

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

In the Matter of)
Section 63.71 Application of)
AT&T Services, Inc., on behalf of its affiliates)
BellSouth Telecommunications, LLC, d/b/a) **WC Docket No. 23-400**
AT&T Florida, AT&T Kentucky, AT&T)
Louisiana, AT&T South Carolina, and AT&T) **Comp. Pol. File No. 1881**
Tennessee; Illinois Bell Telephone, LLC, d/b/a)
AT&T Illinois; Indiana Bell Telephone Company,)
Inc., d/b/a AT&T Indiana; Michigan Bell)
Telephone Company d/b/a AT&T Michigan; The)
Ohio Bell Telephone Company, d/b/a AT&T)
Ohio; Southwestern Bell Telephone Company,)
d/b/a AT&T Missouri, AT&T Oklahoma, and)
AT&T Texas; and Wisconsin Bell, Inc., d/b/a)
AT&T Wisconsin.)

Authority Pursuant to Section 214 of)
The Communications Act of 1934, As Amended,)
To Grandfather the Provision of Service)

COMMENTS OF THE MICHIGAN PUBLIC SERVICE COMMISSION

On January 12, 2024, the Federal Communications Commission (FCC or Commission) released a Public Notice¹ in the above captioned proceeding. The Notice invites comments on the application of AT&T Services, Inc., filed on behalf of several of its affiliated incumbent local exchange carriers that serve throughout its service territory, to grandfather AT&T Residential Local Service and AT&T Business Local Exchange Access Service (aka POTS legacy voice service) to 60 wire centers located within 13 states. The application includes seven wire centers in the Michigan Bell Telephone Company, d/b/a AT&T Michigan service territory. Per the Public Notice, AT&T's application will be deemed automatically granted on February 6, 2024, unless the Commission notifies any applicant(s) that their grant is not automatically effective.

The Public Notice provides that on or after the authorized date, AT&T will no longer allow new orders, renewal of service agreements, or requests for physical changes, including moves to different service addresses, unless a customer's contract expressly allows such orders or changes in the affected areas. It further explains that following the expiration of any current term agreement, AT&T will provide the Affected Service(s) on a month-to-month basis during which it may change the rates, terms, and conditions of the Affected Service(s) upon notification. Comments on this application are due January 22, 2024. The Michigan Public Service Commission (MPSC) offers the following comments.

Discussion

AT&T seeks to grandfather POTS (landline) service in seven Michigan wire centers as described in its application²: Belleville, Bergland, Bay Port, Chassel, Michigamme, Powers, and Sebewaing. Generalized maps of these wire center areas are provided in

¹ FCC Public Notice. [DA-24-43A1.pdf \(fcc.gov\)](#)

² Section 63.71 Application of AT&T. [2023 11 16 - AT&T Services Inc. - POTS 214 Application and Exhibits FINAL.pdf \(fcc.gov\)](#), filed November 16, 2023.

Exhibits 32 – 38 of AT&T’s application. AT&T explains that grandfathering the service will allow the small group of current customers to keep their current service, and that only prospective customers in these areas will be unable to purchase the affected services.³ AT&T’s application also explains that individuals and businesses in the affected service areas have many cost-effective alternative options to choose from as replacements for the affected services, including AT&T’s next generation solutions – AT&T Phone – Advanced and AT&T Phone for Business – Advanced (AP-A and AP-A Business, respectively). AT&T further states that these solutions were specifically designed as reliable and cost-effective alternatives to the legacy time division multiplexing (TDM) voice services at issue in this application, and that in addition to these solutions, there are many other competitive voice offerings, including cable, fiber, fixed wireless, mobile wireless, and satellite technologies.⁴

AT&T’s application also claims that in addition to the alternatives that AT&T offers, FCC data shows that at least one cable provider or fiber provider provides high-speed broadband to living units within affected areas in all 60 wire centers, and 48 of the 60 wire centers are served by three or more cable or fiber providers. AT&T additionally provides that fixed wireless providers, including T-Mobile and Nextlink, provide high-speed broadband across the vast majority of wire centers, and satellite service provided by HughesNet, ViaSat, and Starlink is also available in all 60 wire centers and that individuals and businesses in the affected areas can also receive mobile wireless service (voice and broadband) from providers including T-Mobile, Verizon, and/or AT&T.⁵

While AT&T’s application presents alternatives for service in all of the affected wire centers in Michigan, all wire centers where AT&T proposes to grandfather its POTS service

³ Application pp 2-3.

⁴ Application p 3

⁵ Application pp 11-12

to customers are in rural areas, with the exception of the Belleville wire center. These are not areas with robust competition or the widespread availability of reliable providers. Four of the six rural wire centers (Bergland, Chassell, Michigamme, Powers) are in Michigan's Upper Peninsula. Two wire centers – Bay Port and Sebawaing – are in Michigan's Thumb region along the Saginaw Bay. These are areas of Michigan where wireless service can be spotty and unreliable. Many areas of the Upper Peninsula are heavily forested and wireless signals as well as satellite signals may not penetrate. While more detailed information may be available, the MPSC has examined the maps provided as exhibits by AT&T for the wire centers in Michigan and has reviewed the FCC national broadband map <https://broadbandmap.fcc.gov/location-summary/fixed?version=jun2023&zoom=4.00&vlon=-98.174022&vlat=39.146711&br=r&speed=25.3&tech=1.2.3.4.5.6.7.8>. Overlaying the FCC national broadband map onto the maps provided by AT&T in its application raises the question of whether customers subject to the grandfathering of AT&T's POTS service in these six of the seven wire centers would be able to acquire a reasonable and reliable substitute service.

AT&T's alternative AP-A and AP-A Business products offered as substitutes for the POTS service rely on either AT&T's wireless spectrum or an existing wired broadband connection.⁶ The application does not indicate that AT&T intends to deploy fiber service to these areas. Given that AT&T intends to provide its AP-A and AP-A Business products as alternatives to landline, and even describes this service as allowing the customer to use their existing TDM-based telephones, inside wiring, and phone jacks to make and receive voice calls⁷, the MPSC is concerned that some customers in these six rural wire centers may

⁶ Application p 9

⁷ Application p 17

switch to this wireless product and shortly thereafter realize they lack reliable coverage. Because of the conditions set forth in the grandfathering of the POTS service, those new wireless product customers may be unable to switch back to the POTS service and be left with an unreliable voice product. Without further assessment of the reliability of its AP-A and AP-A Business products and assurance of other reliable voice alternatives in these wire centers, the FCC should not allow AT&T's application to be automatically granted until AT&T can provide those assurances.

Additionally, AT&T's Section 214 application and the FCC's Public Notice in this docket raise an issue regarding AT&T's use of CFR 63.71(g)⁸ to discontinue service in areas where AT&T states that it has no customers or reasonable requests for service during the 30-day period immediately preceding discontinuance. The FCC should not only pause the automatic grant of the application to examine the future impact that automatically granting it could have on the existing customers in these wire centers, but also to examine the implications and effect that AT&T's interpretation of 63.71(g) has in areas where there is a lack of a competitive market and availability of reliable alternative providers. The FCC has emphasized that the release of the Public Notice and any subsequent automatic grant of the grandfathering application in no way addresses or signifies the Wireline Competition Bureau's view or affirmation that AT&T's described prior or planned discontinuance of the POTS Services in wire centers where they have no customers is, or is not, consistent with section 63.71 of the Commission's rules. AT&T's interpretation of CFR 63.71(g) allows AT&T, and any other landline provider, to completely circumvent the notice requirements as contemplated in CFR 63.71 and may leave many areas of Michigan

⁸ [eCFR :: 47 CFR 63.71 -- Procedures for discontinuance, reduction or impairment of service by domestic carriers.](#) CFR 63.71(g)

without reliable access to telephone service. The MPSC believes the FCC should address AT&T's application of Section 63.71(g) and its precedent setting effect, whether in this application or a subsequent docket.

Conclusion

The MPSC thanks the Commission for this opportunity to comment on this important issue. While there have been great strides made in recent years in reaching all areas of the country to provide affordable and reliable broadband and voice service alternatives, AT&T's application to grandfather landline services (POTS) in the Bergland, Chassell, Michigamme, Powers, Bay Port and Sebawaing wire centers does not provide clearly demonstrated evidence that there are reasonable and reliable service substitutes for customers in these wire centers. The MPSC believes further review is necessary and asks the Commission to deny automatic approval for the Michigan Bell Telephone Company, d/b/a AT&T Michigan application.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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