

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA



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Order Instituting Investigation on the Commission's Own Motion Into the Planned Purchase and Acquisition by AT&T Inc. of T Mobile USA, Inc., and its Effect on California Ratepayers and the California Economy.

Investigation No. 11-06-009

**COMPLIANCE FILING OF AT&T INC. IN RESPONSE TO ORDER
DIRECTING FILING OF AT&T RESPONSES TO COMMISSION
DATA REQUEST SET 4 ISSUED IN JOINT ASSIGNED COMMISSIONER'S
AND ADMINISTRATIVE LAW JUDGE'S RULING ADDRESSING VARIOUS
PROCEDURAL ISSUES DATED JUNE 28, 2011
(BATES NOS. ATTITMCA004972-ATITMCA006341
FILED CONCURRENTLY HEREWITH)**

PUBLIC VERSION

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ATTACHMENT A

Data Request 1:

Are you selling special access for wireless backhaul outside of your tariffs (see “a” and “b” below)? Please identify the percentage of such wireless backhaul lines in California that are: (a) sold out of your Tariff FCC No. 1, pages 7.1 and following; (b) your intrastate/California special access tariffs; and (c) other.

Produce all forms of contract used, either in conjunction with such tariffs or as stand-alone contracts, to document the provision of AT&T special access for wireless backhaul in California.

AT&T Response to Data Request 1:

Yes. The percentage of wireless backhaul lines sold in California by AT&T California is set forth below:

- (a) Sold out of the FCC Tariff No. 1 (pages 7.1 and following) (DS3 and DS1) equates to **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]**
- (b) Sold out of the California intrastate special access tariffs (DS3 and DS1) equates to **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]**
- (c) Other equates to **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** (interstate Ethernet contracts)

We have not identified any California intrastate special access services sold on a contractual basis that are used for wireless backhaul.

We have identified examples of contracts with materially different terms and conditions. *See* documents previously provided and identified as BATES **ATTITMCA003281-ATTITMCA003368 (HIGHLY CONFIDENTIAL)**. In addition, based upon our review to date, ATT California provides additional documents identified as BATES **ATTITMCA004972-ATTITMCA005246 (HIGHLY CONFIDENTIAL)** that are also responsive to this specific request. We have not included contracts that are different than those provided when the difference is not material, *e.g.*, different customer locations.

Data Request 2:

With reference to the total number of wireless backhaul lines in California, what number and percentage are provided pursuant to tariffs or contracts that effectively require the purchaser to obtain 80% or more of its wireless backhaul or special access requirements from AT&T, or pay a premium for such services? *See, e.g.*, 6th Revised Page 7.140.4 from your FCC Tariff.

AT&T Response to Data Request 2:

None. The request misinterprets AT&T's tariff. In the passage cited, a customer's commitment level is based on the stated percentages of the customer's purchases from AT&T California, not on the customer's total backhaul or special access requirements. Thus for the specific commitment plan identified in the above request, the customer's commitment is based on 80% of the services purchased from AT&T California at the time at which the commitment is determined, not 80% of the customer's overall requirements.

Data Request 3:

AT&T declarants before the FCC have reportedly stated that they assume that AT&T will not move T-Mobile backhaul to AT&T facilities unless AT&T can provide such backhaul at lower prices than alternative backhaul suppliers. What percentage of wireless backhaul does New Cingular Wireless, LLC (or any affiliate of same operating in California on behalf of New Cingular Wireless LLC) currently purchase from alternative backhaul providers?

AT&T Response to Data Request 3:

The percentage of wireless backhaul that AT&T Mobility purchases from entities other than AT&T affiliates is **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]**.

Data Request 6:

Provide all amendments, schedules, disclosure letters, exhibits, side-letters or other documents which structure, regulate or condition the terms of the Stock Purchase Agreement appended to your FCC Application.

AT&T Response to Data Request 6:

AT&T objects to this request because it seeks the production of information not relevant to the Commission's OII. Nevertheless, AT&T is in the process of meeting and conferring in good faith with the Commission's Staff regarding AT&T's response to this request.

Data Request 7:

Provide the number and percentage of your customers who purchase their service pursuant to traditional postpaid contracts, prepaid contracts, and to no contracts (i.e., on a strictly prepaid basis). Please provide these numbers and percentages for voice only customers, data and voice, and data only customers.

AT&T Response to Data Request 7:

AT&T Mobility provides services on a postpaid basis pursuant to contracts - now known as the Wireless Customer Agreement - with its postpaid customers. Customers who purchase prepaid service do not have to sign a contract with AT&T Mobility. Accordingly, we are providing data for AT&T Mobility's consumer and business subscribers who have contracts, which includes postpaid services, and those who do not purchase services pursuant to a contract, which includes, in part, prepaid customers.

As of April 30, 2011, AT&T Mobility has **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** subscribers who purchase services under contract. Of these contracted subscribers, **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have voice only services, **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have data only services, and **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have both voice and data services.

As of April 30, 2011, AT&T Mobility has **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** subscribers who do not purchase services pursuant to a contract. Of these subscribers, **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have voice only services, **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have data only services, and **[Begin Highly Confidential Information] [HIGHLY CONFIDENTIAL INFORMATION REDACTED] [End Highly Confidential Information]** have both voice and data services.

The data above reflects subscribers who have a billing address in California. Subscribers with expired contracts may continue to purchase services from AT&T Mobility on a postpaid basis and are categorized as contract customers. Following FCC 477 reporting guidelines, customers who use SMS services only are considered to subscribe to voice services.

Data Request 8:

Provide numbering resource utilization/forecast (NRUF) data for California's economic areas (EAs), and include sub-EA county-level data, in electronic form.

AT&T Response to Data Request 8:

Attached as BATES **ATTITMCA005247-ATTITMCA005449 (HIGHLY CONFIDENTIAL)** is the Number Resource Utilization Form (NRUF) for AT&T Mobility and BATES **ATTITMCA005450-ATTITMCA006106 (HIGHLY CONFIDENTIAL)** is the NRUF form for AT&T Pacific Bell Telephone Company d/b/a AT&T California. Both sets of data are as of December 31, 2010 and filed with the FCC by February 2, 2011. NRUF data are filed following the rules established by the FCC and guidelines created by the Industry Numbering Committee and include Rate Center and NPA-NXX. Rate Centers do not directly correlate to California's EAs or to county boundaries, and AT&T does not file any numbering reports that provide number utilization at those levels.

Data Request 9:

With regard to your California wireless backhaul, please respond further to OII Appendix A request 16 (originally directed only at the non-merging, non-ILEC affiliated wireless companies) by populating the attached spreadsheet entitled Special Access Backhaul – Data Template. For your convenience, a working copy of such spreadsheet has been placed on the Commission’s website, at www.cpuc.gov/template [or whatever].

AT&T Response to Data Request 9:

AT&T Mobility has populated the attached template identified as BATES **ATTITMCA006107-ATTITMCA006340 (HIGHLY CONFIDENTIAL)** with data that are available. The BATES **ATTITMCA006107-ATTITMCA006340** correspond to Tab 1 of the Commission’s template. With respect to the request for data in Tab 1, column G and Tab 2, we have not been able to locate data to populate the charts.

AT&T Mobility has added a column to Tab 1 to correspond to the regional cluster designation for each cell site. In the attached template BATES **ATTITMCA006341 (HIGHLY CONFIDENTIAL)**, AT&T Mobility has provided the costs for each of AT&T Mobility’s regional clusters for California for DS1, DS3, and Ethernet backhaul as of April 2011.

The AT&T-produced documents
with BATES numbers
ATTITMCA004972-ATTITMCA006341
are designated as
Highly Confidential
pursuant to the
Protective Order in I.11-06-009,
and therefore have been filed under seal.