



Notably, Teliax’s tariff attempts to charge its IXC customers for dedicated access services that it does not provide. One of the scenarios in which Teliax will assess dedicated access charges is when the customer connects to Teliax “via [an] Alternate Access Tandem.”<sup>3</sup> 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 Teliax. *See* Teliax 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, Teliax. *Id.* Under Teliax’s tariff, Teliax 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.*, Teliax] Access Tandem, not to exceed 10 miles.”<sup>4</sup>

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

---

<sup>3</sup> Teliax 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 Teliax that serves more than one LATA; and (2) when the IXC connects to a “Company Tandem” indirectly via an “Alternate Access Tandem.” *See* Teliax 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 Teliax seeks to impose access charges for purely IP-to-IP communications or for traffic exchanged in IP. CenturyLink Petition at 2-4.

<sup>4</sup> *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,

/s/ James P. Young

Brett Farley  
AT&T SERVICES, INC.  
1120 20th St., NW, Suite 1100  
Washington, DC 20036  
(202) 457-2253

James P. Young  
Michael J. Hunseder  
SIDLEY AUSTIN LLP  
1501 K Street, N.W.  
Washington, D.C. 20005  
mhunseder@sidley.com  
jyoung@sidley.com  
(202) 736-8000

April 30, 2021

## 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:

Kris Monteith (via E-Mail and UPS)  
Chief, Wireline Competition Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554  
Kris.monteith@fcc.gov

Pamela Arluk (via E-Mail and UPS)  
Chief, Pricing Policy Division  
Wireline Competition Bureau  
Federal Communications Commission  
45 L Street NE  
Washington, DC 20554  
Pamela.arluk@fcc.gov

Office of the Secretary (via ETFS and U.S. Mail)  
Federal Communications Commission  
45 L Street NE, Washington, DC 20554.  
Washington, DC 20554

David Aldworth, President (via E-Mail and UPS)  
2150 W 29th Ave #200  
Denver, CO 80211  
Telephone: 303-731-2000  
E-mail: daldworth@teliax.com

Carey Roesel (via E-Mail and UPS)  
Inteserra Consulting Group  
151 Southhall Lane, Suite 450  
Maitland, FL 32751  
Fax: 407-740-0613  
[croesel@inteserra.com](mailto:croesel@inteserra.com)

/s/ Michael J. Hunseder