

**Terri L. Hoskins** General Attorney

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October 23, 2007

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12<sup>th</sup> Street, SW Washington, DC 20554

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#### Re: CC Docket No. 02-33 - Notice of Discontinuance of Wholesale DSL Transport Services Tariff

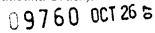
Dear Ms. Dortch:

Pursuant to the Commission's *Wireline Broadband Order*,<sup>1</sup> BellSouth Telecommunications Inc., doing business as AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, AT&T Tennessee and hereafter referred to collectively as "AT&T Southeast," hereby notifies the Commission that effective November 23, 2007, AT&T Southeast will no longer offer wholesale DSL transport services on a tariffed common carrier basis. AT&T Southeast intends, however, to continue to offer alternative service arrangements on a non-common carrier basis via negotiated commercial agreements and generally available terms and conditions. This service change affects all of AT&T Southeast's service areas in the franchised territories including Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

On October 23, 2007, AT&T Southeast notified all affected customers by letter sent via U.S. Mail that effective November 23, 2007, AT&T Southeast will no longer offer wholesale DSL transport services on a tariffed common carrier basis. A copy of the letter is attached hereto as Attachment 1.

In addition, a copy of this letter has been submitted to the public utility commission and the governor in each of the nine southeastern states in which these services will be discontinued and has been provided to the Special Assistant for Telecommunications for the Secretary of Defense as well.

<sup>&</sup>lt;sup>1</sup> Appropriate Framework for Broadband Access to the Internet over Wireline Facilities Universal Service Obligations of Broadband Providers, Report and Order and Notice of Proposed Rulenatking, CC Docket No. 02-33, 20 FCC Rcd 14853, ¶ 101 (2005) (Wireline Broadband Order).



EDSC-COMMISSION CLERK

Letter to Ms. Dortch October 23, 2007 Page 2

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If you have any questions regarding this matter, please do not hesitate to contact me.

Sincerely,

<u>/s/ Terri L. Hoskins</u> Terri L. Hoskins

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#### **CERTIFICATE OF SERVICE**

I, Lacretia Hill, do certify that I have, on this 23rd day of October 2007, served a copy of the foregoing Notice of Discontinuance of Wholesale DSL Transport Service Tariff to the following:

Honorable Bob Riley Governor State of Alabama State Capitol 600 Dexter Avenue Montgomery, Alabama 36130

Governor Charlie Crist Plaza Level 05, The Capitol 400 South Monroe Street Tallahassee, Florida 32399-0001

Governor Sonny Perdue State of Georgia 203 State Capitol Atlanta, Georgia 30334

Governor Ernie Fletcher Office of the Governor Suite 100 700 Capital Avenue Frankfort, Kentucky 40601

Governor Kathleen Babineaux Blanco P.O. Box 94004 Baton Rouge, LA 70804-9004

Governor Haley Barbour P.O. Box 139 Jackson, Mississippi 39205 Alabama Public Service Commission P.O. Box 304260 100 North Union Street, Suite 850 Montgomery, Alabama 36130

Lisa Polak Edgar, Chairman Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, Florida 32399-0850

Georgia Public Service Commission 244 Washington Street, SW Atlanta, Georgia 30334

Elizabeth O'Donnell, Executive Director Kentucky Public Service Commission 211 Sower Boulevard P.O. Box 615 Frankfort, Kentucky 40602-0615

Lawrence C. St. Blanc Executive Secretary Louisiana Public Service Commission Galvez Building, 12<sup>th</sup> Floor 602 North Fifth Street, P.O. Box 91154 Baton Rouge, Louisiana 70821-9154

Mississippi Public Service Commission P.O. Box 1174 Jackson, Mississippi 39215 Governor Michael F. Easley Office of the Governor 20301 Mail Service Center Raleigh, North Carolina 27699-0301

Governor Mark Sanford Office of the Governor P.O. Box 12267 Columbia, South Carolina 29211

Governor Phil Bredesen Governor's Office Tennessee State Capitol Nashville, TN 37243-0001 Columbia, South Carolina 29210 I Tennessee Regulatory Authority

460 James Robertson Parkway Nashville, TN 37243-0505

Edward S. Finley, Jr., Chairman

4325 Mail Service Center

North Carolina Utilities Commission

Raleigh, North Carolina 27699-4325

101 Executive Center Drive, Suite 100

Public Service Commission of South Carolina

Secretary of Defense Attn: Special Assistant for Telecommunications Pentagon Washington, DC 20301

> <u>/s/ Lacretia Hill</u> Lacretia Hill

# **ATTACHMENT 1**



October 23, 2007

COMPANY NAME ADDRESS CITY, STATE ZIP

Re: Updated Notification

Dear Valued AT&T Customer:

Our records show that you are currently obtaining wholesale DSL transport services pursuant to BellSouth Tariff FCC No. 1 ("Tariff"). This letter advises that BellSouth Telecommunications, Inc. d/b/a AT&T Southeast in the franchise territories of AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina and AT&T Tennessee (collectively "AT&T Southeast") will be discontinuing the provision of this service on November 23, 2007 pursuant to the Tariff and that continued receipt of the service will be made available pursuant to the Terms and Conditions for Embedded Based Grandfathered Wholesale DSL Circuits ("Grandfathered Terms and Conditions"). The rates, billing, minimum quantity, and other relevant provisions from the Tariff will not change in the Grandfathered Terms and Conditions.

Pursuant to Bulletin 282, dated October 31, 2005, AT&T Southeast (formerly BellSouth) announced that the FCC released an order in CC Docket Nos. 02-33 and 01-337 in which it determined that facilities-based wireline broadband Internet access service providers were no longer required to offer the wireline broadband transmission component of wireline broadband Internet access service as a standalone telecommunications service under Title II of the Telecommunications Act. As a result, for new services obtained after the effective date of the FCC's Order, November 15, 2005, AT&T Southeast offered wholesale DSL transport services pursuant to non-common carrier offerings (Generally Available Terms and Conditions and/or Commercial Agreement). As we previously advised, the embedded base of end users that received services purchased under the Tariff (pre-November 15, 2005) would remain under the Tariff until AT&T Southeast discontinued the Tariff or the end user experienced a change in service.

With this letter, AT&T Southeast is providing notice that effective November 23, 2007, AT&T Southeast will discontinue the Tariff. As a result, any wholesale DSL transport services provided after the Tariff is discontinued will be provided pursuant to and governed by the Grandfathered Terms and Conditions, which were sent via letter dated October 18, 2007.

If you have questions, please contact your AT&T Southeast Representative for assistance.

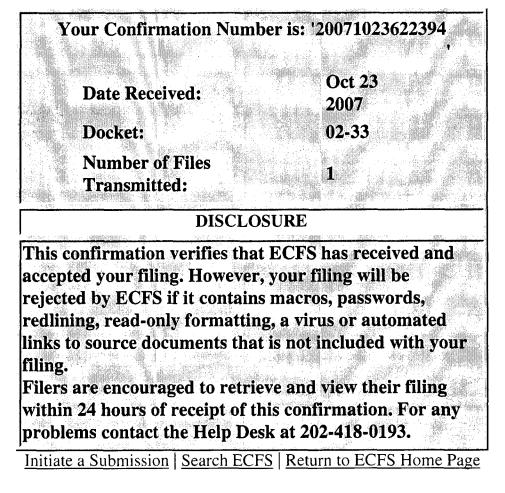
Sincerely,

Salvador M. Cuellar, Jr. AT&T Southeast Floor/Suite 9-F-03 500 McCullough Ave San Antonio, TX 78215-2104

## The FCC Acknowledges Receipt of Comments From ... AT&T Inc.

Sector Sector Communications Commission

...and Thank You for Your Comments



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updated 12/11/03