

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

In the Matter of

Ameritech Operating Companies
Tariff F.C.C. No. 2

Transmittal No. 1918

Pacific Bell Telephone Company
Tariff F.C.C. No. 1

Transmittal No. 602

Enclosed for association into the ETFS is a copy of the September 4, 2024 Petitions of Bandwidth Inc. and Bandwidth.com CLEC, LLC to Reject or Suspend and Investigate the August 26, 2024 Ameritech Operating Companies (“Ameritech”) Transmittal No. 1918 and Pacific Bell Telephone Company (“PBTC”) Transmittal No. 602 (“Petitions”). Due to technical issues with the ETFS, Bandwidth was unable to electronically submit the Petitions on September 4 or 5 despite assistance from the ETFS staff. The initial Petition was served via facsimile and mail to the Ameritech contact on September 4 and also sent via e-mail to the Wireline Competition Bureau Chief and the Pricing and Policy Division Chief on September 4.

Respectfully submitted,

By: /s/ Greg Rogers

Greg Rogers
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Dated: September 9, 2024

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

In the Matter of

Ameritech Operating Companies
Tariff F.C.C. No. 2

Transmittal No. 1918

BellSouth Telecommunication, LLC
Tariff F.C.C. No. 1

Transmittal No. 190

Nevada Bell Telephone Company, LLC
Tariff F.C.C. No. 1

Transmittal No. 6

Pacific Bell Telephone Company
Tariff F.C.C. No. 1

Transmittal No. 602

Southwestern Bell Telephone Company, LLC
Tariff F.C.C. No. 1

Transmittal No. 6

**BANDWIDTH INC. AND BANDWIDTH.COM CLEC, LLC
MOTION TO ACCEPT LATE-FILED PETITION**

Bandwidth Inc. and Bandwidth.com CLEC, LLC (“Bandwidth”) respectfully request that the Commission accept the late-filed Petitions to Reject or Suspend and Investigate the following tariffs filed by affiliates of AT&T: Ameritech Operating Companies Transmittal No. 1918 - Tariff F.C.C. No. 2, BellSouth Telecommunication, LLC Transmittal No. 190 - Tariff F.C.C. No. 1, Nevada Bell Telephone Company, LLC Transmittal No. 6 - Tariff F.C.C. No. 1, Pacific Bell Telephone Company Transmittal No. 602 - Tariff F.C.C. No. 1 and Southwestern Bell Telephone Company, LLC Transmittal No. 6 - Tariff F.C.C. No. 1.

All tariffs were filed on August 26, 2024, making the seven-day filing deadline the Tuesday after a long holiday weekend.¹ Although Bandwidth attempted to file tariff protests late on September 3, 2024, Bandwidth's consultant was unable to complete the filing due to technical difficulties with ETFS (the system did not recognize that the filer had selected a transmittal and would not move on to the next step).

Given the timing of the filing, the magnitude of the potential impact of the changes, and the technical difficulties with ETFS, Bandwidth requests that the Commission accept the petitions that are being filed one day late. If Bandwidth's petitions had been timely filed, four days to reply would have been Sept. 7, making the deadline Sept. 9 (because of the weekend), giving AT&T two days in addition to the four permitted by the rule to file its reply. Even with service of Bandwidth's petitions one day late, AT&T is not adversely impacted because it still will have five calendar days to respond, which is one day more than the four days required by the rule.

Respectfully submitted,

By: /s/ Greg Rogers
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Dated: September 4, 2024

¹ 47 C.F.R. § 1.773(2)(iii).

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

In the Matter of

Transmittal No. 602

Pacific Bell Telephone Company
Tariff F.C.C. No. 1

**PETITION OF BANDWIDTH INC. AND BANDWIDTH.COM CLEC, LLC
TO REJECT OR SUSPEND AND INVESTIGATE**

Pursuant to Section 1.773 of the Commission’s rules, Bandwidth Inc. and Bandwidth.com CLEC, LLC (collectively, “Bandwidth”) respectfully requests that the Commission reject the August 26, 2024 tariff filing of Pacific Bell Telephone Company, LLC (“PBTC”), or in the alternative, that the Commission suspend and investigate the tariff and reject it upon confirming its unlawfulness. PBTC’s proposed tariff revision is unlawful for multiple independent reasons, each of which is sufficient to reject the tariff.

Bandwidth.com is a competitive local exchange carrier (“CLEC”) and an interexchange carrier (“IXC”). Bandwidth interconnects with PBTC to exchange local traffic and purchases trunks for delivery of 911 traffic to selective routers. Bandwidth also purchases switched access service from PBTC to originate and terminate long distance traffic. PBTC tariffs have historically included “ratcheting,” which permits Bandwidth to combine multiple types of traffic on an PBTC facility and to pay for that facility in proportion to the type of traffic provisioned over the facility. For example, Bandwidth could order 911, local exchange, and switched access trunks to be

provisioned on a facility that would be priced according to the percentage of trunks in each service category.

With this tariff filing, PBTC is eliminating ratcheting and requiring customers to pay special access rates for the entire facility even if only a small percentage of the trunks on the facility must be purchased as special access. Because PBTC requires Bandwidth to purchase special access trunks for 911 (which violates the Section 251/252 requirement that interconnection trunks be offered at TELRIC rates), Bandwidth projects that the PBTC tariff change will increase Bandwidth's costs in PBTC's west region by a magnitude of more than ten times what Bandwidth currently pays PBTC for Shared Use DS1s. This proposed tariff is unlawful for multiple reasons.

First, the tariff revision effectively proposes a new switched access transport rate that is not included in PBTC's switched access tariff. If Bandwidth wishes to continue combining switched and special access trunks, PBTC's switched access tariff forces Bandwidth to pay the special access rate for the facility, not the tariffed switched access rate. This violates the BDS Order which made clear that special access transport was excluded from the pricing flexibility granted in that order. In analyzing the competitiveness of TDM transport services and eliminating all ex ante pricing regulation of TDM transport, the FCC excluded "the elements of that rule that cover switched access services, such as entrance facilities, dedicated transport facilities between the serving wire center and the tandem switching office, and direct-trunked transport."¹

¹ *Business Data Services In an Internet Protocol Environment et al.*, Report and Order, 32 FCC Rcd 3459, 3496 para. 79 n.258 and at 3500, para. 90 n.288 (2017) ("BDS Order").

Second, the revisions violate the Commission's prohibition on cross-referencing external documents in tariffs.² Section 7.4.8 of the tariff specifies that the "Special Access monthly rate for the Channel Termination, Channel Mileage, if applicable, and multiplexer will apply, regardless of whether any individual channels of the Shared Special Access facility are used for... Switched Access Service..." Under the BDS Order, special access is no longer tariffed.³ The reference to a tariff that is NOT on file with the Commission violates the cross reference rules.

Third, the revisions are unclear and ambiguous, making it impossible for customers to understand how to place orders and what they will be charged. Section 5.2.10 provides that "Shared Use facilities will be ordered and provided as Special Access Service." Yet the next sentence states that "individual services utilizing these facilities must be ordered either as Switched Access Service or Special Access Service." It is unclear what "individual services" refers to and whether that term could include facilities. This ambiguity violates section 61.2 and 61.54(j) of the Commission's rules.

Fourth, the tariff revisions are not just and reasonable because they would require Bandwidth to purchase separate switched and special access facilities to continue to pay the switched access rate. Forcing Bandwidth to pay for two facilities rather than prorating the costs of a single facility is inefficient, wastes resources, and introduces additional points of failure in Bandwidth's traffic exchange with PBTC. This raises the costs of PBTC's competitors and is unjust, unreasonable and anticompetitive.

² 47 C.F.R. §§ 61.25, 61.74.

³ *BDS Order*, 32 FCC Rcd at 3531, para. 160.

For all these reasons, PBTC's proposed tariff should be summarily rejected. In the alternative, the Commission should investigate the tariff, while either rejecting or suspending the tariff while the investigation is pending.

Respectfully submitted,

By: /s/ Greg Rogers
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Dated: September 4, 2024

CERTIFICATE OF SERVICE

I Greg Rogers, certify that on the 4th day of September, 2024, I caused a copy of the foregoing Motion to Accept Late-Filed Petition and Petition of Bandwidth Inc. and Bandwidth.com CLEC, LLC to Reject or Suspend and Investigate to be served on the following parties as noted below:

<p>Trent Harkrader, Chief Wireline Competition Bureau Federal Communications Commission 45 L Street NE Washington, DC 20554 trent.harkrader@fcc.gov <u>(Via Electronic and U.S. First Class Mail)</u></p>	<p>Victoria Goldberg, Chief Pricing Policy Division Wireline Competition Bureau Federal Communications Commission 45 L Street NE Washington, DC 20554 victoria.goldberg@fcc.gov <u>(Via Electronic and U.S. First Class Mail)</u></p>
<p>Felicia Martin Lead Regulatory Relations Pacific Bell Telephone Company 311 S. Akard St. Dallas, TX 75202 <u>(Via Facsimile (214) 486-8175 and U.S. First Class Mail)</u></p>	<p>Marlene H. Dortch, Secretary Federal Communications Commission Office of the Secretary 45 L Street NE Washington, DC 20554 <u>(Via U.S. First Class Mail)</u></p>

/s/ Greg Rogers

Greg Rogers