

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Ameritech Operating Companies	)	June 7, 2017 Access Charge
Tariff F.C.C. No. 2; Transmittal No. 1859	)	Tariff Filings
	)	
BellSouth Telecommunications, LLC	)	
Tariff F.C.C. No. 1; Transmittal No. 129	)	
	)	
Nevada Bell Telephone Company	)	
Tariff F.C.C. No. 1; Transmittal No. 300	)	
	)	
Pacific Bell Telephone Company	)	
Tariff F.C.C. No. 1; Transmittal No. 552	)	
	)	
Southwestern Bell Telephone Company	)	
Tariff F.C.C. No. 73; Transmittal No. 3443	)	

**PETITION OF CENTURYLINK COMMUNICATIONS, LLC  
TO REJECT AND TO SUSPEND AND INVESTIGATE AT&T TARIFF  
FILINGS**

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**CENTURYLINK**

June 14, 2017

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**I. INTRODUCTION AND SUMMARY**

Pursuant to Section 1.773 of the Commission’s rules,<sup>1</sup> CenturyLink Communications, LLC (“CenturyLink”)<sup>2</sup> hereby respectfully requests that the Commission suspend and investigate the above-captioned access charge tariff filings of five different AT&T operating companies or sets of operating companies (hereafter, collectively, “AT&T”),<sup>3</sup> and that the Commission reject

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<sup>1</sup> 47 C.F.R. § 1.773(a).

<sup>2</sup> CenturyLink Communications, LLC is a wholly owned subsidiary of CenturyLink, Inc. and operates as an interexchange carrier that purchases switched access services from Ameritech under its tariff. The ILEC affiliates of CenturyLink, Inc. do not join in this filing.

<sup>3</sup> Ameritech Operating Companies, Tariff F.C.C. No. 2, Transmittal No. 1859; BellSouth Telecommunications, LLC, Tariff F.C.C. No. 1, Transmittal No. 129, Nevada Bell Telephone Company, Tariff F.C.C. No. 1; Transmittal No. 300; Pacific Bell Telephone Company, Tariff F.C.C. No. 1; Transmittal No. 552; Southwestern Bell Telephone Company, Tariff F.C.C. No.

these tariffs upon confirming its unlawfulness. In the tariff filings at issue AT&T proposes tariff language that it cites as needed to comply with the *Transformation Order*<sup>4</sup> and Commission Rule 51.907(g)(2),<sup>5</sup> that does not have a lawful basis in the rule or the *Transformation Order*. Rule 51.907(g)(2) sets forth requirements for Year 6 of the *Transformation Order*'s intercarrier compensation ("ICC") transition as it relates to tandem switching and transport rates. Rule 51.907(g)(2) specifies that a certain subset of tandem switching and transport rates are expected to move to \$0.0007 in Year 6 (for "terminating traffic traversing a tandem switch that the terminating carrier *or its affiliates* owns..." (emphasis added)).<sup>6</sup> But, AT&T, without a lawful basis for doing so, proposes tariff language that would define the traffic subject to this new treatment solely as traffic terminating from a Price Cap ILEC-owned tandem to its own Price Cap ILEC end office (which the tariffs define as "Terminating to Telephone Company's own end office"). The Description and Justification (D&J) accompanying each tariff filing at issue, in turn, describes "Terminating to Telephone Company's own end office" as containing traffic terminating from a Price Cap ILEC-owned Tandem to its own or any other Price Cap ILEC End Office owned by the same Holding Company." The fact that AT&T's proposed tariff language

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73; Transmittal No. 3443. Each of these transmittals is attached in its entirety as an appendix hereto. As the appendix demonstrates, and as is discussed more fully below, the relevant proposed tariff language and relevant Description and Justification (D&J) language of each of the five transmittals is verbatim or nearly verbatim identical.

<sup>4</sup> *Connect America Fund; A National Broadband Plan for Our Future; Establishing Just and Reasonable Rates for Local Exchange Carriers; High-Cost Universal Service Support; Developing an Unified Intercarrier Compensation Regime; Federal-State Joint Board on Universal Service; Lifeline and Link-Up; Universal Service Reform - Mobility Fund*, WC Docket Nos. 10-90, 07-135, 05-337, 03-109, CC Docket Nos. 01-92, 96-45, GN Docket No. 09-51, WT Docket No. 10-208, Report and Order and Further Notice of Proposed Rulemaking, FCC 11-161, 26 FCC Rcd 17663, 17934-35 ¶ 801 (2011), *aff'd sub nom.*, *In re: FCC 11-161*, Nos. 11-9900, *et al.*, 753 F.3d 1015 (10th Cir. 2014), *petitions for rehearing en banc denied*, Orders, Aug. 27, 2014, *cert. denied*, 135 S. Ct. 2072, May 4, 2015 (Nos. 14-610, *et al.*) (*Transformation Order*).

<sup>5</sup> 47 C.F.R. § 51.907(g).

<sup>6</sup> 47 C.F.R. § 51.907(g)(2).

is not consistent with its own D&J provides an independent basis for rejecting the AT&T tariffs – regardless of where the Commission comes out on the question of the correct interpretation of the relevant Rule 51.907(g)(2) language and similar Rule 51.907(h) language addressing the Year 7 ICC transition in Rule . But, regardless of whether the proposed AT&T tariff language has the meaning described in its D&J or a more narrow meaning suggested by its actual proposed tariff language, the proposed tariff language is unlawful. AT&T’s price cap ILECs have a variety of affiliates – including CMRS providers and CLECs. For the reasons described more fully below, the proper reading, from a plain language and policy perspective, of the Rule 51.907(g)(2) language at issue, is that it precludes tandem charges when the end office owner is affiliated to the tandem owner – with ”affiliated” and “end office” defined broadly consistent with Section 3 of the Act.<sup>7</sup> And, as described below, accepting the proposed AT&T tariff language as permitted or required by Rules 51.907(g)(2) would be arbitrary and capricious and violate the *Administrative Procedure Act*<sup>8</sup> and Section 201(b) of the Act.<sup>9</sup>

Accordingly, the Commission should suspend and investigate AT&T’s tariffs in order to ensure that CenturyLink and other carriers will be able to recoup charges assessed under AT&T’s unjust and unlawful tandem-switched transport rates once the Commission confirms its unlawfulness.

## **II. BACKGROUND**

In Years 1 (2012) and 2 (2013) of the ICC transition rules adopted in the *Transformation Order*, carriers moved many terminating intrastate access and non-access rates into parity with interstate rates.

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<sup>7</sup> 47 U.S.C. § 153(2).

<sup>8</sup> *See, e.g.*, 5 U.S.C. §§ 553(b), (c), (e).

<sup>9</sup> 47 U.S.C. § 201(b).

In Years 3-5 (2014-2016), terminating end office rates were reduced to \$0.0007 in three steps.<sup>10</sup>

The Commission's rules now anticipate that, in Year 6 (2017), terminating end office rates are to be moved permanently to zero.<sup>11</sup>

Additionally, the rules also anticipate that a subset of tandem switching and transport rates are expected to move to \$0.0007 in Year 6 (and then to zero in Year 7 (2018)).<sup>12</sup> Price cap carrier and rate of return carrier tandem switching and transport rates were capped immediately by the *Transformation Order* and higher intrastate rates for these services were moved to parity with interstate rates in Years 1 and 2.<sup>13</sup> And, the *Transformation Order* and Commission rules anticipated that rates for tandem switching and transport rates would not be further impacted by Years 3-5.<sup>14</sup> But, as noted, the rules anticipate that rates for a subset of these terminating access services, when provided by price cap carriers, move to \$0.0007 in Year 6 and then to zero in Year 7.

Contemporaneous with the *Transformation Order*, the Commission issued a Further Notice of Proposed Rulemaking (*Transformation Order FNPRM*) in which it raised questions regarding the future status of tandem services more comprehensively.<sup>15</sup> However, five and a half years later, those issues have not been resolved.

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<sup>10</sup> *Transformation Order*, 26 FCC Rcd at 17934-35 ¶ 801; 47 C.F.R. §§ 51.907(d)-(f).

<sup>11</sup> *Transformation Order*, 26 FCC Rcd at 17934-35 ¶ 801; 47 C.F.R. § 51.907(g).

<sup>12</sup> *Transformation Order*, 26 FCC Rcd at 17934-35 ¶ 801; 47 C.F.R. §§ 51.907(g) and (h).

<sup>13</sup> *Transformation Order*, 26 FCC Rcd at 17934-35 ¶ 801; 47 C.F.R. §§ 51.907(a)-(c).

<sup>14</sup> *Transformation Order*, 26 FCC Rcd at 17934-35 ¶ 801; 47 C.F.R. §§ 51.907(d) through (e).

<sup>15</sup> *Transformation Order*, 26 FCC Rcd at 17934 ¶ 801 (describing intent to provide rate-of-return carriers "additional time to transition as appropriate[]" their tandem transport and termination charges), 17943 ¶¶ 819-20 (discussing need to address further reform for rate of return tandem transport rates and tandem transport rates more broadly via the *Transformation Order FNPRM*),

Moreover, as the industry has gone to try and implement the Years 6/7 language in the *Transformation Order* regarding tandem-switched transport, it has become clear that some in the industry plan to take an approach that is simply not supported in the rules<sup>16</sup> – and that it is, indeed, now clear in a way that it was not knowable at the time of the issuance of the *Transformation Order* that the Commission has not adequately considered the full impact of a transition of even a subset of price cap tandem transport services to bill and keep in Years 6 and 7. Most importantly, for the purposes of this petition, there is not a lawful basis for the approach to these issues taken in the AT&T tariff filings at issue.

To begin with, the *Transformation Order* and the rules are not, themselves, consistent on the question of the reach of the Years 6/7 transition for tandem-switched transport. The *Transformation Order* states the following about where the Years 6/7 bill and keep transition for tandem-switched transport applies: “(1) for transport and termination within the tandem serving area where the terminating carrier owns the tandem serving switch; and (2) for termination at the end office where the terminating carrier does not own the tandem serving switch.”<sup>17</sup> In other words, the order itself makes no mention of affiliates and states merely that traffic flows traversing tandem and end office combinations owned by the terminating carrier will be impacted. But, the Commission’s rules then, without any explanation, define a different scope of

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18112-15 ¶¶ 1306-13 (raising issues in *Transformation Order FNPRM* re: tandem transport and termination not “fully address[ed]” by *Transformation Order* as well as future status of intermediate network services more broadly).

<sup>16</sup> As the stay petition filed by CenturyLink’s Holding company made clear, this position appears to be based, at least in part, on informal guidance by Commission staff that this is the correct approach – a conclusion that, as the record in that proceeding demonstrates, is not supported by the relevant facts or law. Petition for Limited Stay of Transformation Order Years 6 and 7 ICC Transition – As It Impacts a Subset of Tandem Switching and Transport Charges, *Connect America Fund, et al.*, WC Docket Nos. 10-90, *et al.* (Apr. 11, 2017); Public Notice, WC Docket No. 10-90, DA 17-388 (rel. Apr. 24, 2017).

<sup>17</sup> *Transformation Order*, 26 FCC Rcd at 18112 ¶ 1306 and n. 2358 (internal reference omitted).

services. Specifically, Rule 51.907(g)(2) states that the Year 6 transition step to \$0.0007 applies to “terminating traffic traversing a tandem switch that the terminating carrier *or its affiliates* owns...” (emphasis added).<sup>18</sup> And, similarly, Rule 51.907(h) specifies that the Year 7 transition step to zero applies to “charges applicable to terminating tandem-switched access service traversing a tandem switch that the terminating carrier *or its affiliate* owns.” (emphasis added).<sup>19</sup>

AT&T, however, proposes tariff language that interprets this Rule 51.907(g)(2) affiliate language in a way that has no basis in the rule or the *Transformation Order*. Specifically, it proposes the following language to describe how its tandem-switched transport rates will be applied going-forward in order to comply with the Year 6 and 7 reform steps at issue:

(4) Tandem-Switched Transport Rate Application

Tandem-Switched Transport rates are usage sensitive and are applied equally to all customers except as noted in herein. *Tandem-switched... transport rate elements are billed as Originating, Terminating to Telephone... Company’s own end office, and Terminating to non-Telephone Company... 3rd party locations based on call recordings. Non-Telephone Company 3<sup>rd</sup>... party locations are all offices or other locations not owned by the... Telephone Company. Examples of 3rd party locations include terminations... to other local exchange and wireless carriers....* (emphasis added)<sup>20</sup>

In the D&J accompanying these tariff filings, AT&T states that it is following the approach to the transitional rules “discuss[ed] between the Price Cap industry and the FCC[.]”<sup>21</sup>

It describes that approach as follows in the D&Js:

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<sup>18</sup> 47 C.F.R. § 51.907(g)(2).

<sup>19</sup> 47 C.F.R. § 51.907(h).

<sup>20</sup> See, Ameritech tariff, Section 6.8.2.D.4, Appendix p. 5 of 60. See also, Bell South tariff, Section 6.1.3.A.2.b.3, Appendix p. 20 of 60; Nevada Bell tariff, Section 6.7.1.D.3, Appendix pp. 35 of 60, 36 of 60; Pacific Bell tariff, Section 6.7.1.D.3, Appendix p. 45 of 60; Southwestern Bell tariff, Section 6.8.3.E.a.1, Appendix p. 55 of 60.

Traffic Terminating from a Price Cap ILEC-owned Tandem to its own or any other Price Cap ILEC End Office owned by the same Holding Company, will be considered “Tandem-to-End Office” that will transition to \$0.0007 (July 2017).

All other Tandem Traffic that traverses an ILEC-owned tandem and does not terminate to an end user served by the ILEC End Office will be considered “Tandem-to- 3rd Parties,” and will continued to be billed at the current Interstate rates. This includes traffic that terminates from a Price Cap ILEC-owned tandem to an affiliated CLEC or wireless end office.<sup>22</sup>

Ironically, AT&T’s proposed tariff language does not propose language like that described in its D&Js – since it does not define “Terminating to Telephone Company’s own end office” to include “Traffic Terminating from a Price Cap ILEC-owned Tandem to its own or any other Price Cap ILEC End Office owned by the same Holding Company” – the language contained in its D&Js. Rather, in its actual proposed tariff language, it defines “Terminating to Telephone Company’s own end office” solely as traffic terminating from a Price Cap ILEC-owned Tandem to its own Price Cap ILEC end office. This creates an independent basis for rejecting AT&T’s tariff – regardless of where the Commission comes out on the question of the correct interpretation of the relevant Rule 51.907(g)(2) and 51.907(h) affiliate language. But, regardless of whether the proposed AT&T tariff language has the meaning described in its D&Js or a more narrow meaning suggested by its actual proposed tariff language, the proposed tariff language is unlawful for the reasons described below.

### **III. AT&T’s PROPOSED TARIFF LANGUAGE IS UNLAWFUL.**

The Commission must reject AT&T’s attempt to comply with the Rules 51.907(g)(2) and 51.907(h) language described above by adopting tariff language that requires solely traffic flows

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<sup>21</sup> See, Ameritech D&J, p. 1, Appendix p. 13 of 60; Bell South D&J, p. 1, Appendix p. 28 of 60; Nevada Bell D&J, p. 1, Appendix p. 38 of 60; Pacific Bell D&J, p. 1, Appendix p.48 of 60; Southwestern Bell D&J, p. 1, Appendix p. 59 of 60.

<sup>22</sup> *Id.*

traversing a price cap tandem to an end office owned by the price cap carrier or by another price cap ILEC owned by the same Holding Company to transition to \$0.0007 and then \$0.0 in Years 6 and 7, respectively.

Nowhere in the *Transformation Order* or rules does the Commission define what “affiliates” are referred to in this language. Nor is “affiliate” defined in Part 51 of the Commission’s rules.

However, “affiliate” is defined in Section 3 of the Telecommunications Act (47 U.S.C. §153(2)) as:

a person that (directly or indirectly) owns or controls, is owned or controlled by, or is under common ownership or control with, another person. For purposes of this paragraph, the term “own” means to own an equity interest (or the equivalent thereof) of more than 10 percent.

In light of the above, the proper reading, from a plain language and policy perspective, is that the Rule 51.907(g)(2) and 51.907(h) language described above precludes tandem charges when the end office owner is affiliated to the tandem owner – with “affiliated” defined broadly consistent with Section 3 of the Act. In other words, for AT&T, whose price cap ILECs have a variety of affiliates – including CMRS providers and CLECs, the rule language precludes tandem charges when the end office owner is any of these entities.

To begin with, following customary rules of interpretation, this reading is most consistent with the rule language itself. The full Rule 51.907(g)(2) language states (including related subsections) as follows:

(g) *Step 6*. Beginning July 1, 2017, notwithstanding any other provision of the Commission’s rules:

(1) Each Price Cap Carrier shall, in accordance with a bill-and-keep methodology, refile its interstate access tariffs and any state tariffs, in accordance with § 51.905(b)(2), removing any intercarrier charges for terminating End Office Access Service.

(2) Each Price Cap Carrier shall establish, for interstate and intrastate terminating *traffic traversing a tandem switch that the terminating carrier or its affiliates owns*, Tandem-Switched Transport Access Service rates no greater than \$0.0007 per minute.

(3) Nothing in this section obligates or allows a Price Cap Carrier that has intrastate rates lower than its functionally equivalent interstate rates to make any intrastate tariff filing or intrastate tariff revisions raising such rates. (emphasis added)

And, the full Rule 51.907(h) language states as follows:

(h) *Step 7*. Beginning July 1, 2018, notwithstanding any other provision of the Commission's rules, each Price Cap carrier shall, in accordance with bill-and-keep, as defined in §51.713, revise and refile its interstate switched access tariffs and any state tariffs to remove any intercarrier charges applicable to *terminating tandem-switched access service traversing a tandem switch that the terminating carrier or its affiliate owns*. (emphasis added)

Read in context, the text of these rules itself makes clear that the rule is expressly addressing the Price Cap Carrier's tandem charges and is specifying the circumstances where those charges are to be reduced to \$0.0007 in Year 6 and to \$0 in Year 7. And, read most plainly in both contexts, the "affiliates" language at issue is best read as intending that the \$0.0007 Year 6 rate and the \$0 Year 7 rate, respectively, apply whenever the terminating carrier or *its* (i.e. the terminating carrier's) "affiliate" owns the tandem. Clearly, the better reading of this language is that the language precludes tandem charges when the end office owner is affiliated to the tandem owner – with "affiliated" and end office defined broadly. Conversely, there is not a lawful basis within the text of the rules to conclude that the rule language somehow intends that only the subset of tandem charges identified in AT&T's tariff language is to be impacted.

Moreover, as between this reading and an alternative reading that would require solely traffic flows traversing a price cap tandem to an end office owned by another price cap ILEC owned by the same Holding Company (or the potentially more narrow subset of traffic falling within the scope of AT&T's proposed tariff language), the former is also more consistent with

the overall reforms adopted by the *Transformation Order*.<sup>23</sup> The *Transformation Order* sought to eliminate the prospect of an end office owner (defined broadly – e.g. ILEC, CLEC, CMRS provider) recovering for its terminating functions and nowhere did it indicate that it sought to impose reforms that impacted ICC rates for the same service differently depending on the type of carrier that owned the facilities.

In all events, it is not lawful to read the Rules 51.907(g)(2) and 51.907(h) affiliate language described above as permitting or requiring solely traffic flows traversing a price cap tandem to an end office owned by another price cap ILEC owned by the same Holding Company to transition to \$0.0007 and then \$0 in Years 6 and 7, respectively. Without any lawful basis in the rules or adopting order and contrary to the plain meaning of the rule language, this interpretation would adopt a view that “affiliates” means just one type of affiliate. Indeed, as described above, there is a conflict between the *Transformation Order*, itself, and the rules above. The *Transformation Order* contained no discussion of an impact to traffic flows handled

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<sup>23</sup> To be clear, as CenturyLink’s holding company has made clear in its prior filings, a stay of the Years 6 and 7 transitions for the industry’s tandem switching and transport charges is *the best* approach at this point. A stay is the only approach that will prevent a confusing morass as carriers take a variety of different approaches to the Section 51.907(g) requirements in the Year 6 annual tariff filing process that begins June 16, 2017. Additionally, this is the approach that is *most consistent* with the overall reforms adopted by the *Transformation Order*. As CenturyLink’s stay petition explained, there will be irreversible competitive harm in Years 6/7 and beyond and arbitrage schemes that have already been launched in anticipation of this transition will only expand. A stay by the Commission will, at least temporarily, stave off many of these problems and permit the Commission to more carefully consider the best ICC approach to appropriately deal with the entire suite of tandem services at this point in time. Clearly, the full impact of a transition of even a subset of price cap tandem transport services to bill and keep in Years 6 and 7 was not adequately considered by the Commission in the *Transformation Order*. Indeed, the Commission could not have anticipated the market changes and arbitrage schemes that have emerged since 2011. Given this, the best approach at this point in time is to suspend any further transition for those tandem services until those impacts can be weighed. Grant of CenturyLink, Inc.’s stay request will merely preserve the status quo while the Commission addresses these fundamental concerns. But, in the event a stay is not granted, CenturyLink’s IXC challenges the Ameritech tariff filing on the grounds stated herein.

by affiliate-owned tandem and end office facility combinations, and only discusses the Years 6/7 bill and keep transition as applying to traffic flows handled by tandem and end office facility combinations where the terminating carrier owns the tandem switch. But, the Rules 51.907(g)(2) and 51.907(h) affiliate, etc. language addresses traffic flows handled by affiliate-owned tandem and end office facility combinations.

Assuming *arguendo* that it is possible to resolve this conflict between the order and the rules, it is not lawful to resolve that conflict in a way that interprets the rules as somehow putting carriers on notice that the Commission expected that solely traffic flows traversing a price cap tandem to an end office owned by another price cap ILEC owned by the same Holding Company would transition.<sup>24</sup> Particularly given that the only definition of affiliate contained in the Commission's rules or the Act is the broad definition contained in Section 3 as described above.

In this light, accepting the proposed AT&T tariff language as permitted or required by Rules 51.907(g)(2) and 51.907(h) affiliate language would be arbitrary and capricious and violate due process and the *Administrative Procedure Act*.<sup>25</sup> Without a lawful basis in the rules or adopting order and contrary to the plain meaning of the rule language, this interpretation would adopt a view that "affiliates" means just one type of affiliate.

For all these reasons, the proposed AT&T tariff language violates the *Transformation Order* and Rules 51.907(g)(2) and 51.907(h) and therefore is unlawful and in violation of Section 201(b) of the Act.<sup>26</sup>

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<sup>24</sup> See, e.g., *FCC v. Fox Television Stations, Inc.*, 132 S. Ct. 2307, 2317 (2012) (regulation must be invalidated where it "fails to provide a person of ordinary intelligence fair notice of" its meaning); see also *Timpinaro v. SEC*, 2 F.3d 453, 460 (D.C. Cir. 1993).

<sup>25</sup> See, e.g., 5 U.S.C. §§ 553(b), (c), (e) and 5 U.S.C. § 553, *et seq.*, generally.

<sup>26</sup> 47 U.S.C. § 201(b).

**IV. THE COMMISSION SHOULD PRESERVE INTERCONNECTING CARRIERS' RIGHTS BY SUSPENDING AT&T'S ACCESS CHARGE TARIFF FILINGS FOR INVESTIGATION.**

In light of the high probability that the Commission will find AT&T's tariff language discussed above unlawful upon investigation, the Commission should suspend AT&T's annual access tariff filings. If the filings are not suspended, AT&T's tariff filing will be "deemed lawful," and the ability of interconnecting carriers such as CenturyLink to recover excess switched transport charges assessed prior to the Commission's determination that the charges are unlawful will be compromised.<sup>27</sup> At a minimum, suspension of AT&T's filing is justified because AT&T's non-compliance with Rules 51.907(g)(2) and 51.907(h) affiliate language raises "substantial questions of law and fact" and presents a "substantial risk that ratepayers or competitors would be harmed if the proposed tariff revisions were allowed to take effect."<sup>28</sup> The Commission should suspend AT&T's tariff filing and, after investigation, confirm that its proposed tariff language to comply with the Rules 51.907(g)(2) and 51.907(h) language is unlawful.

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<sup>27</sup> See 47 U.S.C. § 204(a)(3); see also *AT&T Corp., Complainant, v. Alpine Communications, LLC, et al., Defendants*, File No. EB-12-MD-003, Memorandum Opinion and Order, 27 FCC Rcd 11511, 11528 ¶ 43 (2012) ("[A]lthough tariffs that are 'deemed' lawful are not subject to refunds, if a 'later reexamination shows them to be unreasonable,' the Commission may afford prospective relief.") (citation omitted).

<sup>28</sup> See *Implementation of Section 402(b)(1)(A) of the Telecommunications Act of 1996*, CC Docket No. 96-187, Notice of Proposed Rulemaking, 11 FCC Rcd 11233, 11239-40 ¶ 13 (1996) (citations omitted).

**V. CONCLUSION**

For the reasons described herein, the Commission accordingly must reject AT&T's access charge filing and require AT&T to file a new tariff that complies with the *Transformation Order* and Rules 51.907(g)(2) and 51.907(h). In the meantime, the Commission should suspend AT&T's tariff filing for investigation to ensure that CenturyLink and other carriers will be able to recoup any unjust and unreasonable charges they pay for AT&T's service.

Respectfully submitted,

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Its Attorney

June 14, 2017

## CERTIFICATE OF SERVICE

I, Ross Dino, do hereby certify that on this 14<sup>th</sup> day of June 2017, the foregoing PETITION OF CENTURYLINK COMMUNICATIONS, LLC TO REJECT AND TO SUSPEND AND INVESTIGATE AT&T TARIFF FILINGS was served on the following parties in the following manner:

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