

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of	)	
	)	
Ameritech Operating Companies	)	Transmittal Nos. 1428
Tariff F.C.C. No. 2	)	
	)	
Nevada Bell Telephone Company	)	Transmittal No. 82
Tariff F.C.C. No. 1	)	
	)	
Southern New England Telephone Company)	)	Transmittal No. 842
Tariff F.C.C. No. 39	)	
	)	
Pacific Bell Telephone Company	)	Transmittal No. 184
Tariff F.C.C. No. 1	)	

**PETITION OF AT&T CORP.**

Pursuant to Section 1.773 of the Commission's rules, 47 C.F.R. § 1.773, AT&T Corp. ("AT&T") submits this petition requesting the Commission to reject or, in the alternative, suspend and investigate the tariff revisions filed December 10, 2004 by the above-referenced SBC Communications operating telephone companies (collectively "the SBC companies").<sup>1</sup> In the instant tariff filings, the SBC companies propose to restructure their Additional Engineering, Additional Labor, and Miscellaneous Services charges. As part of this restructure, the SBC companies have incorrectly recast their

---

<sup>1</sup> A tariff is subject to rejection when it is *prima facie* unlawful, in that it demonstrably conflicts with the Communications Act or a Commission rule, regulation or order. *See, e.g., American Broadcasting Companies, Inc. v. AT&T*, 663 F.2d 133, 138 (D.C. Cir. 1980); *MCI v. AT&T*, 94 F.C.C.2d 332, 340-41 (1983). Suspension and investigation are appropriate where a tariff raises substantial issues of lawfulness. *See AT&T* (Transmittal No. 148), Memorandum Opinion and Order, 56 RR2d 1503 (1984); *ITT* (Transmittal No. 2191), 73 F.C.C.2d 709, 716 n.5 (1979) (citing *AT&T*, 46 F.C.C.2d 81, 86 (1974)).

current 2003 base period demand by including repairs that are attributable to problems caused by those carriers.

The SBC companies propose several changes to their current labor and installation charges. Among those changes is that “SBC no longer will bill for call-outs where the trouble is attributed to SBC.”<sup>2</sup> Removing this segment of demand from SBC’s 2003 base period demand for this service has created a reduction in its revenues of \$1.2 million.<sup>3</sup> As part of their instant tariff filings, the SBC companies have made rate increases to recover this \$1.2 million.

AT&T believes the SBC companies should never have been charging their customers for repairs that were attributable to SBC. Removal of this demand should result in a reduction of the SBC companies’ revenues of \$1.2 million, and SBC should not be permitted to make rate increases to offset this \$1.2 million reduction in its revenues. Charging customers for repairs that are the result of trouble found in the LECs’ equipment should never have been billed to the access customer. Only repairs that are the result of trouble found in the customer’s equipment should have been billed to the customer. The Commission should therefore direct the SBC companies to modify their tariff filings by recasting demand to eliminate any effects that are the result of no longer billing customers for repairs that are attributed to SBC.

The only appropriate manner for the SBC companies to modify their tariffs is to make a change in their terms and conditions, stating that they will no longer bill customers for repairs that are attributed to SBC. There should not be any change

---

<sup>2</sup> Transmittal Nos. 1428, 184, 82 and 842, D&Js at page 3.

<sup>3</sup> See Exhibit A attached hereto.

(reduction) in its current demand and revenues as a result of SBC no longer billing customers for repairs that are attributed to SBC.

**CONCLUSION**

For the reasons stated above, the Commission should reject or, in the alternative, suspend and investigate for the full five months SBC's tariff filings and impose an accounting order.

Respectfully submitted,

AT&T CORP.

By /s/ Peter H. Jacoby  
Lawrence J. Lafaro  
Peter H. Jacoby

Room 3A251  
One AT&T Way  
Bedminster, New Jersey 07921  
(908) 532-1830 (voice)  
(908) 532-1219 (fax)

Its Attorneys

December 17, 2004

## Repairs Attributed to SBC

SBC Company	Number of Repairs Attributed to SBC	Current Rate	Amount Billed
<b>Ameritech</b>			
Additional Labor-Install/Repair-OT-First 1/2 hr	3,202	\$30.06	\$96,252.12
Additional Labor-Install/Repair-OT-Additional 1/2 hr	19,082	\$26.62	\$507,962.84
Additional Labor-Install/Repair-Prem-First 1/2 hr	420	\$31.46	\$13,213.20
Additional Labor-Install/Repair-Prem-Additional 1/2 hr	1,925	\$31.46	\$60,560.50
<b>Total</b>			<b>\$677,988.66</b>
<b>Pacific Bell</b>			
Additional Labor-Install/Repair-OT-First 1/2 hr	1,703	\$45.00	\$76,635.00
Additional Labor-Install/Repair-OT-Additional 1/2 hr	10,219	\$24.00	\$245,256.00
Additional Labor-Install/Repair-Prem-First 1/2 hr	731	\$49.00	\$35,819.00
Additional Labor-Install/Repair-Prem-Additional 1/2 hr	4,151	\$28.00	\$116,228.00
<b>Total</b>			<b>\$473,938.00</b>
<b>SNET</b>			
Additional Labor-Install/Repair-OT-First 1/2 hr	321	\$55.99	\$17,972.79
Additional Labor-Install/Repair-OT-Additional 1/2 hr	1,925	\$25.00	\$48,125.00
Additional Labor-Install/Repair-Prem-First 1/2 hr	89	\$59.58	\$5,302.62
Additional Labor-Install/Repair-Prem-Additional 1/2 hr	524	\$28.59	\$14,981.16
<b>Total</b>			<b>\$86,381.57</b>
<b>Nevada Bell</b>			
Additional Labor-Install/Repair-OT-Each 1/2 hr	28	\$60.32	\$1,688.96
Additional Labor-Install/Repair-Prem-Each 1/2 hr	10	\$80.42	\$804.20
<b>Total</b>			<b>\$2,493.16</b>
<b>SBC Total</b>			<b>\$1,240,801.39</b>

Source: Exhibit 1 of SBC's Transmittals identified below:

Ameritech Transmittal No. 1428, Filed December 10, 2004

Pacific Bell Transmittal No. 184, Filed December 10, 2004

Southern New England Telephone Transmittal 842, Filed December 10, 2004

Nevada Bell Transmittal No. 82, Filed December 10, 2004

## CERTIFICATE OF SERVICE

I, Hagi Asfaw, do hereby certify that on this 17th day of December, 2004, a copy of the foregoing "Petition of AT&T Corp." was served by facsimile and U.S. first class mail, postage prepaid, on the party named below.

A. Alex Vega, Area Manager – Tariff Administration  
Four Bell Plaza  
Room 1970.04  
Dallas, Texas 75202  
Fax: (214) 858-0639

/s/ Hagi Asfaw  
Hagi Asfaw