

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 18, 2008

IN RE:

PETITION OF BELLSOUTH TELECOMMUNICATIONS, INC. )  
D/B/A AT&T TENNESSEE FOR APPROVAL OF TRANSFER OF )  
SBC LONG DISTANCE LLC D/B/A AT&T LONG DISTANCE )  
BUSINESS LOCAL SERVICE CUSTOMERS )

DOCKET NO.  
07-00252

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ORDER APPROVING CUSTOMER NOTIFICATION LETTER AND REQUEST TO  
CEASE PROVIDING SERVICE

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This matter came before Chairman Eddie Roberson, Director Sara Kyle and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on December 17, 2007 for consideration of the *Petition for Approval of Customer Notification Letters and Withdrawal of Service to SBC Long Distance Business Customers ("Petition")* of BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T TN" or "Petitioner") filed on November 14, 2007.

**The Petition**

On July 10, 2006, the Authority approved the merger of BellSouth Corporation ("BellSouth") into AT&T, Inc. resulting in AT&T TN.<sup>1</sup> AT&T TN now requests approval of the customer notification letter for the transfer and integration of approximately fourteen SBC LD business local exchange customers into AT&T TN. Additionally, SBC Long Distance ("SBC LD") requests approval to withdraw from the business local exchange market and cease providing service to four business local exchange telephone customers for whom migration is not practical.

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<sup>1</sup> See *In re: Joint Filing of AT&T, Inc., BellSouth Corporation, and BellSouth's Certificated Tennessee Subsidiaries Together with its Certificated Tennessee Subsidiaries Regarding Change of Control of the Operating Authority of BellSouth Corporation's Tennessee Subsidiaries*, Docket No. 06-00093, Order (filed November 1, 2007).

AT&T TN and SBC LD are in the process of integrating and streamlining certain business operations to make each company more efficient. In furtherance of this goal, SBC LD will cease providing business local exchange service to its current customers in the former BellSouth territory, including Tennessee. SBC LD has divided its Tennessee customers into two groups based upon the services the customers receive from SBC LD. One group is comprised of fourteen Plain Old Telephone Service (“POTS”) customers. SBC LD will migrate these single line analog customers to local service provided by AT&T TN, unless they voluntarily select a new service provider or choose an AT&T TN local service plan. For the POTS-only customers for whom migration is practical, SBC LD and AT&T TN have created an integration plan for these customers which ensures (1) written notification, (2) the opportunity to choose another local exchange provider, (3) an orderly integration, and (4) toll-free communications channels for affected customers to contact AT&T TN affiliates for additional information.

The second group whose service will be discontinued currently receive more complex digital services or a combination of digital and POTS service from SBC LD. According to the *Petition*, migration is not a practical alternative for the four customers in this group. As a result, SBC LD will cease providing service to these customers only after they have been provided two notices and given adequate opportunity to select a different carrier. SBC LD will cease providing local business exchange service to the second group of customers after they have been provided a written notice at least sixty days in advance of service discontinuance and given adequate opportunity to select a different carrier selection. Customers who do not select a local service provider by the deadline will receive a second notice at least fifteen days prior to service discontinuance. SBC LD intends to discontinue the provisioning of local telecommunications services on or after March 1, 2008.

### **Findings and Conclusions**

The Petitioner’s request for approval for transfer of customer base and attendant customer notification letter is governed by TRA Rule 1220-4-2-.56(2)(d) which provides:

(d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:

1. The acquiring telecommunications service provider shall provide the Authority a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.
2. A notification letter, pre-approved by the Authority, shall be mailed by the current provider of telecommunications service to its customers describing the customer transfer and explaining that unless the customer selects another telecommunications service provider, the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a date specified in the notification letter. The notification letter shall be mailed by U.S. First Class Postage, with the logo or name of the current provider displayed on both the letterhead and the exterior envelope, no less than thirty (30) days prior to the actual customer transfer. For good cause shown, the Authority may waive any requirement of this part or order any requirement thereof to be fulfilled by the acquiring provider. Good cause includes, but is not limited to, evidence that the current provider is no longer providing service in Tennessee.
3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

Regarding the request to discontinue service to four business customers, TRA Rule 1220-4-8-.07(2)(c) and (d) provide:

(c) Withdrawal of a non-basic local service offering shall be permitted on thirty (30) days notice to the Authority, and on thirty (30) days direct or public notification to customers.

(d) Withdrawal of a basic local service offering may be permitted after ninety (90) days prior notice to the Authority, and after sixty (60) days prior notice

to individual customers by direct mail or by publication of a notice in a newspaper of general circulation in the affected service area. Any such withdrawal shall be approved by the Authority before implementation.

At the regularly scheduled Authority Conference held on December 17, 2007, the voting panel assigned to this docket considered the *Petition* and found that the requirements of the rules had been met with the exception of the filing of the Federal Communications Commission (“FCC”) letter. Thereafter, the panel voted unanimously to approve the *Petition* and customer notification letter contingent upon the filing of the FCC self-certification letter required by the Authority’s rules and to approve the Petitioner’s request to withdraw from the business local exchange market and cease providing service for four SBC LD business local exchange customers.

**IT IS THEREFORE ORDERED THAT:**

1. The *Petition for Approval of Customer Notification Letters and Withdrawal of Service to SBC Long Distance Business Customers* and the customer notification letter are approved contingent upon filing of the Federal Communications Commission’s self-certification letter required by the Authority’s rules.

2 The Petitioner’s request to withdraw from the business local exchange market and cease providing service to four business local exchange customers of SBC Long Distance is approved.

  
Eddie Roberson, Chairman

  
Sara Kyle, Director

  
Ron Jones, Director