lawfulness" of that filing, while not binding on the Authority, is persuasive support for the Authority to convene a contested case proceeding in response to this Complaint.

12. Therefore, CompSouth asks the Authority to consider the legality of these tariff amendments, investigate whether these amendments are necessitated by AT&T's proposed transition to an "all-IP" network, and grant such relief as the Authority finds appropriate.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: 

Henry Walker (B.P.R. No. 000272)

Bradley Arant Boult Cummings, LLP

1600 Division Street, Suite 700

Nashville, TN 37203

Phone: 615-252-2363

Email: hwalker@babbc.com

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

In the Matter of)	
)	
Suspension and Investigation of AT&T Special Access Tariffs)	WC Docket No. 13-299
)	
Ameritech Operating Companies Tariff F.C.C. No. 2)	Transmittal No. 1803
)	
BellSouth Telecommunications, LLC Tariff F.C.C. No. 1)	Transmittal No. 71
)	
Nevada Bell Telephone Company Tariff F.C.C. No. 1)	Transmittal No. 254
)	
Pacific Bell Telephone Company Tariff F.C.C. No. 1)	Transmittal No. 498
)	
The Southern New England Telephone Company Tariff F.C.C. No. 39)	Transmittal No. 1061
)	
Southwestern Bell Telephone Company Tariff F.C.C. No. 73)	Transmittal No. 3383

ORDER

Adopted: December 9, 2013

Released: December 9, 2013

By the Chief, Pricing Policy Division:

I. INTRODUCTION

1. Pursuant to section 204(a)(3) of the Communications Act of 1934 as amended,¹ Ameritech Operating Companies (Ameritech), BellSouth Telecommunications, LLC (BellSouth), Nevada Bell Telephone Company (Nevada Bell), Pacific Bell Telephone Company (Pacific Bell), the Southern New England Telephone Company (SNET), and Southwestern Bell Telephone Company (SWBT) (collectively AT&T) filed Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 respectively, on November 25, 2013, revising certain provisions of Ameritech's interstate access Tariff F.C.C. No. 2, BellSouth's interstate access Tariff F.C.C. No. 1, Nevada Bell's interstate tariff F.C.C. No. 1, Pacific Bell's interstate access Tariff F.C.C. No. 1, SNET's interstate access tariff F.C.C. No. 39, and SWBT's interstate access tariff F.C.C. No. 73 to become effective on December 10, 2013.² In these filings, AT&T

¹ 47 U.S.C. § 204(a)(3).

² See Ameritech Transmittal No. 1803, Tariff F.C.C. No. 2 (filed Nov. 25, 2013); BellSouth Transmittal No. 71, Tariff F.C.C. No. 1 (filed Nov. 25, 2013); Nevada Bell Transmittal No. 254, Tariff F.C.C. No. 1 (filed Nov. 25, 2013); Pacific Bell Transmittal No. 498, Tariff F.C.C. No. 1 (filed Nov. 25, 2013); SNET Transmittal No. 1061, Tariff F.C.C. No. 39 (filed Nov. 25, 2013); SWBT Transmittal No. 3383, Tariff F.C.C. No. 73 (filed Nov. 25, 2013).

proposes to eliminate for new customers and for existing customers placing new orders, certain term discount plans of sixty months or greater for a variety of special access services, including DS1 and DS3 services.³

2. Cbeyond Communications, LLC, Integra Telecom, Inc., Level 3 Communications, LLC, tw telecom, Inc. (Cbeyond, *et al.*), Consolidated Communications, Inc. (Consolidated), Sprint Corporation (Sprint), XO Communications, LLC (XO), Windstream Corporation (Windstream), and Ad Hoc Telecommunications Users Committee (Ad Hoc) (together, the Petitioners) filed petitions to reject or suspend and investigate the elimination of certain term discount plans contained in AT&T's tariff revisions.⁴ On December 6, 2013, AT&T filed its reply.⁵ In this order, we suspend for five months and set for investigation the revisions to Ameritech's interstate access Tariff F.C.C. No. 2, BellSouth's interstate access Tariff F.C.C. No. 1, Nevada Bell's interstate tariff F.C.C. No. 1, Pacific Bell's interstate access Tariff F.C.C. No. 1, SNET's interstate access tariff F.C.C. No. 39, and SWBT's interstate access tariff F.C.C. No. 73.

II. DISCUSSION

3. We find that there are substantial questions regarding the lawfulness of AT&T's tariff revisions that require further investigation. The petitions collectively cite a number of concerns about the tariff filings and raise questions about whether they comply with the Commission's rate regulations and whether they are anticompetitive or otherwise violate the Act.⁶ For example, Petitioners argue that AT&T's elimination of the discount plans effectively results in substantial price increases for special access customers, because lack of competition gives Petitioners no choice but to continue purchasing

³ Specifically, the tariff revisions eliminate the ability of new customers to sign up for or existing customers to place new orders for: (1) the Direct Analog Service and Base Rate DS1 and DS3 Services in the Ameritech tariff; (2) the SMARTPath Service, SMARTPath DS3 Transport Service, Digital Data Access Service (DDAS), Voice Grade Service, DS1 High Capacity service, BellSouth DS1 Diverse Service, LightGate DS3 service, Derived Data Channel Service (DDCS), BellSouth SPA Customer Network Management—FlexServ Service, and Federal Government Transport Plan (FGTP) DS1 High Capacity Service in the BellSouth tariff; (3) High Capacity DS1 and DS3 services and Fractional DS1 service in the Nevada Bell Tariff; (4) High Capacity DS1 and DS3 services and Fractional DS1 service in the Pacific Bell Tariff; (5) Digital Data Special Access Service, High Capacity DS1, Fractional DS1 and DS3 services, and the DS1 OPP Portability Commitment in the SNET Tariff; and (6) Voice Grade, MegaLink Data, High Capacity DS1 and MegaLink Custom service in the SWBT Tariff. *Id.*

⁴ Ameritech Operating Companies Tariff F.C.C. No. 2, *et al.*, Petition of Cbeyond, Integra, Level 3 and tw telecom to Suspend and Investigate, Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 (filed Dec. 2, 2013); Southwestern Bell Telephone Company Tariff F.C.C. No. 73 *et al.*, Petition of Consolidated Communications, Inc. to Reject or Suspend and Investigate AT&T's Proposed Tariff Revisions, Transmittal Nos. 3383, and 498 (filed Dec. 2, 2013); Ameritech Operating Companies Tariff F.C.C. No. 2, *et al.*, Petition of Sprint Corporation to Reject and to Suspend and Investigate, Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 (filed Dec. 2, 2013); Ameritech Operating Companies Tariff F.C.C. No. 2, *et al.*, Petition of XO Communications Services, LLC to Suspend and Investigate, Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 (filed Dec. 2, 2013); *see, e.g.*, Ameritech Operating Companies Tariff F.C.C. No. 2, Petition of Windstream Corporation to Suspend and Investigate, Transmittal No. 1803 (filed Dec. 2, 2013); Ameritech Operating Companies Tariff F.C.C. No. 2, *et al.*, Petition of Ad Hoc Telecommunications Users Committee to Suspend and Investigate, Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 (filed Dec. 2, 2013).

⁵ Ameritech Operating Companies Tariff F.C.C. No. 2 *et al.*, Reply of AT&T Services Inc. to Petitions to Suspend and Investigate, Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 (filed Dec. 6, 2013) (AT&T Reply).

⁶ *See generally* Cbeyond *et al.* Petition; Consolidated Petition; Sprint Petition; XO Petition Windstream Petition; Ad Hoc Petition.

DS1s and DS3s from AT&T.⁷ Moreover, Petitioners dispute AT&T's claim that the proposed changes are necessary to advance the technology transition to IP technology.⁸ Among other things, Petitioners allege that in many instances AT&T has refused to interconnect with carriers via IP-based circuits and that in many locations Ethernet services are not available.⁹ Petitioners assert that suspension and investigation of the tariff revisions is justified for a number of reasons. First, Petitioners argue that withdrawing the widely relied upon discounts for term plans beyond three years constitutes an unjust and unreasonable practice and would result in unreasonable rates, rate structures and terms and conditions under section 201(b) of the Act.¹⁰ Second, Petitioners argue that the tariff revisions are an unlawful exercise of market power that will result in unreasonable rates, terms and conditions under section 201(b) of the Act.¹¹ Third, Petitioners claim that, for price cap areas, this tariff revision constitutes a restructuring of existing rates pursuant to 61.49(e) of the Commission's rules, but AT&T failed to submit sufficient information regarding how the new price cap indices would be calculated as that rule requires.¹² Fourth, Petitioners state that they will be immediately and irreparably harmed if these revisions go into effect because they would be required to pay increased costs for new DS1 and DS3 services and if the tariff revision is allowed to become effective, it would be "deemed lawful" and any remedies available would be prospective only.¹³ Finally, Consolidated argues that by prohibiting customers from signing up for new five- or seven-year contracts, AT&T is unilaterally altering the essential terms of its contracts in violation of the *Sierra-Mobile* doctrine.¹⁴

4. AT&T asserts the purpose of the tariff filing is to prepare for a transition to all Internet Protocol (IP) network.¹⁵ AT&T also contends that Petitioners ignore the existence of substantial competitive alternatives to the tariffed services.¹⁶ As to these two points, we note that the Commission is undertaking a comprehensive review of the legal, policy, and technical considerations of an all-IP transition.¹⁷ Additionally, the Commission has an open rulemaking evaluating the scope of competition in the special access market generally and is in the process of a substantial data collection to support such analysis.¹⁸ The Commission, however, must examine the lawfulness of the subject tariff filings based on

⁷ Ad Hoc Petition at 2-4; XO Petition at 9-11; Sprint Petition at 10-14; Consolidated Petition at 3-4; Cbeyond *et al.* Petition at 8-9.

⁸ See, e.g. Consolidated Petition at 12 (arguing that the price increase impedes its ability to transition customers to Ethernet services); Cbeyond *et al.* Petition at 2 (arguing that if AT&T were solely seeking to further the transition, it could have eliminated the term commitments longer than three years without eliminating the associated discounts).

⁹ Cbeyond *et al.* Petition at 9-10; Windstream Petition at 5.

¹⁰ Cbeyond *et al.* Petition at 15; Sprint Petition at 3-4; Windstream Petition at 6-7.

¹¹ Sprint Petition at 7-9; Windstream Petition at 8.

¹² 47 C.F.R. § 61.49(e); Cbeyond *et al.* Petition at 19-20; Sprint Petition at 4-6.

¹³ Cbeyond *et al.* Petition at 22-23; Sprint Petition at 18. AT&T asks the Commission to strike Level 3's confidential data because Level 3 did not provide it to AT&T until Thursday night. See AT&T Reply at 18 n.32. Because there is sufficient basis for suspending and investigating the AT&T tariffs without relying on Level 3's data, we need not formally reach the question of whether it is appropriate to strike that data.

¹⁴ Consolidated Petition at 12-16.

¹⁵ AT&T Reply at 2-3.

¹⁶ *Id.* at 12.

¹⁷ See The IP Transition: Starting Now, Tom Wheeler, FCC Chairman (Nov. 19, 2013), <http://www.fcc.gov/transition-starting-now>.

¹⁸ See *Special Access for Price Cap Local Exchange Carriers; AT&T Corporation Petition for Rulemaking to Reform Regulation of Incumbent Local Exchange Carrier Rates for Interstate Special Access Services*, WC Docket No. 05-25, RM-10593, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 16318 (2012).

the terms of the tariffs and the relevant facts and we cannot presume here the determinations that will be made in either of these proceedings.

5. AT&T responds to Petitioners' arguments by asserting that they largely reflect confusion over the purpose of the tariff revisions and how the sunset of the five and seven-year term plans will actually operate.¹⁹ AT&T argues that the mere elimination of a discount plan cannot violate section 201(b) because that section does not obligate AT&T to maintain any specific type of discount plan.²⁰ AT&T asserts next that this tariff proceeding is not a proper forum for Petitioners to challenge the reasonableness of the rates that would remain following the proposed eliminations of discount plans.²¹ AT&T further disputes that this filing is a restructured service, since AT&T's tariff revision does not replace any existing service or option.²² Finally, AT&T argues that the Petitioners that cited concerns about how these revisions would impact specific contract tariffs misunderstand how these provisions would work.²³

6. In light of the arguments and evidence presented in the Petitions, we conclude that substantial questions of lawfulness of AT&T's tariff revisions exist that require further investigation, and we suspend the tariff revisions for five months and institute an investigation.²⁴ The specific issues that will be the subject of the investigation will be identified in an upcoming designation order and may include, but not be limited to, the issues identified in this Order. We may also, by order, identify discrete issues that do not warrant further investigation.

III. *EX PARTE* REQUIREMENTS

7. This proceeding shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.²⁵ 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,

¹⁹ AT&T Reply at 3.

²⁰ *Id.* at 7-8.

²¹ *Id.* at 8-13.

²² *Id.* at 13-16.

²³ *Id.* at 16-17.

²⁴ Rule 1.773(a)(1)(iv) provides a standard of review applicable to petitions challenging "tariff filings made pursuant to rule 61.49(b) by carriers subject to price cap regulation." See 47 C.F.R. § 1.773(a)(1)(iv); 47 C.F.R. § 61.49(b). Because AT&T did not file these tariff revisions pursuant to section 61.49(b) of the Commission's rules, section 1.773(a)(1)(iv) of the Commission's rules does not apply to this filing. See AT&T Reply at 15 n.28 ("Rule 61.49(b) does not apply because AT&T's filing does not 'propose rates.'").

²⁵ 47 C.F.R. §§ 1.1200 et seq.

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.

IV. ORDERING CLAUSES

8. Accordingly, IT IS ORDERED that, pursuant to section 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. § 204(a), and through the authority delegated pursuant to sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, the revisions to Ameritech's interstate access Tariff F.C.C. No. 2, BellSouth's interstate access Tariff F.C.C. No. 1, Nevada Bell's interstate tariff F.C.C. No. 1, Pacific Bell's interstate access Tariff F.C.C. No. 1, SNET's interstate access tariff F.C.C. No. 39, and SWBT's interstate access tariff F.C.C. No. 73 contained in Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 ARE SUSPENDED for five months and an investigation of Transmittal Nos. 1803, 71, 254, 498, 1061, and 3383 IS INSTITUTED.

9. IT IS FURTHER ORDERED that AT&T SHALL FILE supplements within five business days from the release date of this order reflecting the suspension in each operating company tariff suspended. AT&T should cite the "DA" number on the instant order as the authority for the filing.

10. IT IS FURTHER ORDERED that the petitions filed by Cbeyond Communications, LLC, Integra Telecom, Inc., Level 3 Communications, LLC, tw telecom, Inc, Consolidated Communications, Inc., Sprint Corporation, XO Communications, LLC, Windstream Corporation, and Ad Hoc Telecommunications Users Committee ARE GRANTED to the extent indicated herein and otherwise ARE DENIED.

11. IT IS FURTHER ORDERED that, pursuant to sections 4(i) and 204(a) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 204(a), and pursuant to the authority delegated by sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91 and 0.291, AT&T SHALL KEEP ACCURATE ACCOUNT of all amounts received that are associated with the tariff filings that are subject to this investigation.

FEDERAL COMMUNICATIONS COMMISSION

Kalpak S. Gude
Chief, Pricing Policy Division
Wireline Competition Bureau

**BEFORE THE
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COMPETITIVE CARRIERS OF THE SOUTH, INC.)	
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BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A AT&T TENNESSEE)	
)	

PETITION OF COMPSOUTH TO TAKE DISCOVERY OF AT&T

Pursuant to TRA Rule 1220-1-2-.11, the Competitive Carriers of the South, Inc. ("CompSouth" or "Complainant") petitions the Tennessee Regulatory Authority (or the Hearing Officer assigned to this case) to set a discovery schedule and permit CompSouth to submit the attached discovery questions to the Respondent, BellSouth Telecommunications, Inc., d/b/a AT&T Tennessee ("AT&T" or "Respondent").

Although the discovery process has now become a routine part of contested case proceedings at the TRA, the agency's rules still require a party wishing to take discovery to file a petition stating "the issues to which discovery may be directed and the manner in which discovery is proposed to be accomplished." The rules also require the parties to attempt informal discovery "except where the complexity of the case is such that informal discovery is not practicable." TRA Rule 1220-1-2-.11(B) and (1).

In this Complaint, CompSouth challenges AT&T's recent amendment to its intrastate special access tariffs, focusing both on the legality of the price increase of those services and on the legality and impact on competitors and customers of AT&T's announcement that it intends to abandon these special access services altogether when AT&T transitions to an "all-IP" network.

Informal discovery under these circumstances is not likely to be productive. The issues raised in the Complaint are complex, commingling technology, policy, and law. Moreover, since these issues, or similar issues, are currently the subject of regulatory investigations at the Federal Communications Commission and other state regulatory commissions, AT&T's answers may have ramifications beyond this case. Therefore, CompSouth submits that it is both necessary and appropriate to obtain responses pursuant to the agency's formal discovery procedures.

CompSouth proposes to conduct discovery by asking interrogatories and requesting the production of documents related to the answers to those interrogatories. The issues are self-explanatory. The attached questions seek, inter alia an explanation of the changes in AT&T's special access tariffs, information about AT&T's plans to eliminate special access services, and the availability of TDM-equivalent services during and after the transition to an IP network. These questions are intended to produce information that is important not only to the parties to this Complaint but to the TRA as the agency begins to investigate the far reaching consequences of this industry-wide transition.

For these reasons, CompSouth asks that the Authority (or Hearing Officer) grant this Petition to establish a discovery schedule and allow CompSouth to submit the attached interrogatories to AT&T.

Respectfully submitted,

BRADLEY ARANT BOULT CUMMINGS LLP

By: _____


Henry Walker (B.P.R. No. 000272)

Bradley Arant Boult Cummings, LLP

1600 Division Street, Suite 700

Nashville, TN 37203

Phone: 615-252-2363

Email: hwalker@babco.com

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BELLSOUTH TELECOMMUNICATIONS,)	
INC., D/B/A)	
AT&T TENNESSEE)	

FIRST SET OF INTERROGATORIES FROM COMPSOUTH TO AT&T

Complainant, CompSouth, pursuant to TRA Rule 1220-1-2-.11, hereby propounds the following First Set of Interrogatories upon Respondent, AT&T, to be answered in writing within thirty (30) days of service. Requested documents shall be produced at the offices of Bradley Arant Boult Cummings, 1600 Division Street, Suite 700, Nashville, Tennessee 37203.

DEFINITIONS

A. "Respondent," "you" and "your" means BellSouth Telecommunications, Inc., d/b/a AT&T Tennessee ("AT&T"), as well as its agents, attorneys, representatives or any other person acting or purporting to act on AT&T's behalf.

B. "And" and "or" shall be construed conjunctively or disjunctively as necessary to make the interrogatory inclusive rather than exclusive. The singular shall include the plural, and vice-versa, where appropriate.

C. "Communication" means any transmission of information by oral, graphic, written, pictorial, or otherwise perceptible means including, but not limited to, telephone conversations, letters, memoranda, electronic correspondence, meetings and personal conversations.

D. "Document" means, in the broadest sense possible, any medium upon which information has been recorded or retrieved, whether in draft or final form, and includes the original and each copy thereof if the copy contains additional material or is not identical to the original, which is in your or your agent's possession, custody or control or which was, but is no longer, in your or your agent's possession, custody or control.

E. The word "identify" with respect to:

- (1) any natural person, means to state the full name; telephone number; and the last known residence and business addresses of the person and that person's relationship, whether business, commercial, professional, or personal with you;
- (2) any legal person, business entity or association, means to state the full name; telephone number; and last known address of such person or entity;
- (3) any document, means to state the type of document (e.g., a letter); the title; the subject matter; the date the document bears and the date it was written; and
- (4) any oral communication, means to state the date when and the place where it was made; the identity of the person who made it; the identity of the person to whom it was made; the identity of any other person or persons who were present or who heard it; and the substance of it.

F. "Person" shall mean an individual, partnership, proprietorship, corporation, association, and any other kind of business or legal entity.

G. "Relates to" means constitutes, contains, records, discusses, summarizes, discloses, and/or refers to, in whole or in part.

H. "Complaint" means the complaint filed by you in the above-captioned docket.

INSTRUCTIONS

1. To the extent that the information sought in an interrogatory is incorporated or contained in a document, please identify the document.
2. If you object to an interrogatory or a request for production of documents on the basis of privilege, state in detail the facts on which you base your objection. If you claim a document is privileged, identify the document and state the basis for the privilege.
3. These interrogatories shall be deemed to be continuing and to require supplemental answers to the extent required by the Tennessee Rules of Civil Procedure.

INTERROGATORIES

1. Provide the number of DS1 local loops in Tennessee, separately for AT&T's interstate special access tariff, AT&T's intrastate special access tariff, and AT&T's private line tariff (or price list) for DS1 local loops provided on:
 - a. a month-to-month basis,
 - b. contracts of 36 months or less (but not month-to-month), and
 - c. contracts longer than 36 months.

ANSWER:

2. Provide the number of DS3 local loops in Tennessee, separately for AT&T's interstate special access tariff, AT&T's intrastate special access tariff, and AT&T's private line tariff (or price list) for DS3 local loops provided on:
 - a. month-to-month basis,
 - b. contracts of 36 months or less (but not month-to-month), and
 - c. contracts longer than 36 months.

ANSWER:

3. Provide the number of DS1 interoffice circuits in Tennessee, separately for AT&T's interstate special access tariff, AT&T's intrastate special access tariff, and AT&T's private line tariff (or price list) for DS1 interoffice circuits provided on:

- a. month-to-month basis,
- b. contracts of 36 months or less (but not month-to-month), and
- c. contracts longer than 36 months.

ANSWER:

4. Provide the number of DS3 interoffice circuits in Tennessee, separately for AT&T's interstate special access tariff, AT&T's intrastate special access tariff (or price list) and AT&T's private line tariff (or price list) for DS3 interoffice circuits provided on:

- a. a month-to-month basis,
- b. contracts of 36 months or less (but not month-to-month), and
- c. contracts longer than 36 months.

ANSWER:

5. Explain why AT&T is simultaneously eliminating its contracts of greater than 36 months for Metro Ethernet service. (AT&T Accessible Letter TN-13-0094).

ANSWER:

6. After AT&T has eliminated its contracts of greater than 36 months for its DS1, DS3, SONET and Metro Ethernet offerings, what products in Tennessee will still be available on contracts of greater than 36 months?

ANSWER:

7. Provide the number of Metro Ethernet connections in Tennessee on:
- a. a month-to-month basis,
 - b. contracts of 36 months or less (but not month-to-month), and
 - c. contracts longer than 36 months.

ANSWER:

8. Does AT&T provide any DS1 offerings to PSAPS in Tennessee today? If yes, please provide the number of DS1 connections provided to PSAPs in Tennessee on:
- a. a month-to-month basis,
 - b. contracts of 36 months or less (but not month-to-month), and

- c. contracts longer than 36 months.

ANSWER:

9. Coincident with the effective date of this tariff change, will AT&T decline to respond to any RFP requests for DS1/3 services in Tennessee that calls for term commitments of longer than 36 months?

ANSWER:

10. Does AT&T agree that the terms DS1 and DS3 are commonly used to reference the transmission rates and composition of certain digital signals, independent of the underlying technology used to transmit them?

ANSWER:

11. Does AT&T agree that the transmission of DS1 and DS3 signals can be supported on next-generation IP networks using a functionality called "Circuit Emulation Service" (CES)?
If not, why not?

ANSWER:

12. Does AT&T currently deploy equipment in its IP network that is capable of supporting Circuit Emulation Service?

ANSWER:

13. Does AT&T currently use provide DS1 or DS3 services to any customers over any portion of its IP network today?

ANSWER:

14. If AT&T's intention is to encourage customers to migrate from DS1/DS3 services, to which of AT&T's services does AT&T intend for them to migrate to (hereafter referred to as "replacement services")? Identify with specificity each replacement service.

ANSWER:

15. What Operational Support Systems (OSS) and Change Management processes will AT&T use for provisioning of its replacement services?

ANSWER:

16. What type of "Hot Cut" process will AT&T propose for the migration of each customer to a replacement service to prevent end user impacts (such as outages)?

ANSWER:

17. The forced migration of customers from existing services to other services is for the convenience and benefit of AT&T. Does AT&T intend to provide an OSS mechanized conversion process? When will such a process be made available?

ANSWER:

18. What non-recurring charge waivers will AT&T offer to facilitate facility grooming to replacement services?

ANSWER:

19. Will AT&T provide Service Level Performance guarantees and firm intervals for migrations between existing services and replacement services? When will AT&T release the terms and conditions associated with such SLAs, and state the firm intervals that it will support?

ANSWER:

20. Has AT&T developed the LSR and ASR modifications necessary to accommodate a forced migration to replacement services? If not, when does AT&T intend to develop and disclose such modifications?

ANSWER:

21. Does AT&T intend to eliminate 36 month contracts for DS1 and DS3 services in Tennessee in the next two years?

ANSWER:

22. Does AT&T intend to eliminate all month-to-month DS1 and DS3 services in Tennessee in 5 years?

ANSWER:

23. Does AT&T intend to eliminate all DS1 and DS3 UNE offerings in Tennessee in 5 years?

ANSWER:

24. What does AT&T intend to offer as an alternative to its DS1 and DS3 UNE offerings and what are the prices of such services?

ANSWER:

25. Provide AT&T's estimates of the number of locations (as a percentage of all locations on its network) that it will be able to migrate to IP offerings in each of the years (2014 to 2020)?

CERTIFICATE OF SERVICE

I certify that a copy of this filing has been sent by First Class U.S. Mail this the 27^m day of December, 2013 to Robert Culpepper, Attorney for AT&T, 333 Commerce Street, Suite 2011, Nashville, Tennessee 37201-1800.


Henry Walker