

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

In the Matter of)	
)	
Teliax, Inc.)	Transmittal No. 7
Tariff F.C.C. No. 1)	

**PETITION OF AT&T TO REJECT
OR SUSPEND AND INVESTIGATE**

Pursuant to 47 C.F.R. § 1.773, AT&T Services, Inc., on behalf of itself and its affiliates (collectively, “AT&T”), hereby requests that the Commission reject, or alternatively, suspend and investigate, the above-captioned tariff filing of Teliax, Inc. (“Teliax”).

Teliax’s new transmittal is a slightly modified version of a transmittal it filed recently but hastily withdrew after a challenge from CenturyLink.¹ Teliax’s new filing, like the previous one, seeks to add an entirely new set of “dedicated access” charges that it has never tariffed before.² As CenturyLink correctly noted, these new charges are not intended to implement a new service offering, because Teliax has not changed the functions it is performing. CenturyLink Petition at 2. Instead, these new tariff charges are a wholly inappropriate attempt to replace revenues that Teliax is losing due to the transition to bill-and-keep and the Commission’s closing of arbitrage opportunities. *Id.* These proposed tariff changes are unlawful and should be rejected or, in the alternative, suspended and investigated.

¹ See Petition of CenturyLink Communications, LLC and Level 3 Communications, LLC to Reject or Suspend and Investigate, *Teliax Inc. Tariff No. 1, Transmittal No. 5* (filed March 23, 2021) (“CenturyLink Petition”).

² Specifically, the tariff would permit Teliax to bill other carriers entrance facilities (“EF”), direct trunk transport (“DTT”), dedicated multiplexing (“DMUX”), and dedicated tandem trunk port (“DTTP”) charges. See Teliax Proposed Tariff § 3.3.

Notably, Teliix's tariff attempts to charge its IXC customers for dedicated access services that it does not provide. One of the scenarios in which Teliix will assess dedicated access charges is when the customer connects to Teliix "via [an] Alternate Access Tandem."³ The tariff does not define "Alternate Access Tandem," but the term appears to refer to a tandem owned and operated by a provider other than Teliix. *See* Teliix Tariff § 3.3.2 (illustrative diagram). In this call flow, the IXC customer interconnects with the Alternate Access Tandem, and the alternate access tandem provider in turn interconnects with, and establishes a "POI" with, Teliix. *Id.* Under Teliix's tariff, Teliix would then assess usage-sensitive dedicated access charges on the IXC customer, including direct-trunked transport mileage "calculated using the actual miles between 1) . . . the Alternate Access Tandem and 2) the Company [*i.e.*, Teliix] Access Tandem, not to exceed 10 miles."⁴

These tariffed charges are unlawful on their face. Teliix has no basis to impose dedicated access charges on IXCs like AT&T that interconnect with Teliix *indirectly* through a third-party tandem provider. The IXC in that scenario has no privity with Teliix and is not ordering or purchasing tandem trunk ports, multiplexing, direct-trunked transport, or entrance facilities associated with *Teliix's* tandem. Teliix cannot use a federal tariff to unilaterally

³ Teliix assesses all four dedicated access charges on a minute-of-use equivalent basis in two scenarios: (1) when the IXC connects to a "Company Tandem" directly via a "Hub POI," defined as a point of interconnection with Teliix that serves more than one LATA; and (2) when the IXC connects to a "Company Tandem" indirectly via an "Alternate Access Tandem." *See* Teliix Proposed Tariff §§ 3.3.1, 3.3.2 (illustrative diagram); *see also id.* § 2.9.6(A). The CenturyLink Petition was focused mostly on the direct interconnection scenario, and AT&T agrees with CenturyLink that dedicated access charges in that scenario are unlawful to the extent that Teliix seeks to impose access charges for purely IP-to-IP communications or for traffic exchanged in IP. CenturyLink Petition at 2-4.

⁴ *Id.* § 3.3.1(A); *see also id.* § 3.3.1(C). These usage-sensitive, "minute-of-use equivalent" rates "apply irrespective of whether the dedicated services are supported by time division multiplexing (TDM) or session internet protocol (SIP) technology." *Id.* § 3.3.1(A).

impose these “dedicated access” charges on entities in situations where it has no direct connection with (and provides no dedicated access to) that entity.

As CenturyLink has noted, Teliix’s use of 216,000 minutes as the equivalent of a DS1 is also unfounded and further inflates these improper access charges. CenturyLink Petition at 6-7. Under the proposed tariff changes, the dedicated access charges are to be assessed “on a minute-of-use equivalent (MOU-E) basis . . . with a monthly usage factor of 216,000 MOU per DS1-equivalent circuit per month.” Teliix Proposed Tariff § 3.3.1(A). As CenturyLink has correctly explained, DS1s typically carry far more than 216,000 minutes of use. CenturyLink Petition at 6-7. Accordingly, “assessing dedicated access charges at the listed rates for every 216,000 [minutes of use] substantially increases what Teliix’s tariff would permit it to charge, and thereby raise Teliix’s tariffed rates beyond the rate of the competing ILEC,” which violates the CLEC benchmark rule. *Id.* at 7.

CONCLUSION

The Commission should reject the tariff. There is a high probability that the tariff revision is unlawful, and the competitive harm from permitting the tariff to go into effect outweighs any potential injury if the tariff is not allowed to take effect. 47 C.F.R. § 1.773(a). In the alternative, the Commission should suspend the tariff and investigate the lawfulness of the revised provisions.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Michael J. Hunseder, do hereby certify that, on this 30th day of April 2021, the foregoing PETITION OF AT&T TO REJECT OR SUSPEND AND INVESTIGATE was served on the following via email and fax:

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