

UT-180509

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

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OCT 25 2019
STATE OF WASH.
UTIL. & TRANSP. COMMISSION

In the Matter of)
)
Section 63.71 Application of AT&T)
Services, Inc. For Authority Pursuant to)
Section 214 of The Communications Act of)
1934, As Amended, to Discontinue The)
Provision of Certain Packet-Based And)
Wavelength Business Services as Common)
Carriage Services and to Instead Offer)
Those Services as Private Carriage Services)

WC Docket No. ___

**SECTION 63.71 APPLICATION OF
AT&T FOR DISCONTINUANCE AND
RECLASSIFICATION AS PRIVATE CARRIAGE**

AT&T Services, Inc., on behalf of its affiliates, AT&T Corp., TC Systems, Inc., Teleport Communications America, LLC, BellSouth Telecommunications, LLC, d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, and AT&T Tennessee; Illinois Bell Telephone Company, LLC, d/b/a AT&T Illinois; Indiana Bell Telephone Company, Incorporated d/b/a AT&T Indiana; Michigan Bell Telephone Company, d/b/a AT&T Michigan; Nevada Bell Telephone Company, d/b/a AT&T Nevada; Pacific Bell Telephone Company, d/b/a AT&T California; Southwestern Bell Telephone Company, d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; The Ohio Bell Telephone Company, d/b/a AT&T Ohio; and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin, (collectively referred to herein as "AT&T") applies for authority under Section 214(a) of the Communications Act, as amended ("the Act"), 47 U.S.C. § 214, and Section 63.71 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, to discontinue offering interstate AT&T Dedicated Ethernet, Ethernet Private Line

Service-Wide Area Network, AT&T Ultravailable Network, and AT&T Switched Ethernet (“the Affected Services”) on a nationwide common carrier basis and to reclassify those services as private carriage.

As required by Section 63.71 of the Commission’s rules, AT&T provides the following information:

Name and Address of Carriers:

AT&T Corp.

TC Systems, Inc.

Teleport Communications America, LLC

BellSouth Telecommunications, LLC

Illinois Bell Telephone Company, LLC

Indiana Bell Telephone Company, Incorporated

Michigan Bell Telephone Company

Pacific Bell Telephone Company

Nevada Bell Telephone Company

Southwestern Bell Telephone Company

The Ohio Bell Telephone Company

Wisconsin Bell, Inc.

The address for purposes of this application is:

208 South Akard Street
Dallas, TX 75202

Date of Planned Service Discontinuance:

Effective upon regulatory approval, AT&T will no longer offer the Affected Services on a common carriage basis. Current customers subscribing to these services would retain their existing

services, as AT&T will honor all existing contracts. By this application, AT&T does not seek authority to cease offering the services, but merely to discontinue offering these services on a common carriage basis and to instead offer them on a private carriage basis.

Points of Geographic Areas of Service Affected:

ASE is available in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. ADE and UVN are available in the contiguous United States and the District of Columbia. EPLS-WAN is available in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Brief Description of Type of Service Affected:

AT&T Dedicated Ethernet (“ADE”). ADE permits business, government, and educational entities to connect two locations with dedicated and physically separate fiber facilities. ADE supports both Ethernet and Optical Transport Network technologies and is available within AT&T’s ILEC footprint or where AT&T has extended its own fiber facilities outside its ILEC footprint using its CLEC facilities. It is available in bandwidths up to 100 Gbps.

Ethernet Private Line Service – Wide Area Network (“EPLS-WAN”). EPLS-WAN is a dedicated connection used by business, government, and educational entities to connect locations in different cities. It provides a dedicated connection from each customer location to an AT&T Point of Presence (“POP”), which is then connected via a long-distance connection to another AT&T POP. It is available in bandwidths up to 100 Gbps. This service is used for long distance data transport.

AT&T Ultravailable Network (“UVN”). UVN is a dedicated connection used by business, government, and educational entities. It is a fully managed, high speed, Ethernet and optical transport network service and private network solution that provides high levels of availability, reliability, and security. It is available in bandwidths up to 100 Gbps. It can provide highly reliable dedicated connections among customer sites, and between customer sites and AT&T POPs.

AT&T Switched Ethernet (“ASE”). ASE is a switched service used by business, government, and educational entities to connect two or more locations using Ethernet networking technology. ASE service connects each customer location to an Ethernet switch in an AT&T office, and AT&T’s network manages the routing of traffic to and from the connected locations. ASE provides scalable duplex bandwidth up to 100 Gbps. The attached Declaration of James Daugherty (Attachment C) contains additional information about each of the Affected Services.

As explained in the accompanying Statement in Support of this Application¹ and in the Declaration of James Daugherty,² AT&T is seeking reclassification of the Affected Services as private carriage to obtain regulatory parity with its competitors. Many cable companies and CLECs that provide services in competition with the Affected Services do so on a private carriage basis, and thus have greater flexibility to make competitive offers free of Title II restrictions. Reclassification of the Affected Services as private carriage would give AT&T the same regulatory flexibility to meet or beat those competitive offers, which will promote competition and benefit customers. The public convenience and necessity will not be adversely affected by the reclassification of these services, because AT&T will honor all existing contracts, customers are being given significant notice of these changes, and the reclassification of these services to private carriage will enhance competition.

¹ See Attachment B.

² See Attachment C.

Brief Description of the Dates and Methods of Notice to All Affected Customers:

Customer notices were sent on October 16, 2019, and October 18, 2019.³ Copies of this Application are being sent, first class U.S. Mail, to the public utility commissions, governors, federally recognized tribes (if any) in the affected states, and to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a) of the Commission's rules.⁴

Regulatory Classification of Carrier:

AT&T offers the Affected Services pursuant to nondominant carrier regulation.

Questions about this application may be addressed to Joshua Woodbridge, AT&T Services, Inc., Director - Federal Regulatory, 1120 20th Street N.W., Suite 1000, Washington, D.C. 20036, (202) 457-2139.

Conclusion:

As discussed above, the public convenience and necessity will not be adversely affected by the discontinuance and reclassification of the Affected Services as private carriage. AT&T respectfully requests the Commission approve this Section 63.71 Application to discontinue and reclassify these services as private carriage.

³ See Attachment A.

⁴ Section 63.71(a) directs applicants to submit a copy of the application to the Secretary of Defense, Special Assistant for Telecommunications. However, due to restructuring within the Department of Defense, that position no longer exists. Commission staff has advised that a copy of the application be sent instead to the Department of Defense Chief Information Officer.

Respectfully submitted,

By: /s/Terri L. Hoskins

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Christopher T. Shenk
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005
Tel. (202) 736-8600

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David L. Lawson
AT&T Services Inc.
1120 20th Street, N.W.
Washington, D.C. 20036
Tel. (202) 457-3047

Attorneys for AT&T

October 21, 2019

CERTIFICATE OF SERVICE

I, Miriam Carroll, certify that I have, on October 21, 2019, served a copy of the foregoing Section 63.71 Application of AT&T For Discontinuance and Reclassification as Private Carriage to the following addresses:

/s/ Miriam Carroll
Miriam Carroll

Alabama Public Service
Commission 100 N. Union
Street
Suite 850
Montgomery, AL 36130

Office of the Governor State
Capitol
600 Dexter Avenue
Montgomery, AL 36130

Arizona Corporation
Commission Commissioners
Wing
1200 West Washington
Phoenix, AZ 85007-2996

Office of the Governor 1
700 West Washington
Phoenix, Arizona 85007

Arkansas Public Service
Commission
P.O Box 400
Little Rock, AR 72203-0400

Governor's Office
500 Woodlane Street, Suite
250 Little Rock, Arkansas
72201

Office of the Governor
Governor's Office
State Capitol Sacramento, CA
95814

Michael J. Picker
President, California Public
Utilities Commission 505 Van
Ness Avenue
San Francisco, CA 94102

Colorado Public Utilities
Commission 1560 Broadway
Suite 250
Denver, CO 80202

Office of the Governor
136 State Capitol
Denver, CO 80203-1792

Office of the Governor State
Capitol
210 Capitol Avenue
Hartford, Connecticut 06106

Public Utilities Regulatory
Authority Department of
Energy and Environmental
Protection
Ten Franklin Square New
Britain, CT 06051

Delaware Public Service
Commission
861 Silver Lake Boulevard
Cannon Building, Suite 1000
Dover, DE 19904

Office of the Governor -
Dover
150 Martin Luther King Jr.
Blvd. South 2nd Floor
Dover, DE 19901

District of Columbia Public
Service Commission 1325 G
Street NW Suite 800
Washington, DC 20005

Office of the Mayor John A.
Wilson Building
1350 Pennsylvania Ave, NW
Washington, DC 20004

Florida Public Service
Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Office of the Governor
The Capitol
Tallahassee, FL 32399-0001

Office of the Governor
Georgia State Capitol
Atlanta, GA 30334

Georgia Public Service
Commission
244 Washington Street, SW
Atlanta, GA 30334

Idaho Public Utilities
Commission
472 W. Washington Street
Boise, ID 83720-0074

Office of the Governor
P.O. Box 83720
Boise, Idaho 83720

Office of the Governor
207 State House
Springfield, Illinois 62706

Illinois Commerce
Commission
527 East Capitol Ave
Springfield, IL 62701

Office of the Governor
Statehouse
Indianapolis, Indiana 46204

Indiana Utility Regulatory
Commission
PNC Center
101 West Washington Street
Suite 1500 East
Indianapolis, IN 46204

Office of the Governor & Lt.
Governor State Capitol
1007 East Grand Ave. Des
Moines, IA 50319

Iowa Utilities Board
1375 E. Court Ave Room 69
Des Moines, IA 50319

Office of the Governor
Capitol,
300 SW 10th Ave., Ste. 241s
Topeka, Kansas 666 12- 1590

Kansas Corporation
Commission Commissioners,
Utilities Division,
Motor Carriers, Pipeline
Safety and Energy 1500 SW
Arrowhead Road
Topeka, KS 66604-4027

Office of the Governor 700
Capital Avenue
Suite 100
Frankfort, KY 40601

Kentucky Public Service
Commission
211 Sower Boulevard
Frankfort, KY 40601

Louisiana Public Service
Commission Galvez Building,
12th Floor
602 North Fifth Street
P.O. Box 91154 Baton Rouge,
LA 70821

Office of the Governor
P.O. Box 94004
Baton Rouge, LA 70804-9004

Office of the Governor
Room 280
Boston, MA 02133

Office of Consumer Affairs
and Business Regulation
10 Park Plaza, Suite 5170
Boston, MA 02116

Office of the Governor
State House, 100 State Circle
Annapolis, MD 21401

Maryland Public Service
Commission
William D. Schaefer Tower
6 St. Paul Street, 16th Fl
Baltimore, MD 21202

Office of the Governor
1 State House Station
Augusta, ME 04333-0001

Maine Public Utilities
Commission State House
Station 18
Augusta, ME 04333

Michigan Public Service
Commission
P.O. Box 30221 Lansing, MI
48909

Office of the Governor
P.O. Box 30013 Lansing,
Michigan 48909

Minnesota Public Utilities
Commission
121 7th Place East
Suite 350
Saint Paul, MN 55101

Office of the Governor 130
State Capitol
75 Rev. Dr. Martin Luther
King Jr. Blvd.
Saint Paul, MN 55155

Office of the Governor
P.O. Box 139
Jackson, MS 39205

Mississippi Public Utilities
Commission
Woolfolk Building
501 North West Street
Jackson, MS 39201

Missouri Public Service
Commission Public
Information Office Governor
Office Building
200 Madison Street PO Box
360
Jefferson City, MO 65102-
0360

Office of the Governor Room
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State Capitol Building
Jefferson City, Missouri 65
101

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Montana State Capitol Bldg.
P.O. Box 200801
Helena, MT 59620

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P.O. Box 202601 Helena, MT
59620

Nebraska Public Service
Commission
1200 N Street, Suite 300
Lincoln, NE 68508

Office of the Governor
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Lincoln, NE 68509-4848

Office of the Governor State
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101 N. Carson Street
Carson City, NV 89701

Public Utilities Commission
of Nevada
1150 E. William Street
Carson City, NV 89701

New Hampshire Public
Utilities Commission
21 South Fruit Street, Suite
10
Concord, NH 03301-2429

Office of the Governor State
House
25 Capitol Street
Concord, NH 03301

Office of the Governor
PO Box 001
Trenton, NJ 08625

New Jersey Board of Public
Utilities
44 S. Clinton Avenue
Trenton, NJ 08625

New Mexico Public
Regulation Commission 1120
Pasco De Peralta
P.O. Box 1269
Santa Fe, NM 87501

Office of the Governor
490 Old Santa Fe Trail Room
400
Santa Fe, NM 87501

Office of the Governor
State Capitol
Albany, NY 12224

New York State Public
Service Commission Empire
State Plaza
Agency Building 3
Albany, NY 12223-1350

North Carolina Utilities
Commission
430 North Salisbury Street
Dobbs Building Raleigh, NC
27603-5918

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20301 Mail Service Center
Raleigh, NC 27699-0301

North Dakota Public Service
Commission
600 E. Boulevard, Dept. 408
Bismarck, ND 58505

Office of the Governor Dept.
101
600 E. Boulevard Ave.
Bismarck, ND 58505

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Columbus, Ohio 43215-6108

Public Utilities Commission
of Ohio
180 East Broad Street
Columbus, Ohio 43215

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Oklahoma City, OK 73152-
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Oregon
550 Capitol St NE #215
PO Box 2148
Salem OR 97308-2148

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Harrisburg, PA 17120

Pennsylvania Public Utility
Commission
PO Box 3265
Harrisburg, PA 17105-3265

Rhode Island Public Utilities
Commission
89 Jefferson Boulevard
Warwick, RI 02888

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State House, Room 115
Providence, RI 02903

Public Service Commission of
South Carolina,
101 Executive Center Dr.,
Suite 100
Columbia, SC 29210

Office of the Governor
1205 Pendleton Street
Columbia, SC 29201

Public Utilities Commission
Capitol Building, 1st floor
500 East Capitol Avenue
Pierre, SD 57501-5070

Office of the Governor
500 E. Capitol Ave.
Pierre, SD 57501

Governor's Office
Tennessee State Capitol
Nashville, TN 37243-0001

Tennessee Regulatory Authority
502 Deaderick Street
Nashville, TN 37243

Public Utility Commission of Texas
1701 N. Congress Avenue
PO Box 13326
Austin, TX 78711-3326

Office of the Governor
P.O. Box 12428
Austin, Texas 78711 -2428

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109 State Street,
Pavilion Montpelier, VT
05609-0101

Vermont Public Service Board
112 State Street (Chittenden Bank Building) 4th floor
Montpelier, VT 05620-2701

Virginia State Corporation Commission
Tyler Building,
1300 E. Main Street
Richmond, Virginia 23219

Office of the Governor
Patrick Henry Building, 3rd Floor
1111 East Broad Street
Richmond, Virginia 23219

Office of the Governor
PO Box 40002
Olympia, WA 98504-0002

Washington Utilities and Transportation Commission
PO Box 47250
Olympia, WA 98504-7250

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East Charleston, WV 25305

West Virginia Public Service Commission 201 Brooks Street
Charleston, WV 25301

Wyoming Public Service Commission Hansen Building
215 Warren Avenue Suite 300
Cheyenne, WY82002

Office of the Governor
Governor's Office
State Capitol, 200 West 24th Street
Cheyenne, WY 82002-0010

Public Service Commission of Wisconsin
610 North Whitney Way.
P.O Box 7854 Madison,
Wisconsin 53707-7854

Office of the Governor
Madison Office
P.O. Box 7863
Madison, WI 53707

Department of Defense Chief Information Officer Attn: Military Assistant/Mobility Team
The Pentagon Washington, D.C. 20301

Utah Division of Public Utilities
Box 146751
Salt Lake City, UT 84114-6751

Office of the Governor State Capitol Complex
East Office Building, Suite E220
PO Box 142220
Salt Lake City, Utah 84114-2220

Hawaii Public Utilities Commission
465 South King Street, Room 103
Honolulu, Hawaii 96813

Office of the Governor
Governor, State of Hawaii
Executive Chambers State Capitol
Honolulu, Hawaii 96813

Regulatory Commission of Alaska
701 West 8th Avenue
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Anchorage, AK 99501-3469

Office of the Governor
Governor of Alaska
P.O. Box 110001 Juneau, AK
99811-0001

Puerto Rico
Telecommunications
Regulatory Board
500 Ave. Roberto H. Todd
(Pda. 1.8-Santurce)
San Juan, PR 00907-3981

Governor of Puerto Rico
Calle La Fortaleza
San Juan, PR 00901

Virgin Islands Public Service Commission Barbel Plaza No. 8 Estate Ross, Charlotte Amalie
P.O. Box 40
St. Thomas, USVI 00804

Governor of U.S. Virgin
Islands St. Thomas & Water
Island
21-22 Kongens Gade
Charlotte Amalie
St. Thomas, Virgin Islands
00802

Agdaagux Tribe of King Cove
Chairman
P.O. Box 249,
King Cove, AK, 99612,

Akiachak Native Community
Chairman
P.O. Box 51070,
Akiachak, AK, 99551-0070

Algaaciq Native Village (St.
Mary's)
Chairman
P.O. Box 48,
St. Mary's, AK, 99658,

Alatna Village
Chairman
P.O. Box 70, #7 Oscar Way,
Allakaket, AK, 99720,

Alutiiq Tribe of Old Harbor
Chairman
P.O. Box 62, Old Harbor, AK,
99643

Allakaket Village
Chairman
P.O. Box 50,
Allakaket, AK, 99720

Asa'carsarmiut Tribe
Chairman
P.O. Box 32249,
Mountain Village, AK, 99632

Atqasuk Village
Chairman
P.O. Box 91108, 419 Shugluk
Street,
Atqasuk, AK, 99791

Beaver Village
Chairman
P.O. Box 24029,
Beaver, AK, 99724

Birch Creek Tribe
Chairman
P.O. Box 73505, Fairbanks,
AK, 99707

Central Council of the Tlingit
& Haida Indian Tribes of
Alaska
Chairman
9097 Glacier Hwy, Juneau,
AK, 99801

Curyung Tribal Council
Chairman
P.O. Box 216, Dillingham, AK,
99576

Cheesh-Na Tribe
Chairman
P.O. Box 241, Gakona, AK,
99586

Egegik Village
Chairman
P.O. Box 29, Egegik, AK,
99579

Chickaloon Native Village
Chairman
P.O. Box 1105,
Chickaloon, AK, 99674-1105

Emmonak Village
Chairman
126 Frontage Road,
Emmonak, AK, 99581

Chilkoot Indian Association
Chairman
P.O. Box 490, Haines, AK,
99827-0490

Healy Lake Village
Chairman
PO Box 60302,
Fairbanks, AK, 99706

Chuloonawick Native Village
Chairman
P.O. Box 245, 245 Kwiguk
Street,
Emmonak, AK, 99581-0245,

Hoonah Indian Association
Chairman
P.O. Box 602, Hoonah, AK,
99829-0602

Craig Tribal Association
Chairman
PP.O. Box 828, Craig, AK,
99921

Huslia Village
Chairman
P.O. Box 70,
Huslia, AK, 99746

Northwestern Band of
Shoshone Nation
Chairman
707 North Main Street,
Brigham City, UT, 84302-
1449

Northwestern Band of
Shoshone Nation
Chairman
707 North Main Street,
Brigham City, UT, 84302-
1449

Northwestern Band of
Shoshone Nation
Chairman
707 North Main Street,
Brigham City, UT, 84302-
1449

Douglas Indian Association
Chairman
811 W. 12th Street, Juneau,
AK, 99801

Igiugig Village
Chairman
P.O. Box 4008,
Igiugig, AK, 99613

Eklutna Native Village
Chairman
26339 Eklutna Village Road,
Chugiak, AK, 99567-6339

Iqurmuit Traditional Council
P.O. Box 09, #9 Ayak Loop,
Russian Mission, AK, 99657

Evansville Village
Chairman
P.O. Box 26087,
Bettles Field, AK, 99726

Kasigluk Traditional Elders
Council
P.O. Box 19,
19 Tangerpagcaraq Road
Kasigluk, AK, 99609-0019

Gulkana Village
Chairman
P.O. Box 254,
Gulkana, AK, 99586

Ketchikan Indian Corporation
2960 Tongass Avenue,
Ketchikan, AK, 99901

Holy Cross Tribe
Chairman
P.O. Box 89, Holy Cross, AK,
99602

King Salmon Tribe
P.O. Box 68,
King Salmon, AK, 99613-0068

Hughes Village
Chairman
P.O. Box 45029,
Hughes, AK, 99745

Knik Tribe
P.O. Box 871565,
Wasilla, AK, 99687-1565

Hydaburg Cooperative
Association
Chairman
P.O. Box 349,
Hydaburg, AK, 99922

Koyukuk Native Village
P.O. Box 109,
Koyukuk, AK, 99754

Inupiat Community of the
Arctic Slope
Chairman
P.O. Box 934, 6986
Ahmaogak St.,
Barrow, AK, 99723

Manokotak Village
P.O. Box 169,
Manokotak, AK, 99628

Ivanof Bay Tribe
6407 Brayton Drive, Suite
201,
Anchorage, AK, 99507

Mentasta Traditional Council
P.O. Box 6019, Mile 6
Mentasta Spur Road,
Mentasta, AK, 99780-6019

Kaktovik Village
P.O. Box 52,
Kaktovik, AK, 99747

Naknek Native Village
P.O. Box 210,
Naknek, AK, 99633

Kenaitze Indian Tribe
P.O. Box 988,
Kenai, AK, 99611-0988

Native Village of Atka
P.O. Box 47030, Atka, AK,
99547

King Island Native
Community
P.O. Box 682,
Nome, AK, 99762

Native Village of Chenega
3000 C Street, South Wing
Suite 200,
Anchorage, AK, 99503

Klawock Cooperative
Association
P.O. Box 430,
Klawock, AK, 99925-0430

Native Village of Chitina
P.O. Box 31, Mile 34.5
Edgerton Highway,
Chitina, AK, 99566

Kokhanok Village
P.O. Box 1007,
Kokhanok, AK, 99606

Native Village of Council
P.O. Box 2050, Nome, AK,
99762

McGrath Native Village
P.O. Box 134,
McGrath, AK, 99627

Native Village of Eek
P.O. Box 89, Eek, AK, 99578-
0089

Metlakatla Indian
Community,
Annette Island Reserve
P.O. Box 8,
Metlakatla, AK, 99926-0008

Native Village of Ekwok P.O. Box 70, Ekwok, AK, 99580	Native Village of Kongiganak P.O. Box 5069, Akullaam Lavkarra, Kongiganak, AK, 99545	Native Village of Kivalina P.O. Box 50051, Kivalina, AK, 99750
Native Village of Afognak 323 Carolyn Street, Kodiak, AK, 99615	Native Village of Chuathbaluk #1 Teen Center Trail, P.O. Box CHU, Chuathbaluk, AK, 99557- 8999	Native Village of Nelson Lagoon P.O. Box 913, Nelson Lagoon, AK, 99571
Native Village of Eyak P.O. Box 1388, Cordova, AK, 99574-1388	Native Village of Koyuk P.O. Box 53030, 200 Birch Street, Koyuk, AK, 99753	Native Village of Kotzebue P.O. Box 296, 600 W. 5th Avenue, Kotzebue, AK, 99752-0296
Native Village of Akutan P.O. Box 89, Akutan, AK, 99553-0089	Native Village of Ekuk P.O. Box 530, Dillingham, AK, 99576	Native Village of Nuiqsut P.O. Box 89169, 2205 2nd Ave., Nuiqsut, AK, 99789
Native Village of Fort Yukon P.O. Box 126, 3rd and Alder Street, Fort Yukon, AK, 99740	Native Village of Kwinhagak P.O. Box 149, Quinhagak, AK, 99655	Native Village of Kwigillingok P.O. Box 90, Kwigillingok, AK, 99622
Native Village of Ambler P.O. Box 47, Ambler, AK, 99786	Native Village of False Pass P.O. Box 29, False Pass, AK, 99583	Native Village of Nunapitchuk P.O. Box 130, 103 Johnsons Loop, Nunapitchuk, AK, 99641
Native Village of Kipnuk P.O. Box 57, 101 Council Dr., Kipnuk, AK, 99614	Native Village of Marshall P.O. Box 110, Marshall, AK, 99585	Native Village of Nightmute P.O. Box 90021, 101 Changtak Street Nightmute, AK, 99690
Native Village of Barrow Inupiat Traditional Government P.O. Box 1130, Barrow, AK, 99723	Native Village of Georgetown 5313 Arctic Boulevard, Suite 104, Anchorage, AK, 99518	Native Village of Paimiut P.O. Box 230, Hooper Bay, AK, 99604
Native Village of Kluti-Kaah P.O. Box 68, Mile 104 Old Richardson Hwy, Copper Center, AK, 99573- 0068	Native Village of Mekoryuk P.O. Box 66, Mekoryuk, AK, 99630	Native Village of Noatak P.O. Box 89, Swamp Street, Noatak, AK, 99761
Native Village of Chignik Lagoon P.O. Box 09, Chignik Lagoon, AK, 99565	Native Village of Kiana P.O. Box 69, Kiana, AK, 99749	Native Village of Pilot Point P.O. Box 449, Pilot Point, AK, 99469
	Native Village of Nanwalek P.O. Box 8028, Nanwalek, AK, 99603	

Native Village of Ouzinkie
P.O. Box 130, Ouzinkie, AK,
99644

Native Village of Point Hope
P.O. Box 109, Pt. Hope, AK,
99766

Native Village of Perryville
P.O. Box 89, 101 1st Ave.,
Perryville, AK, 99648

Native Village of Port
Graham
P.O. Box 5510, Port Graham,
AK, 99603-5510

Native Village of Pitka's Point
P.O. Box 127, St. Mary's, AK,
99658

Native Village of Port Lions
P.O. Box 69, 2006 Airport
Rd.,
Port Lions, AK, 99550

Native Village of Point Lay
P.O. Box 59031, Point Lay,
AK, 99759

Native Village of Saint
Michael
P.O. Box 59050, St. Michael,
AK, 99659

Native Village of Port Heiden
P.O. Box 49007,
Port Heiden, AK, 99549

Native Village of Scammon
Bay
P.O. Box 126, Scammon Bay,
AK, 99662

Native Village of Ruby
P.O. Box 68210, Ruby, AK,
99768

Native Village of Shungnak
P.O. Box 64, Shungnak, AK,
99773

Native Village of Selawik
P.O. Box 59, Selawik, AK,
99770

Native Village of Tanacross
P.O. Box 76009, Tanacross,
AK, 99776

Native Village of Shishmaref
P.O. Box 72110, Shishmaref,
AK, 99772

Native Village of Tatitlek
P.O. Box 171, Tatitlek, AK,
99677

Native Village of Tanana
P.O. Box 130, Tanana, AK,
99777

Native Village of Tuntutuliak
P.O. Box 8086, Tuntutuliak,
AK, 99680

Native Village of Tetlin
P.O. Box 797, Tok, AK, 99780

Native Village of Tyonek
P.O. Box 82009, Tyonek, AK,
99682-0009

Native Village of Tununak
P.O. Box 77, 77 Main St.,
Tununak, AK, 99681

Native Village of Unga
P.O. Box 508, Sand Point, AK,
99661

Native Village of Unalakleet
P.O. Box 270, Unalakleet, AK,
99684

Native Village of Wales
P.O. Box 549, Wales, AK,
99783

Native Village of White
Mountain
P.O. Box 84090, White
Mountain, AK, 99784

Newtok Village
P.O. Box 5596, Newtok, AK,
99559

Newhalen Village
P.O. Box 207, Newhalen, AK,
99606

Ninilchik Village
P.O. Box 39070, Ninilchik, AK,
99639

Nome Eskimo Community
P.O. Box 1090, Nome, AK,
99762

Nondalton Village
P.O. Box 49, Nondalton, AK,
99640

Noorvik Native Community
P.O. Box 209, Noorvik, AK,
99763

Nunakuyarmiut Tribe
P.O. Box 37008, Toksook Bay,
AK, 99637-7008

Nulato Village
P.O. Box 65049, Nulato, AK,
99765

Organized Village of Kake
P.O. Box 316, Kake, AK,
99830-0316

Organized Village of Grayling
P.O. Box 49, Grayling, AK,
99590

Pauloff Harbor Village
P.O. Box 97,
Sand Point, AK, 99661

Organized Village of Saxman
Route 2, Box 28,
Ketchikan, AK, 99901

Petersburg Indian
Association
P.O. Box 1418,
Petersburg, AK, 99833

Pedro Bay Village
P.O. Box 47020, 2516
Mountain Circle,
Pedro Bay, AK, 99647

Qagan Tayagungin Tribe of
Sand Point Village
P.O. Box 447,
Sand Point, AK, 99661

Pilot Station Traditional
Village
P.O. Box 1418,
Petersburg, AK, 99833

Salamatof Tribe
P.O. Box 35,
Shageluk, AK, 99665

Portage Creek Village
P 1327 E. 72nd Avenue, Unit
B,
Anchorage, AK, 99515

Skagway Village
P.O. Box 1157, Skagway, AK,
99840-1157

Seldovia Village Tribe
206 Main Street
Seldovia, AK, 99663

Stebbins Community
Association
P.O. Box 71002, Stebbins, AK,
99671

Sitka Tribe of Alaska
456 Katlian Street, Sitka, AK,
99835-7505

Ugashik Village
2525 Blueberry Road, Suite
205,
Anchorage, AK, 99503

South Naknek Village
2521 East Mountain Village
Drive STE. B388,
Wasilla, AK, 99654

Village of Alakanuk
P.O. Box 149, 500 Anderson
Street,
Alakanuk, AK, 99554-0149

Tangirnaq Native Village
3449 Rezanof Drive E,
Kodiak, AK, 99615

Village of Chefnak
P P.O. Box 110, Chefnak,
AK, 99561-0110

Village of Anaktuvuk Pass
305 Mekiana Rd,
Anaktuvuk Pass, AK, 99721

Village of Crooked Creek
P.O. Box 69, Crooked Creek,
AK, 99575

Village of Bill Moore's Slough
P P.O. Box 20288,
Kotlik, AK, 99620

Village of Iliamna
P.O. Box 286, Quarter Mile
Safety Hill
Iliamna, AK, 99606

Village of Atmoutluak
101 Boardwalk Lane
Atmoutluak, AK, 99569-0090

Village of Wainwright
P.O. Box 143,
Wainwright, AK, 99782

Village of Kalskag
P.O. Box 50
Kalskag, AK, 99607

Village of Kotlik
P.O. Box 20210
2nd & Curry St.,
Kotlik, AK, 99620

Village of Ohogamiut
P.O. Box 49,
Marshall, AK, 99585

Village of Venetie
P.O. Box 81119,
Venetie, AK, 99781

Agua Caliente Band of
Cahuilla Indians of the Agua
Caliente Indian Reservation
Chairman
Agua Caliente Tribal
Administration Plaza,
5401 Dinah Shore Drive,
Palm Springs, CA, 92264

Alturas Indian Rancheria
Chairman
P.O. Box 340,
Alturas, CA, 96101

Augustine Band of Cahuilla
Indians
Chairman
P.O. Box 846,
Coachella, CA, 92236

Bear River Band of the
Rohnerville Rancheria
Chairman
266 Keisner Road,
Loleta, CA, 95551

Berry Creek Rancheria of
Maidu Indians
Chairman
5 Tyme Way,
Oroville, CA, 95966

Big Lagoon Rancheria
Chairman
P.O. Box 3060,
Trinidad, CA, 95570

Big Pine Paiute Tribe of the
Owens Valley
Chairman
P.O. Box 700,
Big Pine, CA, 93513

Big Sandy Rancheria of
Western Mono Indians
Chairman
P.O. Box 337,
Auberry, CA, 93602

Big Valley Band of Pomo
Indians of the Big Valley
Rancheria
Chairman
2726 Mission Rancheria
Road, Lakeport, CA, 95453

Bishop Paiute Tribe
Chairman
50 Tu Su Lane,
Bishop, CA, 93514

Blue Lake Rancheria,
California
Chairman
P.O. Box 428,
Blue Lake, CA, 95525

Bridgeport Indian Colony
Chairman
P.O. Box 37,
Bridgeport, CA, 93517

Buena Vista Rancheria of
Me-wuk Indians
Chairman
1418 20th Street, Suite 200,
Sacramento, CA, 95811

Cabazon Band of Mission
Indians
Chairman
84-245 Indio Springs
Parkway, Indio, CA, 92203

Cachil DeHe Band of Wintun
Indians
of the Colusa Indian
Community
Chairman
3730 Highway 45,
Colusa, CA, 95932

Cahto Tribe of the Laytonville
Rancheria
Chairman
P. O. Box 1239,
Laytonville, CA, 95454

Cahuilla Band of Mission
Indians of the
Cahuilla Reservation
Chairman
52701 Highway 371,
Anza, CA, 92539-1760

Capitan Grande Band of
Diegueno Mission Indians of
California (Barona Group of
Capitan Grande Band of
Mission Indians of the
Barona Reservation
Chairman
1095 Barona Road,
Lakeside, CA, 92040

Campo Band of Diegueno
Mission Indians of the
Campo Indian Reservation
Chairman
36190 Church Road, Suite 1,
Campo, CA, 91906

Capitan Grande Band of
Diegueno Mission Indians of
California Viejas(Baron Long)
Group of Capitan Grande
Band of Mission Indians of
the Viejas Reservation
Chairman
1 Viejas Grade Road
Alpine, CA, 91901

Cedarville Rancheria
Chairman
300 West 1st Street, Alturas,
CA, 96101

Chemehuevi Indian Tribe
of the Chemehuevi
Reservation
Chairman
P.O. Box 1976,
Havasu Lake, CA, 92363

Cher-Ae Heights Indian
Community
of the Trinidad Rancheria
Chairman
P.O. Box 630,
Trinidad, CA, 95570

Chicken Ranch Rancheria
of Me-wuk Indians
Chairman
P.O. Box 1159,
Jamestown, CA, 95327

Cloverdale Rancheria
of Pomo Indians
Chairman
555 S. Cloverdale Boulevard,
Cloverdale, CA, 95425

Cold Springs Rancheria
of Mono Indians
Chairman
Tollhouse, CA, 93667

Coyote Valley Band of Pomo
Indians
Chairman
Coyote Valley Tribal Council,
7601 North State St.,
Redwood Valley, CA, 95470

Death Valley Timbi-sha
Shoshone Tribe
Chairman
P.O. Box 1779,
Bishop, CA, 93515

Dry Creek Rancheria Band
of Pomo Indians
Chairman
P.O. Box 607,
Geyserville, CA, 95441

Elem Indian Colony of Pomo
Indians
of the Sulphur Bank
Rancheria
Chairman
P.O. Box 757,
Lower Lake, CA, 95457

Elk Valley Rancheria,
California
Chairman
2332 Howland Hill Road,
Crescent City, CA, 95531

Enterprise Rancheria of
Maidu Indians
Chairman
2133 Montevista Avenue,
Oroville, CA, 95966

Ewiiapaayp Band of
Kumeyaay Indians
Chairman
4054 Willows Road,
Alpine, CA, 91901

Federated Indians of Graton
Rancheria
Chairman
6400 Redwood Drive,
Suite 300,
Rohnert Park, CA, 94928

Fort Bidwell Indian
Community of the Fort
Bidwell Reservation
Chairman
P.O. Box 129,
Fort Bidwell, CA, 96112

Fort Independence Indian
Community
of Paiute Indians of the Fort
Independence Reservation
Chairman
P.O. Box 67,
Independence, CA, 93526

Fort Mojave Indian Tribe of
Arizona, California & Nevada
Chairman
500 Merriman Avenue,
Needles, CA, 92363

Greenville Rancheria
Chairman
P.O. Box 279, Greenville, CA,
95947

Grindstone Indian Rancheria
of Wintun-Wailaki Indians
Chairman
P.O. Box 63,
Elk Creek, CA, 95939

Guidiville Rancheria
Chairman
P.O. Box 339,
Talmage, CA, 95481

Habematolel Pomo of Upper
Lake
Chairman
P.O. Box 516,
Upper Lake, CA, 95485

Hoopla Valley Tribe
Chairman
P.O. Box 1348,
Hoopla, CA, 95546

Hopland Band of Pomo
Indians
Chairman
3000 Shanel Road,
Hopland, CA, 95449

Iipay Nation of Santa Ysabel
Chairman
P.O. Box 130,
Santa Ysabel, CA, 92070

Inaja Band of Diegueno
Mission Indians
of the Inaja and Cosmit
Reservation
Chairman
2005 S. Escondido Boulevard,
Escondido, CA, 92025

Ione Band of Miwok Indians
Chairman
P.O. Box 699,
Plymouth, CA, 95669

Jackson Band of Miwok
Indians
Chairman
P.O. Box 1090,
Jackson, CA, 95642

Jamul Indian Village
Chairman
P.O. Box 612,
Jamul, CA, 91935

Karuk Tribe
Chairman
P.O. Box 1016,
Happy Camp, CA, 96039

Kashia Band of Pomo Indians
of the Stewarts Point
Rancheria
Chairman
1420 Guerneville Road,
Suite 1,
Santa Rosa, CA, 95403

Kletsel Dehe Band of Wintun
Indians
Chairman
P.O. Box 1630,
Williams, CA, 95987

La Posta Band of Diegueno
Mission Indians of the La
Posta Indian Reservation
Chairman
8 Crestwood Road,
Boulevard, CA, 91905

La Jolla Band of Luiseno
Indians
Chairman
22000 Highway 76,
Pauma Valley, CA, 92061

Los Coyotes Band of
Cahuilla & Cupeno Indians
Chairman
P.O. Box 189,
Warner Springs, CA, 92086

Lone Pine Paiute-Shoshone
Chairman
P.O. Box 747,
Lone Pine, CA, 93545

Manchester Band of Pomo
Indians of the Manchester
Rancheria
Chairman
P.O. Box 623,
Point Arena, CA, 95468

Lytton Rancheria
Chairman
437 Aviation Boulevard,
Santa Rosa, CA, 95403

Mechoopda Indian Tribe of
Chico Rancheria
Chairman
125 Mission Ranch
Boulevard,
Chico, CA, 95926

Manzanita Band of Diegueno
Mission Indians of the
Manzanita Reservation
Chairman
P.O. Box 1302,
Boulevard, CA, 91905

Middletown Rancheria of
Pomo Indians
Chairman
P.O. Box 1035,
Middletown, CA, 95461

Mesa Grande Band of
Diegueno
Mission Indians
of the Mesa Grande
Reservation
Chairman
P.O. Box 270,
Santa Ysabel, CA, 92070

Morongo Band of Mission
Indians
Chairman
12700 Pumrra Road
Banning, CA, 92220

Mooretown Rancheria of
Maidu Indians
Chairman
1 Alverda Drive,
Oroville, CA, 95966

Pala Band of Mission Indians
Chairman
35008 Pala-Temecula Road,
PMB - 50,
Pala, CA, 92059

Northfork Rancheria of
Mono Indians
Chairman
P.O. Box 929,
North Fork, CA, 93643-0929

Pauma Band of Luiseno
Mission Indians
of the Pauma & Yuima
Reservation
Chairman
P.O. Box 369,
Pauma Valley, CA, 92061

Paskenta Band of Nomlaki
Indians
Chairman
P.O. Box 709,
Corning, CA, 96021

Picayune Rancheria of
Chukchansi Indians
Chairman
8080 N. Palm Ave., Suite 207,
Fresno, CA, 93711

Pechanga Band of Luiseno
Mission Indians of the
Pechanga Reservation
Chairman
P.O.Box 1477,
Temecula, CA, 92593

Pit River Tribe
Chairman
36970 Park Avenue,
Burney, CA, 96013

Pinoleville Pomo Nation
Chairman
500 B Pinoleville Drive,
Ukiah, Ca, 95482

Quartz Valley Indian
Community of the Quartz
Valley Reservation
Chairman
13601 Quartz Valley Road,
Fort Jones, CA, 96032

Potter Valley Tribe
Chairman
2251 South State Street,
Ukiah, CA, 95482

Ramona Band of Cahuilla
Chairman
P.O. Box 391670,
Anza, CA, 92539

Quechan Tribe of the Fort
Yuma Indian
Reservation, California &
Arizona
350 Pichacho Road
Winterhaven, CA 92283

Resighini Rancheria
Chairman
P.O. Box 529,
Klamath, CA, 95548

Redding Rancheria
Chairman
2000 Redding Rancheria
Road,
Redding, CA, 96001

Robinson Rancheria Band of
Pomo Indians
Chairman
P.O. Box 4015,
Nice, CA, 95464

Rincon Band of Luiseno
Mission Indians of the Rincon
Reservation
Chairman
1 West Tribal Road,
Valley Center, CA, 92082

San Manuel Band of Mission
Indians
Chairman
26569 Community Center
Drive,
Highland, CA, 92346

San Pasqual Band of
Diegueno Mission Indians
Chairman
P.O. Box 365,
Valley Center, CA, 92082

Santa Rosa Band of Cahuilla
Indians
Chairman
P.O. Box 391820,
Anza, CA, 92539

Santa Rosa Indian
Community of the Santa
Rosa Rancheria
Chairman
P.O. Box 8,
Lemoore, CA, 93245

Santa Ynez Band of Chumash
Mission Indians of the Santa
Ynez Reservation
Chairman
P.O. Box 517,
Santa Ynez, CA, 93460

Scotts Valley Band of Pomo
Indians
Chairman
1005 Parallel Drive,
Lakeport, CA, 95453

Sherwood Valley Rancheria
of Pomo Indians Chairman
190 Sherwood Hill Drive,
Willits, CA, 95490

Shingle Springs Band of
Miwok Indians,
Shingle Springs Rancheria
(Verona Tract), California
Chairman
P.O. Box 1340,
Shingle Springs, CA, 95682

Soboba Band of Luiseno
Indians
Chairman
P.O. Box 487,
San Jacinto, CA, 92581

Susanville Indian Rancheria,
California
Chairman
745 Joaquin Street,
Susanville, CA, 96130

Sycuan Band of the
Kumeyaay Nation
Chairman
1 Kwaaypaay Court,
El Cajon, CA, 92019

Table Mountain Rancheria of
California
Chairman
P.O. Box 410,
Friant, CA, 93626

Tejon Indian Tribe
Chairman
1731 Hasti Acres Drive, Suite
108,
Bakersfield, CA, 93309
Tolowa Dee-Ni' Nation
Chairman
140 Rowdy Creek Road,
Smith River, CA, 95567

Torres Martinez Desert
Cahuilla Indians
Chairman
P.O. Box 1160,
Thermal, CA, 92274

Tule River Indian Tribe of the
Tule River Reservation
Chairman
P.O. Box 589,
Porterville, CA, 93258

Tuolumne Band of Me-Wuk
Indians of the Tuolumne
Rancheria
Chairman
P.O. Box 699,
Tuolumne, CA, 95379

Utu Utu Gwaitu Paiute Tribe
of the Benton Paiute
Reservation
Chairman
25669 Highway 6, PMB 1,
Benton, CA, 93512

United Auburn Indian
Community of the Auburn
Rancheria
Chairman
10720 Indian Hill Road,
Auburn, CA, 95603

Wiyot Tribe
Chairman
1000 Wiyot Drive,
Loleta, CA, 95551

Wilton Rancheria
Chairman
9728 Kent Street,
Elk Grove, CA, 95624

Yurok Tribe of the Yurok
Reservation
Chairman
P.O. Box 1027,
Klamath, CA, 95548

Poarch Band of Creeks
Chairman
5811 Jack Springs Road,
Atmore, AL, 36502

Hualapai Indian Tribe of the
Hualapai Indian Reservation
Chairman
P.O. Box 179,
Peach Springs, AZ, 86434

Ak-Chin Indian Community of
the Maricopa (Ak Chin)
Indian Reservation
Chairman
42507 W. Peters & Nall Road
Maricopa, AZ, 85138

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Kaibab Band of Paiute
Indians of the
Kaibab Indian Reservation
Chairman
HC65, Box 2,
Fredonia, AZ, 86022

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Cocopah Tribe of Arizona
Chairman
County 15th & Avenue G,
Somerton, AZ, 85350

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Colorado River Indian Tribes
of the Colorado Indian
Reservation, Arizona and
California
Chairman
26600 Mohave Road,
Parker, AZ, 85344

Quechan Tribe of the
Fort Yuma Indian
Reservation
Chairman
P.O. Box 1899,
Yuma, AZ, 85366

Pascua Yaqui Tribe
Chairman
7474 S. Camino de Oeste,
Tucson, AZ, 85757

Quechan Tribe of the
Fort Yuma Indian
Reservation
Chairman
P.O. Box 1899,
Yuma, AZ, 85366

Fort McDowell Yavapai
Nation
Chairman
P.O. Box 17779,
Fountain Hills, AZ, 85269

Quechan Tribe of the
Fort Yuma Indian
Reservation
Chairman
P.O. Box 1899,
Yuma, AZ, 85366

Gila River Indian Community
of the
Gila River Indian Reservation
Chairman
P.O. Box 97,
Sacaton, AZ, 85147

Havasupai Tribe of the
Havasupai Reservation
Chairman
P.O. Box 10,
Supai, AZ, 86435-0010

Gila River Indian Community
of the
Gila River Indian Reservation
Chairman
P.O. Box 97,
Sacaton, AZ, 85147

Havasupai Tribe of the
Havasupai Reservation
Chairman
P.O. Box 10,
Supai, AZ, 86435-0010

Havasupai Tribe of the
Havasupai Reservation
Chairman
P.O. Box 10,
Supai, AZ, 86435-0010

Havasupai Tribe of the
Havasupai Reservation
Chairman
P.O. Box 10,
Supai, AZ, 86435-0010

Kalispel Indian Community of
the
Kalispel Reservation
Chairman
P.O. Box 39, Usk, WA, 99180-
0039

Gila River Indian Community
of the
Gila River Indian Reservation
Chairman
P.O. Box 97,
Sacaton, AZ, 85147

Kalispel Indian Community of the
Kalispel Reservation
Chairman
P.O. Box 39, Usk, WA, 99180-0039

Gila River Indian Community of the
Gila River Indian Reservation
Chairman
P.O. Box 97,
Sacaton, AZ, 85147

Hopi Tribe of Arizona
Chairman
P.O. Box 123,
Kykotsmovi, AZ, 86039

Gila River Indian Community of the
Gila River Indian Reservation
Chairman
P.O. Box 97,
Sacaton, AZ, 85147

Kaibab Band of Paiute Indians of the
Kaibab Indian Reservation
Chairman
HC65, Box 2,
Fredonia, AZ, 86022

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Kaibab Band of Paiute Indians of the
Kaibab Indian Reservation
Chairman
HC65, Box 2,
Fredonia, AZ, 86022

Navajo Nation
Chairman
P.O. Box 740,
Window Rock, AZ, 86515

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Navajo Nation
Chairman
P.O. Box 7440,
Window Rock, AZ, 86515

Pascua Yaqui Tribe
Chairman
7474 S. Camino de Oeste,
Tucson, AZ, 85757

Quechan Tribe of the
Fort Yuma Indian
Reservation
Chairman
P.O. Box 1899,
Yuma, AZ, 85366

Quechan Tribe of the
Fort Yuma Indian
Reservation
Chairman
P.O. Box 1899,
Yuma, AZ, 85366

Salt River Pima-Maricopa
Indian Community
of the Salt River Reservation
Chairman
10005 East Osborn Road,
SRP-MIC,
Scottsdale, AZ, 85256

San Carlos Apache Tribe
of the San Carlos Reservation
Chairman
P.O. Box 0,
San Carlos, AZ, 85550

Salt River Pima-Maricopa
Indian Community
of the Salt River Reservation
Chairman
10005 East Osborn Road,
SRP-MIC,
Scottsdale, AZ, 85256

San Carlos Apache Tribe
of the San Carlos Reservation
Chairman
P.O. Box 0,
San Carlos, AZ, 85550

San Carlos Apache Tribe
of the San Carlos Reservation
Chairman
P.O. Box 0,
San Carlos, AZ, 85550

San Carlos Apache Tribe
of the San Carlos Reservation
Chairman
P.O. Box 0,
San Carlos, AZ, 85550

San Juan Southern Paiute
Tribe
Chairman
PO Box 1989, Tuba City, AZ,
86045

Tohono O'odham Nation
Chairman
P.O. Box 837, Sells, AZ, 85634

Tohono O'odham Nation
Chairman
P.O. Box 837, Sells, AZ, 85634

Tonto Apache Tribe
Chairman
Tonto Apache Reservation
#30,
Payson, AZ, 85541

White Mountain Apache
Tribe of the Fort Apache
Reservation
Chairman
P.O. Box 700,
Whiteriver, AZ, 85941

White Mountain Apache
Tribe of the Fort Apache
Reservation
Chairman
P.O. Box 700,
Whiteriver, AZ, 85941

Yavapai-Apache Nation of
the Camp Verde Indian
Reservation
Chairman
2400 W. Datsi,
Camp Verde, AZ, 86322

Yavapai-Prescott Indian Tribe
Chairman
530 E Merritt, Prescott, AZ,
86301-2038

Yavapai-Apache Nation of
the Camp Verde Indian
Reservation
Chairman
2400 W. Datsi,
Camp Verde, AZ, 86322

Yavapai-Prescott Indian Tribe
Chairman
530 E Merritt, Prescott, AZ,
86301-2038

Yavapai-Prescott Indian Tribe
Chairman
530 E Merritt, Prescott, AZ,
86301-2038

Yavapai-Prescott Indian Tribe
Chairman
530 E Merritt, Prescott, AZ,
86301-2038

Southern Ute Indian Tribe
Chairman
P.O. Box 737,
Ignacio, CO, 81137

Ute Mountain Ute Tribe
Chairman
P.O. Box 248, Towaoc, CO,
81334-0248

Mohegan Tribe of Indians of
Connecticut
Chairman
13 Crow Hill Road,
Uncasville, CT, 06382

Mashantucket Pequot Indian
Tribe
Chairman
2 Matts Path, P.O. Box 3060,
Mashantucket, CT, 06338-
3060

Seminole Tribe of Florida
Chairman
6300 Stirling Road,
Hollywood, FL, 33024

Miccosukee Tribe of Indians
Chairman
Tamiami Station, P.O. Box
440021,
Miami, FL, 33144

Shoshone-Bannock Tribes of
The Fort Hall Reservation
Agency Bldg 82
1 Pima Drive
Fort Hall, ID 83203

Coeur D'Alene Tribe
Chairman
P.O. Box 408,
Plummer, ID, 83851-0408

Kootenai Tribe of Idaho
Chairman
P.O. Box 1269,
Bonners Ferry, ID, 83805-
1269

Nez Perce Tribe
Chairman
P.O. Box 305,
Lapwai, ID, 83540-0305

Sac & Fox Tribe of the
Mississippi in Iowa
Chairman
349 Meskwaki Road,
Tama, IA, 52339-9629

Iowa Tribe of Kansas &
Nebraska
Chairman
3345 B. Thrasher Road,
White Cloud, KS, 66439

Kickapoo Tribe in Kansas
Chairman
824 111th Drive,
Horton, KS, 66439

Prairie Band of Potawatomi
Nation
Chairman
16281 Q Road,
Mayetta, KS, 66509

Sac and Fox Nation of
Missouri in
Kansas and Nebraska
Chairman
305 N. Main Street,
Reserve, KS, 66434

Chitimacha Tribe of Louisiana
Chairman
P.O. Box 661,
Charenton, LA, 70523

Coushatta Tribe of Louisiana
Chairman
P.O. Box 818,
Elton, LA, 70532

Jena Band of Choctaw
Indians
Chairman
P.O. Box 14,
Jena, LA, 71342

Tunica-Biloxi Indian Tribe
Chairman
P.O. Box 1589,
Marksville, LA, 71351

Aroostook Band of Micmacs
Chairman
7 Northern Road, Presque
Isle, ME, 04769

Houlton Band of Maliseet
Indians
Chairman
88 Bell Road,
Littleton, ME, 04730

Passamaquoddy Tribe -
Indian Township
Chairman
P.O. Box 301,
Princeton, ME, 04668

Passamaquoddy Tribe -
Pleasant Point
Chairman
P.O. Box 343,
Perry, ME, 04667

Penobscot Nation
Chairman
27 Wabanaki Way,
Indian Island, ME, 04468

Mashpee Wampanoag Tribe
Chairman
483 Great Neck Road South,
Mashpee, MA, 02649

Wampanoag Tribe of Gay
Head (Aquinnah)
Chairman
20 Black Brook Road,
Aquinnah, MA, 02535-1546

Bay Mills Indian Community,
Michigan
Chairman
12140 West Lakeshore Drive,
Brimley, MI, 49715

Grand Traverse Band of
Ottawa & Chippewa Indians,
Michigan
Chairman
2605 N. West Bay Shore Dr.
Peshawbestown, MI, 49682-
9275

Hannahville Indian
Community, Michigan
Chairman
N14911 Hannahville B1
Road,
Wilson, MI, 49896-9728

Keweenaw Bay Indian
Community, Michigan
Chairman
16429 Beartown Road,
Baraga, MI, 49908

Lac Vieux Desert Band of
Lake Superior Chippewa
Indians of MI
Chairman
P.O. Box 249,
Watersmeet, MI, 49969

Little River Band of Ottawa
Indians, MI
Chairman
2608 Government Center
Drive,
Manistee, MI, 49660

Little Traverse Bay Bands of
Odawa Indians, MI
Chairman
7500 Odawa Circle,
Harbor Springs, MI, 49740

Match-e-be-nash-she-wish
Band of
Pottawatomi Indians of
Michigan
Chairman
2872 Mission Drive,
Shelbyville, MI, 49344

Nottawaseppi Huron Band of
the Potawatomi, MI
Chairman
1485 Mno-Bmadzewen Way,
Fulton, MI, 49052

Pokagon Band of
Potawatomi Indians,
Michigan & Indiana
Chairman
P.O. Box 180,
Dowagiac, MI, 49047

Saginaw Chippewa Indian
Tribe of Michigan
Chairman
7070 East Broadway Road,
Mt. Pleasant, MI, 48858

Sault Ste. Marie Tribe of
Chippewa Indians, MI
Chairman
523 Ashmun Street,
Sault Ste. Marie, MI, 49783

Lower Sioux Indian
Community
in the State of Minnesota
Chairman
P.O. Box 308,
Morton, MN, 56270

Minnesota Chippewa Tribe
Chairman
P.O. Box 217,
Cass Lake, MN, 56633

Minnesota Chippewa Tribe
Bois Forte Band (Nett Lake)
Chairman
5344 Lakeshore Drive,
Nett Lake, MN, 55772

Minnesota Chippewa Tribe
Fond du Lac Band
Chairman
1720 Big Lake Road,
Cloquet, MN, 55720

Minnesota Chippewa Tribe
Grand Portage Band
Chairman
P.O. Box 428,
Grand Portage, MN, 55605

Minnesota Chippewa Tribe
Leech Lake Band
Chairman
190 Sailstar Drive,
Cass Lake, MN, 56633

Minnesota Chippewa Tribe
Mille Lacs Band
Chairman
43408 Oodena Drive,
Onamia, MN, 56359

Minnesota Chippewa Tribe
White Earth Band
Chairman
P.O. Box 418,
White Earth, MN, 56591

Prairie Island Indian
Community in
The State of MN
5636 Sturgeon Lake Road
Welch, MN 55089

Red Lake Band of Chippewa
Indians
Minnesota
Hwy 1 East, 24200 Council
Street
Red Lake, MN 56671

Shakopee Mdewakanton
Sioux Community
Of Minnesota
2330 Sioux Trail, NW
Prior Lake, MN 55372-9077

Upper Sioux Community
Minnesota
5722 Travers Lane
Granite Falls, MN 56241

Mississippi Band of Choctaw
Indians
Chairman
P.O. Box 6010, Choctaw
Branch,
Choctaw, MS, 39350

Eastern Shawnee Tribe of
Oklahoma
Chairman
P.O. Box 350,
Seneca, MO, 64865

Assiniboine & Sioux Tribes of
the Fort Peck Indian
Reservation, MT
Chairman
P.O. Box 1027,
Poplar, MT, 59255

Blackfeet Tribe of the
Blackfeet Indian
Reservation of MT
Chairman
P.O. Box 850,
Browning, MT, 59417

Chippewa Cree Indians of the
Rocky Boy's
Reservation, MT
Chairman
96 Clinic Road,
Box Elder, MT, 59521

Confederated Salish &
Kootenai Tribes
of the Flathead Reservation
Chairman
P.O. Box 278,
Pablo, MT, 59855-0278

Crow Tribe of Montana
Chairman
P.O. Box 159,
Crow Agency, MT, 59022

Fort Belknap Indian
Community
Chairman
RR 1, Box 66,
Harlem, MT, 59526

Northern Cheyenne Tribe
Chairman
P.O. Box 128,
Lame Deer, MT, 59043

Omaha Tribe of Nebraska
P.O. Box 368,
Macy, NE, 68039

Ponca Tribe of Nebraska
P.O. Box 288,
Niobrara, NE, 68760

Santee Sioux Nation,
Nebraska
108 Spirit Lake Avenue West,
Niobrara, NE, 68760-7219

Winnebago Tribe of
Nebraska
P.O. Box 687,
Winnebago, NE, 68071

Ely Shoshone Tribe of
Nevada
Chairman
16 Shoshone Circle,
Ely, NV, 89301

Las Vegas Tribe of Paiute
Indians of the
Las Vegas Indian Colony,
Nevada
Chairman
One Paiute Drive,
Las Vegas, NV, 89106

Paiute-Shoshone Tribe of the
Fallon
Reservation and Colony,
Nevada
Chairman
565 Rio Vista Road,
Fallon, NV, 89406-9159

Reno-Sparks Indian Colony,
Nevada
Chairman
34 Reservation Road,
Reno, NV, 89502

Summit Lake Paiute Tribe of
Nevada
Chairman
1001 N. Rock Boulevard,
Sparks, NV, 89431-4337

Te-Moak Tribe of Western
Shoshone Indians of Nevada
(Four constituent bands:
Battle Mountain Band;
Elko Band; South Fork Band
and Wells Band)
Chairman
525 Sunset Street,
Elko, NV, 89801

Washoe Tribe of Nevada &
California (Carson Colony,
Dresslerville Colony,
Woodfords Community,
Stewart Community, &
Washoe Ranches)
Chairman
919 Highway 395 South,
Gardnerville, NV, 89410

Yerington Paiute Tribe of the
Yerington Colony & Campbell
Ranch, Nevada
Chairman
171 Campbell Lane,
Yerington, NV, 89447

Yomba Shoshone Tribe of the
Yomba
Reservation, Nevada
Chairman
HC61, Box 6275,
Austin, NV, 89310

Jicarilla Apache Nation, New
Mexico
Chairman
P.O. Box 507, Dulce, NM,
87528

Kewa Pueblo
Chairman
P.O. Box 99,
Santo Domingo Pueblo, NM,
87052

Mescalero Apache Tribe
Chairman
P.O. Box 227,
Mescalero, NM, 88340

Ohkay Owingeh
Chairman
P.O. Box 1099,
Ohkay Owingeh, NM, 87566

Pueblo of Acoma
Chairman
P.O. Box 309,
Acoma, NM, 87034

Pueblo of Cochiti
Chairman
P.O. Box 70,
Cochiti, NM, 87072

Pueblo of Isleta
Chairman
P.O. Box 1270,
Isleta, NM, 87022

Pueblo of Jemez
Chairman
P.O. Box 100,
Jemez Pueblo, NM, 87024

Pueblo of Laguna
Chairman
P.O. Box 194,
Laguna, NM, 87026

Pueblo of Nambe
Route 1, Box 117-BB,
Santa Fe, NM, 87506
Pueblo of Picuris
Chairman
P.O. Box 127,
Penasco, NM, 87553

Pueblo of Pojoaque
Chairman
78 Cities of Gold Road,
Santa Fe, NM, 87506

Pueblo of San Felipe
Chairman
P.O. Box 4339,
San Felipe Pueblo, NM,
87001

Pueblo of San Ildefonso
Chairman
Route 5, Box 315-A,
Santa Fe, NM, 87506

Pueblo of Sandia
Chairman
481 Sandia Loop,
Bernalillo, NM, 87004

Pueblo of Santa Ana
Chairman
2 Dove Road,
Santa Ana Pueblo, NM,
87004

Pueblo of Taos
Chairman
P.O. Box 1846, Taos, NM,
87571

Pueblo of Santa Clara
Chairman
P.O. Box 580, Espanola, NM,
87532

Pueblo of Tesuque
Chairman
RR 42, Box 360-T,
Santa Fe, NM, 87506-2632

Pueblo of Zia
Chairman
135 Capitol Square Drive,
Zia Pueblo, NM, 87053-6013

Ramah Navajo Chapter
HC-61, Box 13,
Ramah, NM, 87321

Zuni Tribe of the Zuni
Reservation
P.O. Box 339,
Zuni, NM, 87327

Oneida Nation of New York
Chairman
5218 Patrick Road,
Verona, NY, 13421

Cayuga Nation
Chairman
Cayuga Naton, P.O. Box 803,
Seneca Falls, NY, 13148

Onondaga Nation
Chairman
P.O. Box 319-B,
Nedrow, NY, 13120

Saint Regis Mohawk Tribe
Chairman
412 State, Route 37,
Akwesasne, NY, 13655

Shinnecock Indian Nation
Chairman
Shinnecock Indian Nation
Tribal Office,
P.O. Box 5006,
Southampton, NY, 11969-
5006

Tonawanda Band of Seneca
Chairman
7027 Meadville Road,
Basom, NY, 14013

Tuscarora Nation
Chairman
2006 Mt. Hope Road,
Lewistown, NY, 14092

Eastern Band of Cherokee
Indians
88 Council Loop Road
Cherokee, NC 28719

Spirit Lake Tribe, North
Dakota
Chairman
816 3rd Ave North
Ft Totten, ND, 58335

Standing Rock Sioux Tribe of
North and South Dakota
Chairman
North Standing Rock Ave Bld
1
Fort Yates, ND 58538

Three Affiliated Tribes of the
Fort Berthold
Reservation
Chairman
404 Frontage Road
New Town, ND, 58763

Turtle Mountain Band of
Chippewa Indians
Of North Dakota
Chairman
4180 Highway 281
Belcourt, ND, 58316

Absentee-Shawnee Tribe of
Indians of Oklahoma
2025 South Gordon Cooper
Drive,
Shawnee, OK, 74801

Alabama-Quassarte Tribal
Town
P.O. Box 187,
Wetumka, OK, 74883

Apache Tribe of Oklahoma
P.O. Box 1330, Anadarko, OK,
73005

Caddo Nation of Oklahoma P.O. Box 487, Binger, OK, 73009	Kickapoo Tribe of Oklahoma P.O. Box 70, McCloud, OK, 74851	The Choctaw Nation of Oklahoma P.O. Drawer 1210, Durant, OK, 74702
Cherokee Nation P.O. Box 948, Tahlequah, OK, 74465	Kiowa Tribe P.O. Box 369, Carnegie, OK, 73015	The Modoc Tribe of Oklahoma 22 N. Eight Tribes Trail, Miami, OK, 74354
Cheyenne and Arapaho Tribes P.O. Box 38, Concho, OK, 73022	Miami Tribe of Oklahoma P.O. Box 1326, Miami, OK, 74355	Shawnee Tribe P.O. Box 189, Miami, OK, 74354
Citizen Potawatomi Nation 1601 South Gordon Cooper Drive, Shawnee, OK, 74801	Otoe-Missouria Tribe of Indians 8151 Highway 177, Red Rock, OK, 74651-0348	The Chickasaw Nation P.O. Box 1548, Ada, OK, 74821
Comanche Nation, Oklahoma P.O. Box 908, Lawton, OK, 73502	Ottawa Tribe of Oklahoma P.O. Box 110, Miami, OK, 74355	The Muscogee (Creek) Nation P.O. Box 580, Okmulgee, OK, 74447
Delaware Nation P.O. Box 825, Anadarko, OK, 73005	Pawnee Nation of Oklahoma P.O. Box 470, Pawnee, OK, 74058	The Osage Nation P.O. Box 779, Pawhuska, OK, 74056
Delaware Tribe of Indians 5100 Tuxedo Blvd., Bartlesville, OK, 74006-2838	Peoria Tribe of Indians of Oklahoma P.O. Box 1527, Miami, OK, 74355	The Quapaw Tribe of Indians P.O. Box 765, Quapaw, OK, 74363
Fort Sill Apache Tribe of Oklahoma 43187 US Highway 281, Apache, OK, 73006	Ponca Tribe of Indians of Oklahoma 20 White Eagle Drive, Ponca City, OK, 74601	The Seminole Nation of Oklahoma P.O. Box 1498, Wewoka, OK, 74884
Iowa Tribe of Oklahoma 335588 East 750 Road, Perkins, OK, 74059	Sac and Fox Nation, Oklahoma 920883 S. Highway 99, Building A, Stroud, OK, 74079	Thlopthlocco Tribal Town P.O. Box 188, Okemah, OK, 74859
Kaw Nation Drawer 50, 698 Grandview Drive, Kaw City, OK, 74641	Seneca-Cayuga Nation 23701 South 655 Road, Grove, OK, 74344	Tonkawa Tribe of Indians of Oklahoma 1 Rush Buffalo Road, Tonkawa, OK, 74653-4449
Kialegee Tribal Town P.O. Box 332, Wetumka, OK, 74883		

United Keetoowah Band of
Cherokee Indians
in Oklahoma
P.O. Box 746,
Tahlequah, OK, 74465

Wichita and Affiliated Tribes
P.O. Box 729,
Anadarko, OK, 73005

Wyandotte Nation
64700 East Highway 60,
Wyandotte, OK, 74370

Burns Paiute Tribe
Chairman
100 Pasigo Street,
Burns, OR, 97720-2442

Confederated Tribes of Coos,
Lower Umpqua and Siuslaw
Indians
Chairman
1245 Fulton Avenue,
Coos Bay, OR, 97420

Confederated Tribes of Siletz
Indians of Oregon
Chairman
P.O. Box 549,
Siletz, OR, 97380-0549

Confederated Tribes of the
Grand Ronde
Community of Oregon
Chairman
9615 Grand Ronde Road,
Grand Ronde, OR, 97347-
9712

Confederated Tribes of the
Umatilla
Indian Reservation
Chairman
Nixyaawii Governance
Center,
46411 Ti'míne Way,
Pendleton, OR, 97801-0638

Confederated Tribes of the
Warm Springs
Reservation of Oregon
Chairman
P.O. Box C,
Warm Springs, OR, 97761-
3001

Coquille Indian Tribe
Chairman
3050 Tremont Street,
North Bend, OR, 97459-3059

Cow Creek Band of Umpqua
Tribe of Indians
Chairman
2371 N.E. Stephens, Suite
100,
Roseburg, OR, 97470-1399

Klamath Tribes
Chairman
P.O. Box 436,
Chiloquin, OR, 97624-0436

Narragansett Indian Tribe
4533 South County Trail
Charlestown, RI 02813

Catawba Indian Nation
996 Avenue of Nations
Rock Hill, SC 29730

Cheyenne River Sioux Tribe
of the Cheyenne River
Reservation, SD
Chairman
P.O. Box 590,
Eagle Butte, SD, 57625

Crow Creek Sioux Tribe of
the Crow Creek
Reservation, SD
Chairman
P.O. Box 50,
Fort Thompson, SD, 57339

Flandreau Santee Sioux Tribe
of South Dakota
Chairman
P.O. Box 283,
Flandreau, SD, 57028

Lower Brule Sioux Tribe of
the Lower
Brule Reservation, SD
Chairman
187 Oyate Circle,
Lower Brule, SD, 57548

Oglala Sioux Tribe
Chairman
P.O. Box 2070,
Pine Ridge, SD, 57770

Rosebud Sioux Tribe of the
Rosebud
Indian Reservation, SD
Chairman
P.O. Box 430,
Rosebud, SD, 57570

Sisseton-Wahpeton Oyate of
the Lake Traverse
Reservation, SD
Chairman
P.O. Box 509,
Agency Village, SD, 57262

Yankton Sioux Tribe of South
Dakota
Chairman
P.O. Box 1153,
Wagner, SD, 57380

Alabama-Coushatta Tribe of
Texas
Chairman
571 State Park Road 56,
Livingston, TX, 77351

Kickapoo Traditional Tribe of
Texas
Chairman
2212 Rosita Valley Road,
Eagle Pass, TX, 78852

Ysleta del Sur Pueblo
Chairman
P.O. Box 17579, Ysleta
Station,
El Paso, TX, 79917

Northwestern Band of
Shoshone Nation
Chairman
707 North Main Street,
Brigham City, UT, 84302-
1449

Paiute Indian Tribe of Utah
(Cedar Band of Paiutes,
Kanosh Band of Paiutes,
Koosharem Band of Paiutes,
Indian Peaks Band of Paiutes,
and Shivwits Band of Paiutes)
Chairman
440 N. Paiute Drive
Cedar City, UT, 84720-2613

Skull Valley Band of Goshute
Indians of Utah
Chairman
P.O. Box 448,
Grantsville, UT, 84029

Ute Indian Tribe of the
Uintah & Ouray Reservation
Chairman
P.O. Box 190,
Ft. Duchesne, UT, 84026

Pamunkey Indian Tribe
Chairman
1054 Pocahontas Trail,
King William, VA, 23086

Chickahominy Indians
2895 Mount Pleasant Road
Providence Forge, VA 23140

Monacan Indian Nation
357 Main Street
Amherst, VA 24521

Nansemond Indian Tribe
1001 Pembroke Lane
Suffolk, VA 23434

Rappahannock Tribe Inc.
5036 Indian Neck Road
Indian Neck, VA 23148

Upper Mattaponi Tribe
13476 William Road
King William, VA 23086

Confederated Tribes and
Bands of the
Yakama Nation
Chairman
PO Box 151
Toppenish, WA 98948-0151

Confederated Tribes of the
Chehalis Reservation
Chairman
P.O. Box 536, Oakville, WA,
98568

Confederated Tribes of the
Colville Reservation
Chairman
P.O. Box 150,
Nespelem, WA, 99155-0150

Cowlitz Indian Tribe
Chairman
P.O. Box 2547,
Longview, WA, 98632-8594

Hoh Indian Tribe
Chairman
P.O. Box 2196,
Forks, WA, 98331-2196

Jamestown S'Klallam Tribe
Chairman
1033 Old Blyn Highway,
Sequim, WA, 98382-7670

Kalispel Indian Community of
the Kalispel Reservation
Chairman
P.O. Box 39
Usk, WA, 99180-0039

Lower Elwha
Tribal Community
Chairman
2851 Lower Elwha Road,
Port Angeles, WA, 98363

Lummi Tribe of the
Lummi Reservation
Chairman
2665 Kwina Road
Bellingham, WA, 98226-9221

Makah Tribes of the
Makah Reservation
Chairman
P.O. Box 115,
Neah Bay, WA, 98357-0115

Muckleshoot
Indian Tribe
Chairman
39015 172nd Avenue SE,
Auburn, WA, 98092-9763

Nisqually
Indian Tribe
Chairman
4820 She-Nah-Num Drive SE,
Olympia, WA, 98513-9199

Nooksack Indian Tribe
Chairman
P.O. Box 157,
Deming, WA, 98244-0157

Port Gamble
S'Klallam Tribe
Chairman
31912 Little Boston Road NE,
Kingston, WA, 98346-9700

Puyallup Tribe
of the Puyallup Reservation
Chairman
3009 East Portland Avenue,
Tacoma, WA, 98404-4926

Quileute Tribe
of the Quileute Reservation
Chairman
P.O. Box 279,
La Push, WA, 98350-0279

Quinault Indian Nation
Chairman
P.O. Box 189,
Taholah, WA, 98587-0189

Samish Indian Tribe
Chairman
P.O. Box 217
Anacortes, WA, 98221-0217

Sauk-Suiattle Indian Tribe
Chairman
5318 Chief Brown Lane,
Darrington, WA, 98241-9421

Shoalwater Bay Indian Tribe
Chairman
P.O. Box 130
Tokeland, WA, 98590-0130

Skokomish Indian Tribe
Chairman
80 North Tribal Center Road,
Shelton, WA, 98584-9748

Snoqualmie Indian Tribe
Chairman
P.O. Box 969,
Snoqualmie, WA, 98065-
0969

Spokane Tribe
of the Spokane Reservation
Chairman
P.O. Box 100,
Wellpinit, WA, 99040-0100

Squaxin Island Tribe
of the Squaxin Island
Reservation
Chairman
10 SE Squaxin Lane,
Shelton, WA, 98584-9200

Stillaguamish Tribe Indians
of Washington
Chairman
P.O. Box 277
Arlington, WA, 98223-0277

Suquamish Indian Tribe of
the Port Madison
Reservation
Chairman
P.O. Box 498,
Suquamish, WA, 98392-0498

Swinomish Indian Tribal
Community
Chairman
11404 Moorage Way,
LaConner, WA, 98257-9450

Tulalip Tribes of Washington
Chairman
6406 Marine Drive,
Tulalip, WA, 98271-9775

Upper Skagit Indian Tribe
Chairman
25944 Community Plaza
Way,
Sedro Woolley, WA, 98284-
9739

Bad River Band of Lake
Superior Tribe of
Chippewa Indians
Chairman
P.O. Box 39,
Odanah, WI, 54861

Forest County Potawatomi
Community, Wisconsin
Chairman
P.O. Box 340,
Crandon, WI, 54520

Ho-Chunk Nation of
Wisconsin
Chairman
P.O. Box 667, W9814 Airport
Road,
Black River Falls, WI, 54615

Lac Courte Oreilles Band of
Lake Superior
Chippewa Indians of
Wisconsin
13394 West Trepania Road,
Building #1,
Hayward, WI, 54843

Lac du Flambeau Band of
Lake Superior
Chippewa Indians of
Wisconsin
Chairman
P.O. Box 67,
Lac du Flambeau, WI, 54538

Menominee Indian Tribe of
Wisconsin
Chairman
P.O. Box 910,
Keshena, WI, 54135-0910

Oneida Nation
Chairman
P.O. Box 365,
Oneida, WI, 54155-0365

Red Cliff Band of Lake
Superior Chippewa
Indians of Wisconsin
Chairman
88385 Pike Road, Highway
13,
Bayfield, WI, 54814

Sokaogon Chippewa
Community, Wisconsin
Chairman
3051 Sand Lake Road,
Crandon, WI, 54520

St. Croix Chippewa Indians of
Wisconsin
Chairman
24663 Angeline Avenue,
Webster, WI, 54893

Stockbridge Munsee
Community, Wisconsin
Chairman
N8476 Mo He Con Nuck
Road,
Bowler, WI, 54416

Eastern Shoshone Tribe of
the Wind River
Reservation, Wyoming
Chairman
P.O. Box 538,
Fort Washakie, WY, 82514

Northern Arapaho Tribe of
the Wind River
Reservation, Wyoming
Chairman
P.O. Box 396,
Fort Washakie, WY, 82514

ATTACHMENT A

**LETTER NOTIFYING CUSTOMERS THAT WILL
DISCONTINUE AFFECTED SERVICES ON A
COMMON CARRIAGE BASIS AND INSTEAD
PROVIDE SUCH SERVICES ON A PRIVATE
CARRIAGE BASIS**



October 16, 2019



**Important Notice Regarding AT&T Switched Ethernet Servicesm, AT&T Dedicated Ethernet Service, Ethernet Private Line Service-Wide Area Network, and AT&T Ultravailable[®] Network Service
Change Effective December 1, 2019**

Thank you for using AT&T for your business service needs. We want to make you aware of a planned change in regulatory status for the following interstate services offered by various AT&T companies: AT&T Switched Ethernet (ASE) Servicesm, AT&T Dedicated Ethernet (ADE) Service, Ethernet Private Line Service-Wide Area Network (EPLS-WAN), and Ultravailable[®] Network (UVN) Service (collectively, Affected Services).¹ Our records indicate that you are a customer of one or more of these Affected Services.

Effective December 1, 2019, pending regulatory approval where such approval is required, the Affected Services will be reclassified from “common carriage” to “private carriage”. As a current customer of one or more of the Affected Services, this change in regulatory status will have **no impact** on your existing service(s) or billing and requires **no action** by you. AT&T will continue to provide the Affected Services to you under your existing contract(s) with AT&T, which will remain effective and continue to apply. The shift to private carriage will update the Affected Services’ decades-old regulatory status to one better reflecting the realities of today’s Ethernet marketplace. It also will bring the Affected Services into regulatory parity with the many Ethernet providers already offering their services as private carriage.

If you have questions concerning the above, please email g47042@att.com so we may assist you.

We appreciate your business and look forward to serving your future business needs.

Sincerely,

Dan Blemings
AT&T Business
Director Ethernet Networking
208 S. Akard St. 16th Fl.
Dallas, TX 75202-4206

(Over)

Because of the current regulatory status of your product, FCC rules mandate AT&T add the text box below. AT&T wants to emphasize that even though the text mentions “discontinuance,” “reduction,” and “impairment,” no such actions will occur to your product(s) at this time, as stated earlier in this notice.

AT&T is required by the FCC to provide the following statement:

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC’s Electronic Comment Filing System using the docket number established in the Commission’s public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the section 63.71 Application of AT&T Corp.; TC Systems, Inc.; Teleport Communications America, LLC; BellSouth Telecommunications, LLC, d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, and AT&T Tennessee; Illinois Bell Telephone Company, LLC, d/b/a AT&T Illinois; Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana; Michigan Bell Telephone Company, d/b/a AT&T Michigan; Nevada Bell Telephone Company, d/b/a AT&T Nevada; The Ohio Bell Telephone Company, d/b/a AT&T Ohio; Pacific Bell Telephone Company, d/b/a AT&T California; Southwestern Bell Telephone Company, d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

^[1] ASE is available in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, and Wisconsin. ADE and UVN are available in the contiguous United States and the District of Columbia. EPLS-WAN is available in all 50 states, the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. EPLS-WAN and UVN are provided by AT&T Corp. ASE and ADE are provided by the following AT&T entities: TC Systems, Inc.; Teleport Communications America, LLC; BellSouth Telecommunications, LLC, d/b/a AT&T Alabama, AT&T Florida, AT&T Georgia, AT&T Kentucky, AT&T Louisiana, AT&T Mississippi, AT&T North Carolina, AT&T South Carolina, and AT&T Tennessee; Illinois Bell Telephone Company, LLC, d/b/a AT&T Illinois; Indiana Bell Telephone Company, Incorporated, d/b/a AT&T Indiana; Michigan Bell Telephone Company, d/b/a AT&T Michigan; Nevada Bell Telephone Company, d/b/a AT&T Nevada; The Ohio Bell Telephone Company, d/b/a AT&T Ohio; Pacific Bell Telephone Company, d/b/a AT&T California; Southwestern Bell Telephone Company, d/b/a AT&T Arkansas, AT&T Kansas, AT&T Missouri, AT&T Oklahoma, and AT&T Texas; and Wisconsin Bell, Inc., d/b/a AT&T Wisconsin.

ATTACHMENT B

**STATEMENT IN SUPPORT OF
APPLICATION OF AT&T FOR DISCONTINUANCE
AND RECLASSIFICATION AS PRIVATE CARRIAGE**

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

In the Matter of)
)
Section 63.71 Application of AT&T) WC Docket No. ___
Services, Inc. For Authority Pursuant to)
Section 214 of The Communications Act of)
1934, As Amended, to Discontinue The)
Provision of Certain Packet-Based and)
Wavelength Business Services as Common)
Carriage Services and to Instead Offer)
Those Services as Private Carriage Services)

**STATEMENT IN SUPPORT OF
APPLICATION OF AT&T FOR DISCONTINUANCE
AND RECLASSIFICATION AS PRIVATE CARRIAGE**

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

In the Matter of)	
)	
Section 63.71 Application of AT&T)	WC Docket No. ___
Services, Inc. For Authority Pursuant to)	
Section 214 of The Communications Act)	
of 1934, As Amended, to Discontinue The)	
Provision of Certain Packet-Based and)	
Wavelength Business Services as Common)	
Carriage Services and to Instead Offer)	
Those Services as Private Carriage)	
Services)	

**STATEMENT IN SUPPORT OF APPLICATION FOR
DISCONTINUANCE AND RECLASSIFICATION AS PRIVATE CARRIAGE**

AT&T Services, Inc. (“AT&T”) hereby applies for authority under Section 214(a) of the Communications Act, 47 U.S.C. § 214(a), and Section 63.71 of the Commission’s rules, 47 C.F.R. § 63.71, to discontinue offering AT&T Dedicated Ethernet, Ethernet Private Line Service-Wide Area Network, AT&T Ultravailable Network, and AT&T Switched Ethernet as common carriage and to reclassify those services as private carriage.¹

INTRODUCTION AND SUMMARY

In the *BDS Order*, the Commission held that the packet-based business data services of the major cable companies, as well as those of a CLEC (BT Americas) and an ILEC (ACS), are private carriage.² This classification decision crystalized a significant regulatory disparity between these

¹ For ease of exposition, AT&T will refer to these services in this Statement as “packet-based services,” although some of these services also use wavelength technologies.

² Report and Order, *Business Data Services in an Internet Protocol Environment*, 32 FCC Rcd 3459, ¶¶ 267-85 (2017) (“*BDS Order*”), remanded in part, *Citizens Telecomms. Co. of Minn. v. FCC*, 901 F.3d 991 (8th Cir. 2008), mandate stayed (Order, 8th Cir., November 9, 2018).

providers, which offer packet-based services on a private carriage basis, and carriers like AT&T, which have presumptively offered such packet-based services on a common carrier basis. To restore regulatory parity with its competitors, AT&T submits this application to reclassify the packet-based business services listed in the accompanying Application, and described in the supporting declaration of James Daugherty,³ as private carriage.⁴

The current regulatory disparity hinders full and fair competition, which in turn harms customers of packet-based business services. These packet-based services are offered in an intensely competitive marketplace, and the complexity and sophistication of these services often require the ability to engage in targeted offers to win customers. As private carriers, cable companies and others have broad flexibility to tailor their offerings to the individualized needs of each customer. AT&T often cannot respond to these offers as aggressively as it would like because of its common carrier obligations. Subjecting AT&T to common carrier obligations that do not apply to its competitors thus skews competition and reduces AT&T's ability to be fully responsive to its customers.

To the extent that common carrier regulation still applies to ILEC packet-based services, that is largely an historical accident. When packet-based technologies emerged more than two decades ago, ILECs originally offered those services as tariffed common carrier offerings, while CLECs and cable companies offered competitive alternatives on a largely unregulated basis. In 2007, the Commission declined to grant AT&T and other ILECs forbearance from Title II for their

³ Declaration of James Daugherty in Support of Application, Attached to Application as Exhibit C ("Daugherty Decl.").

⁴ AT&T is seeking reclassification of these services to the extent they are offered on an exchange access or interstate, interexchange basis.

packet-based services.⁵ The agency's principal reason—ironically—was to maintain regulatory parity: the agency *assumed* that all non-ILEC packet-based services were also subject to common carrier regulation.⁶ The *BDS Order* was the first time the Commission actually considered whether any particular cable or CLEC packet-based service was common or private carriage on a full record, and it found—contrary to its prior assumptions—that many of these services had been private carriage all along.

Now that the Commission has clarified that many of AT&T's competitors are private carriers, the principle of regulatory parity cuts the other way. Indeed, in the *BDS Order*, the Commission made clear that it was not “prejudg[ing]” the classification of any other packet-based services in today's marketplace, and that an ILEC's services “potentially could be appropriately classified as private carriage, as well.”⁷ The Commission did explain, however, that if a carrier subject to Section 214 offered a packet-based service initially as common carriage, that carrier “would first need to obtain discontinuance approval” under Section 214 to have its services reclassified as private carriage.⁸ Although the Commission has never made a formal determination regarding the status of AT&T's current packet-based services, the Commission's prior orders have assumed that those services are common carriage. Thus, AT&T is filing this “discontinuance”

⁵ See Memorandum Opinion and Order, *Petition of AT&T Inc. for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services; Petition of BellSouth Corp. for Forbearance under 47 U.S.C. § 160(c) from Title II and Computer Inquiry Rules with Respect to Its Broadband Services*, 22 FCC Rcd 18705, ¶ 67 (2007) (“*AT&T 2007 Forbearance Order*”).

⁶ See, e.g., *id.* (finding that AT&T is “ask[ing] us to go beyond the relief the Commission has granted any competitive LEC or nondominant interexchange carrier and allow it to offer certain broadband telecommunications services free of Title II regulation, thus creating a disparity in regulatory treatment between AT&T and its competitors”).

⁷ *BDS Order* ¶ 279.

⁸ *Id.* ¶ 279 & n.700.

application to have the services covered by this application formally reclassified as private carriage.

Reclassification of these services easily meets Section 214's standard, which requires the change to have no adverse effect on the public convenience and necessity. There is ubiquitous facilities-based competition for the packet-based services at issue. The customers for these services are highly sophisticated enterprises or other large purchasers, such as wireless carriers, who negotiate the rates and terms for their services on a case-by-case basis. As the Commission found in the *BDS Order*, "[o]ur market analysis does not show compelling evidence of market power in incumbent LEC provision of [packet-based] services, particularly for higher bandwidth services."⁹ Indeed, in the context of today's marketplace, retention of common carriage restrictions on AT&T but not its competitors harms customers by constraining AT&T's ability to meet competition.

The transition of these services to private carriage will be seamless. Although AT&T must seek this relief in the form of "discontinuance," AT&T has no plans to discontinue any current service. Granting this application would not require any immediate changes in any of these services, and AT&T would honor existing contracts and continue to make any required universal service contributions. Rather, "discontinuance" would merely give AT&T greater flexibility in how it offers and prices these services in the future. The Commission should thus promptly grant the application.

⁹ *BDS Order* ¶ 87; see also *Citizens*, 901 F.3d at 1012 (affirming decision not to re-impose any regulation on Ethernet services).

I. REGULATORY BACKGROUND

Although the Commission has never formally considered whether AT&T's current packet-based offerings are common carriage or private carriage, the Commission has always assumed they were common carriage, and AT&T has abided by common carrier requirements accordingly. Nonetheless, many of AT&T's competitors are offering these same services with the additional flexibility that private carriage allows. This regulatory disparity developed largely as an historical accident. To place this application in context, it is useful to review this regulatory history, and how this harmful, asymmetrical regulatory regime arose.

Forbearance Petitions from the 2000s. In the earliest days of packet-based services, ILECs offered such services as tariffed common carrier services, whereas both CLECs¹⁰ and cable¹¹ providers could offer competing services on a more deregulated, and detariffed, basis. Verizon was the first ILEC to seek greater regulatory parity. In December 2004, it filed a petition for forbearance from common carriage requirements for all of its "packet-switched services capable

¹⁰ Memorandum Opinion and Order, *Hyperion Telecommunications, Inc. Petition for Forbearance*, 12 FCC Rcd 8596 (1997) (granting petitions seeking permissive detariffing for provision of interstate exchange access services by providers other than the incumbent LEC). The Commission had also deemed all traditional interexchange carriers non-dominant and had adopted mandatory detariffing of their interexchange services—rulings that applied to common carrier packet-based services to the extent they were offered on an interexchange basis. *See Motion of AT&T Corp. to Be Reclassified as a Non-Dominant Carrier*, 11 FCC Rcd 3271 (1995) (reclassifying legacy AT&T as a non-dominant interexchange carrier); *Policy and Rules Concerning the Interstate, Interexchange Marketplace, Implementation of Section 254(g) of the Communications Act of 1934*, 11 FCC Rcd 20730 (1996) ("*Interexchange Forbearance Order*") (Commission would "no longer require or allow non-dominant interexchange carriers to file tariffs pursuant to Section 203 for their interstate, domestic, interexchange services").

¹¹ *See* Declaratory Ruling and Notice of Proposed Rulemaking, *Inquiry Concerning High Speed Access to Internet over Cable and Other Facilities*, 17 FCC Rcd 4798 (2002) ("*Cable Broadband Order*"). In the *Cable Broadband Order*, the Commission held that cable broadband internet access service was an information service, but also held that: (1) cable broadband transmission offered wholesale to third-party ISPs was private carriage (*id.* ¶ 55); and (2) even if cable modem service were a common carrier service, the Commission tentatively concluded that it would nonetheless forbear from applying Title II requirements to such services (*id.* ¶ 95).

of 200 Kbps in each direction,” which specifically included its “IP-VPN services and Ethernet services.”¹² A four-member Commission, however, failed to reach a majority on Verizon’s Petition within the statutory time period, and it was therefore “deemed granted” in 2006.¹³ Thus, beginning in 2006, Verizon was freed from all common carriage regulation for its packet-based services.

The other ILECs quickly filed their own petitions for similar relief, but the Commission declined to give AT&T and the other ILECs the same relief that Verizon had gained. Instead, the Commission only granted forbearance from dominant carrier regulation, including the tariffing requirements and price cap regulation.¹⁴ In a separate order, it granted the same relief for BOC-provided packet-based services to the extent they were provided on an interstate, interexchange basis.¹⁵ In granting such relief, the Commission specifically acknowledged that, even as of 2007,

¹² Letter from Edward Shakin, Verizon, to Marlene H. Dortch, FCC, WC Docket No. 04-440, dated February 7, 2006, at 2 & Attachment 1; *see also* Petition of the Verizon Telephone Companies for Forbearance, WC Docket No. 04-440 (filed Dec. 20, 2004) (seeking forbearance from applying “Title II and the *Computer Inquiry* rules” to “any broadband services offered by Verizon”).

¹³ *See* News Release, “Verizon Telephone Companies’ Petition for Forbearance from Title II and Computer Inquiries Rules with Respect to their Broadband Services Is Granted by Operation of Law,” WC Docket No. 04-440 (released March 20, 2006). *See also* *Sprint Nextel Corp. v. FCC*, 508 F.3d 1129 (D.C. Cir. 2007) (holding that the Commission’s deadlocked vote did not constitute reviewable agency action).

¹⁴ *AT&T 2007 Forbearance Order* ¶¶ 17-51. Detariffing was mandatory, to ensure consistency with the mandatory detariffing of interexchange services. *See id.* ¶ 42 (“to the extent AT&T wishes to take advantage of the relief granted in this Order for any particular service specified in its petitions, it must follow our rules for nondominant interexchange carriers in connection with that service”).

¹⁵ Report and Order and Memorandum Opinion and Order, *Section 272(f)(1) Sunset of the BOC Separate Affiliate and Related Requirements*, WC Docket No. 02-112 (released Aug. 31, 2007) (eliminating dominant carrier regulation of AT&T’s interstate, interexchange voice and data services) (“*Section 272 Sunset Order*”); Letter from Robert W. Quinn, Jr., AT&T, to Marlene H. Dortch, FCC, WC Docket No. 06-125, dated September 12, 2007 (withdrawing forbearance request to the extent services were granted relief in the *Section 272 Sunset Order* and pressing for forbearance for packet-based services “provided as exchange access rather than as interstate interexchange services”).

the marketplace for packet-based services was subject to intense competition from cable companies, CLECs and others.¹⁶ As a result of these orders, AT&T and other ILECs generally obtained relief from rigid *ex ante* rate regulation, which gave the ILECs a degree of flexibility to respond more efficiently to competitive offers.

But the Commission declined to grant forbearance from Title II, including Sections 201, 202, and 208 of the Communications Act. Ironically, the Commission's principal reason for denying the request was ostensibly to *avoid* regulatory disparities. The Commission argued that AT&T was "ask[ing] us to go beyond the relief the Commission has granted any competitive LEC or nondominant interexchange carrier and allow it to offer certain broadband telecommunications services free of Title II regulation, thus *creating a disparity in regulatory treatment* between AT&T and its competitors."¹⁷ The Commission claimed that such "preferential treatment" for AT&T was not warranted.¹⁸ Notably, in making these findings, the Commission simply *assumed* that AT&T's competitors were common carriers.¹⁹ The Commission did not actually consider the regulatory classification of any of AT&T's competitors' services, nor did it consider the possibility that many of those providers were offering packet-based services on a private carriage basis.

The effect of this decision was that, while AT&T could more efficiently respond to competitive offerings (because it no longer had to modify tariffs to do so), AT&T was still limited

¹⁶ See, e.g., *AT&T 2007 Forbearance Order* ¶¶ 22-23 ("[t]here are a myriad of providers prepared to make competitive offers to enterprise customers demanding packet-switched data services located both within and outside any given incumbent LEC's service territory," and "[t]hese competitors include the many competitive LECs, cable companies, systems integrators, equipment vendors, and value-added resellers providing services that compete against AT&T").

¹⁷ *Id.* ¶ 67 (emphasis added).

¹⁸ *Id.*; see also *id.* ¶ 68 ("disparate treatment of carriers providing the same or similar services is not in the public interest as it creates distortions in the marketplace that may harm consumers").

¹⁹ See, e.g., *AT&T 2007 Forbearance Order* ¶ 67 n.218.

in its ability to tailor its offerings to the individualized needs of customers as its private carriage competitors were doing. Thus, while private carriers (like the cable companies) can target specific customers with uniquely tailored offers, AT&T's ability to respond is constrained by the regulatory overhang of the Title II requirements.²⁰

The BDS Proceedings. These issues next arose in the business data services ("BDS") proceeding.²¹ There, three major cable companies (Comcast, Charter, and Mediacom), along with a CLEC (BT Americas) and an ILEC (Alaska Communications Services ("ACS")), argued that their packet-based services had always been private carriage offerings and should not be subjected to Title II.²² These providers argued that they make case-by-case decisions about whether to offer packet-based services to given customers and "make highly individualized decisions regarding any rates and terms they do offer for the relevant categories of service in order to meet the particular needs of a given customer."²³ They also noted that their customers have the size and sophistication to demand such uniquely tailored offerings.²⁴ The Commission agreed that these companies' services were more properly categorized as private carriage, and thus it declined to subject their packet-based services to common carrier regulation.²⁵

The *BDS Order* was the first time the Commission actually made a classification determination with respect to any non-ILEC packet-based service. The Commission acknowledged that its decision formalized a significant regulatory asymmetry between services

²⁰ See Daugherty Decl. ¶¶ 3, 10-17.

²¹ *BDS Order* ¶¶ 267-85.

²² *Id.* ¶¶ 271-73.

²³ *Id.* ¶¶ 271-72.

²⁴ *Id.* ¶ 272.

²⁵ *Id.* ¶¶ 267-85.

offered by cable companies and perhaps many CLECs as well (which generally have been private carriage) and ILEC services (which generally have been common carriage). In so doing, the Commission emphasized that it did not intend to “prejudge the classification of services being offered in the marketplace today or in the future—whether by competitive providers or incumbent LECs—which potentially could be appropriately classified as private carriage, as well.”²⁶ The Commission nonetheless explained that “[w]here a provider subject to section 214 of the Act initially offers a given interstate service on a common carriage basis, that provider first would need to obtain discontinuance approval for that common carrier offering before offering that service on a private carriage basis.”²⁷ Thus, to the extent AT&T’s services today remain common carriage, the Commission invited ILECs like AT&T to file discontinuance applications to formally reclassify their existing packet-based services as private carriage.

II. RECLASSIFICATION OF AT&T’S PACKET-BASED SERVICES AS PRIVATE CARRIAGE WOULD BE IN THE PUBLIC INTEREST.

AT&T is seeking regulatory parity with cable companies and other competitors by filing this discontinuance application to reclassify the following packet-based offerings as private carriage: AT&T Dedicated Ethernet (“ADE”), Ethernet Private Line Service – Wide Area Network (“EPLS-WAN”), AT&T Ultravailable Network (“UVN”), and AT&T Switched Ethernet (“ASE”). These services are described in more detail in the accompanying Declaration of James

²⁶ *See id.* ¶ 279.

²⁷ *Id.* ¶ 279 n.700. “By contrast, that would not be the case with respect to a service that a provider introduces as a private carriage offering in the first instance.” *Id.*; *see also id.* ¶ 273 n.678 (decision that ACS’s Ethernet services are private carriage does not apply to any services listed in ACS’s forbearance petition for which it received forbearance only from dominant carrier regulation in 2007).

Daugherty.²⁸ In the context of these highly competitive services, the Section 214 standards for “discontinuing” and reclassifying these services as private carriage are easily satisfied.

Section 214 of the Communications Act provides that no carrier shall discontinue service unless the Commission certifies that “neither the present nor future public convenience and necessity will be adversely affected” by the discontinuance.²⁹ Unlike the typical discontinuance case, however, AT&T is not proposing to cease offering any of these services, but merely to “discontinue” the common carriage classification of these existing services.³⁰ The question here, then, is whether reclassification of these existing services as private carriage would adversely affect the public convenience and necessity. That inquiry turns principally on the Commission’s assessment of whether the reclassification would adversely affect competition.³¹ Here, reclassification would be strongly in the public interest.

First, AT&T offers these services in an environment that is intensely and irreversibly competitive. The Commission has repeatedly and consistently found that packet-based services are subject to the fiercest type of competition. Most recently, in its *BDS Order*, the Commission

²⁸ Daugherty Decl. ¶¶ 5-9.

²⁹ 47 U.S.C. § 214(a).

³⁰ In a typical discontinuance case, in which the carrier is in fact ceasing to offer the service, the Commission considers “a number of factors in balancing the interests of the carrier and the affected user community,” including “(1) the financial impact on the common carrier of continuing to provide the service; (2) the need for the service in general; (3) the need for the particular facilities in question; (4) the existence, availability, and adequacy of alternatives; and (5) increased charges for alternative services, although this factor may be outweighed by other considerations.” *In re Verizon Tel.*, 18 FCC Rcd. 22737, 22742 (2003).

³¹ Compare *Appropriate Framework for Broadband Access to the Internet over Wireline Facilities Universal Serv. Obligations of Broadband Providers Computer III Further Remand Proceedings: Bell Operating Co. Provision of Enhanced Services; 1998 Biennial Regulatory Review -- Review of Computer III & ONA Safeguards & Requirements Conditional Petition of the Verizon Tel. Companies for Forbearance Under 47 U.S.C. § 160(c)*, 20 FCC Rcd 14853, 14907–08 (2005) (“*Wireline Broadband Order*”).

explained that “[o]ur market analysis does not show compelling evidence of market power in incumbent LEC provision of [packet-based] services, particularly for higher bandwidth services.”³² As Mr. Daugherty explains, “virtually every customer opportunity [for these services] is contested, typically by multiple facilities-based providers.”³³ Given this level of competition, the Commission has already determined that a variety of providers’ packet-based offerings, including cable, CLEC, and ILEC offerings, can be properly classified as private carriage. Now that the Commission has clarified that many of AT&T’s competitors are private carriers, the logic of the Commission’s *AT&T 2007 Forbearance Order* applies here: “disparate treatment of carriers providing the same or similar services is not in the public interest as it creates distortions in the marketplace that may harm consumers.”³⁴

The packet-based marketplace has only become more competitive since the Commission made its findings in the BDS proceeding. Many facilities-based providers offer packet-based services (and other competing services), and no provider has a high national market share.³⁵ Vertical Systems, which analyzes Ethernet services, has reported that “Ethernet pricing [has] declined across all port speeds for the six service types tracked by Vertical (*i.e.*, EPL, EVPL, DIA,

³² *BDS Order* ¶ 87; *see also id.* ¶ 83. *See also Citizens*, 901 F.3d at 1012 (affirming decision not to re-impose any regulation on Ethernet services); *Ad Hoc Telecomms. Users Comm. v. FCC*, 572 F.3d 903, 904, 909-10 (D.C. Cir. 2009) (affirming original 2007 decision to forbear from tariffing and price cap regulation for Ethernet services).

³³ *See* Daugherty Decl. ¶¶ 2, 11.

³⁴ *AT&T 2007 Forbearance Order* ¶ 68.

³⁵ *See, e.g.*, Mid-Year 2019 U.S. Carrier Ethernet Leaderboard, Vertical Systems (Sep. 2019), <https://www.verticalsystems.com/2019/09/10/mid-2019-us-ethernet-leaderboard>.

Access to VPN, Switched Metro VPLS)”³⁶ and that “three Cable MSOs (Spectrum Enterprise, Comcast and Cox) had the highest port growth.”³⁷

Given the intensely competitive nature of the packet-based marketplace, AT&T cannot exercise market power over the pricing or terms of such services. Accordingly, there is no longer any need to subject these AT&T services to common carrier regulation, particularly when many of its competitors are not subject to such restrictions. To the contrary, in today’s competitive environment, the fact that some competitors are private carriers and some are common carriers *harms* consumers because retention of the Title II pricing standards prevents common carriers from fully responding to private carriers’ more flexible marketplace offers. In a marketplace as complex and sophisticated as business-level, packet-based services, competitors have to be ready to respond to the marketplace with offers tailored to individual customer’s needs. AT&T’s private carrier competitors can and do engage in these types of individualized offers, but AT&T’s ability to respond is hampered by the legacy Title II restrictions.

As Mr. Daugherty explains, AT&T’s private carriage competitors “are increasingly targeting individual customers or specific groups of customers with offerings that are specifically tailored to their individualized needs.”³⁸ AT&T would often like to counter these offers with similarly tailored offers, but the overhang of Title II regulation constrains AT&T’s ability to do so.³⁹ And regardless of how AT&T chooses to respond, AT&T must spend time and resources to

³⁶ 2018 U.S. Carrier Ethernet Leaderboard, Vertical Systems (Feb. 2018), <https://www.verticalsystems.com/2019/02/14/2018-us-ethernet-leaderboard>.

³⁷ Mid-Year 2019 U.S. Carrier Ethernet Leaderboard, Vertical Systems (Sep. 2019), <https://www.verticalsystems.com/2019/09/10/mid-2019-us-ethernet-leaderboard>.

³⁸ *See* Daugherty Decl. ¶ 13.

³⁹ *See id.* ¶ 13-16.

consider the implications of common carrier regulation, time and resources that its private carriage competitors are able to avoid, allowing them to be quicker and more efficient than AT&T.⁴⁰

For these reasons, reclassification would not “adversely affect” competition or the public interest; to the contrary, it would *promote* competition by facilitating more aggressive competitive offers made more quickly. In that regard, AT&T’s lack of market power over these packet-based services should be determinative. In the *BDS Order*, the Commission acknowledged that “our precedent has generally identified market power as a prerequisite for potentially compelling common carriage” for services that are currently offered as private carriage.⁴¹ Just as the Commission would have no grounds to *compel* AT&T to offer these types of services today as common carriage in the first instance, so too would the Commission have no basis to force AT&T to *continue* to offer these services as common carriage by denying this application.

The Commission also recognized in the *BDS Order* that, “although some commenters seek to minimize the perceived extent of regulatory burdens that flow from compelled common carriage [on cable companies], the Commission itself has acknowledged that meaningful burdens do, in fact, flow from common carrier treatment.”⁴² Today, many of AT&T’s competitors offer their packet-based services on a private carriage basis, including not just the major cable companies but perhaps a number of CLECs as well. Given the competitiveness of the packet-based marketplace, and the fact that many competitors in that marketplace are already private carriers, there is no

⁴⁰ *See id.* ¶¶ 3, 17.

⁴¹ *BDS Order* ¶ 282.

⁴² *Id.*

longer any legitimate justification for continuing to subject AT&T to the “meaningful” burdens of common carriage.⁴³

Second, reclassification would not adversely affect the public convenience. AT&T plans to continue offering these services and will honor existing contracts. The only difference will be the change in regulatory classification. And, in that regard, customers will perceive little or no difference in the manner in which these services are offered, other than that AT&T will be free to compete more aggressively and to consider each opportunity on its own merits.⁴⁴

Indeed, AT&T’s packet-based services, as offered today, already share certain characteristics with private carriage.⁴⁵ For example, AT&T’s services are operationally very similar to its private carriage competitors’ offerings, and are direct substitutes that compete head-to-head with them in the marketplace.⁴⁶ The rates and terms for these packet-based services are,

⁴³ The FCC also found “generalized assertions” about the “perceived benefits” of common carriage or “remedying perceived risks of harms” from private carriage (such as “strategic denials” of service) were not sufficient to declare the cable companies’ services to be common carriage. *BDS Order* ¶ 284.

⁴⁴ Reclassification also would theoretically give AT&T the ability to make case-by-case decisions about whether to offer service to any particular customer, but this change should have little practical effect. *See, e.g., NARUC v. FCC*, 525 F.2d 630, 641 (D.C. Cir. 1976) (“*NARUC I*”) (“a carrier will not be a common carrier where its practice is to make individualized decisions, in particular cases, whether and on what terms to deal”). In today’s intensely competitive environment, AT&T typically has no marketplace incentive to turn away potential customers. Moreover, as explained above, facilities-based competition for these packet-based services is so robust and entrenched that, even if AT&T did decline to serve a potential customer, other facilities-based competitors would rush in to fill the gap. In all events, reclassification would merely give AT&T the same flexibility that many of its facilities-based competitors have.

⁴⁵ The D.C. Circuit has explained that some characteristics of a communications service exist within a “grey area” between “*per se* common carriage” and “*per se* private carriage,” and thus can be consistent with either classification. *See, e.g., Cellco P’ship v. FCC*, 700 F.3d 534, 547-49 (D.C. Cir. 2012).

⁴⁶ *See* Daugherty Decl. ¶¶ 6-9.

by their nature, highly negotiated.⁴⁷ As the Commission has noted, the customers for such services “include large wireless carriers, other large service providers, or enterprises.”⁴⁸ Accordingly, like its private carriage competitors, AT&T makes individualized decisions about rates and terms to meet the needs of a given customer, within the limits permitted by common carriage. As the Commission noted in the *BDS Order*, the types of customers that purchase packet-based services have the “size and sophistication” to demand uniquely tailored offerings.⁴⁹

The Commission also noted that the cable companies maintained generally available marketing materials, standard terms of agreement, and rate sheets, but held that these materials did not constitute an indifferent holding out of the services. Specifically, the Commission held that the rate sheets did not constitute a formal, take-or-leave-it offer but were intended to act as a starting point for negotiations. The Commission concluded that the mere existence of uniform terms in this context did not mean that the provider expected any potential user to accept them outright, as if ordering from a tariff.⁵⁰ AT&T similarly often lists standard rates and terms for its packet-based services in its service publications, but like the cable companies, in practice the service publications are often the starting point for negotiations.⁵¹ For all of these reasons, reclassification will have no negative impact on customers.

Finally, reclassification will not adversely affect universal service. Section 254(d) of the Act gives the Commission the authority to require any “provider of interstate telecommunications . . . to contribute to the preservation and advancement of universal service if the public interest so

⁴⁷ *See id.*

⁴⁸ *BDS Order* ¶ 272.

⁴⁹ *Id.*; *see also id.* ¶ 276 & n.686.

⁵⁰ *Id.* ¶ 278.

⁵¹ *See* Daugherty Decl. ¶¶ 6-9.

requires.”⁵² The Commission has exercised that authority to require universal service contributions from certain types of private carriers.⁵³ In the *BDS Order*, when it declared the cable companies’ services to be private carriage, the Commission noted that “the Commission’s universal service rules require certain contributions from private carriers” and emphasized that “[n]othing in the Order modifies those universal service contribution rules.”⁵⁴ The same would be true here and AT&T will continue to make universal service support contributions to the same extent that its private carrier competitors are contributing on their private carriage services.

CONCLUSION

For the foregoing reasons, the Commission should grant the application.

Respectfully submitted,

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October 21, 2019

⁵² 47 U.S.C. § 254(d).

⁵³ See, e.g., Further Notice of Proposed Rulemaking, *Universal Service Contribution Methodology et al.*, 27 FCC Rcd 5357, ¶ 9 (2012) (explaining that in 1997, the Commission exercised its permissive authority under Section 254(d) of the Act to require private carriers to contribute to the Fund).

⁵⁴ *BDS Order* ¶ 282 n.716 (responding to Public Knowledge argument that cable companies providing packet-based services should still be required to contribute to the universal service fund if they were declared to be private carriage).

ATTACHMENT C

**DECLARATION OF JAMES DAUGHERTY
IN SUPPORT OF APPLICATION**

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

In the Matter of)
)
Section 63.71 Application of AT&T) WC Docket No. ____
Services, Inc. For Authority Pursuant to)
Section 214 of The Communications Act of)
1934, As Amended, to Discontinue The)
Provision of Certain Packet-Based And)
Wavelength Business Services as Common)
Carriage Services and to Instead Offer)
Those Services as Private Carriage Services)

**DECLARATION OF JAMES DAUGHERTY
IN SUPPORT OF APPLICATION**

Dated: October 21, 2019

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**DECLARATION OF JAMES DAUGHERTY
IN SUPPORT OF APPLICATION**

I. QUALIFICATIONS AND BACKGROUND

1. My name is James Daugherty. I am Assistant Vice President of Product Management for Ethernet, Wavelength and Private Line services. In this position, I manage, among other things: (1) service profit and loss, (2) service strategy and market assessment, (3) development of new features, (4) support of customer deals, and (5) service performance. I previously held product management positions at AT&T supporting IP VPN and Frame Relay/ATM services.

II. PURPOSE AND SUMMARY

2. In this declaration, I describe the services subject to AT&T's Application and why granting it will benefit competition and consumers. In short, the services subject to the Application are packet-based and wavelength services offered to sophisticated customers, including business, government, and educational entities. The marketplace for these services is intensely competitive and includes, among others, cable companies, CLECs, ILECs, resellers, and systems integrators.

Virtually every customer opportunity is contested, typically by multiple providers. However, AT&T's services are subject to different regulatory requirements than many of its competitors' services, which impedes AT&T's ability to respond effectively to competitive offers, thus harming competition and consumers.

3. Specifically, I understand that the Commission has formally acknowledged that many of the packet-based services offered by cable companies, one ILEC, and one CLEC are "private carriage" services.¹ By contrast, AT&T's packet-based and wavelength services have historically been considered "common carriage."² This regulatory asymmetry gives cable companies and other entities a significant and entirely arbitrary competitive advantage. Private carriage competitors are permitted to tailor their offerings to the individualized needs of each customer, and AT&T's private carriage competitors are increasingly competing in this way. AT&T, by contrast, is constrained in its ability to tailor its offers to the individualized needs of customers because AT&T's services are treated as common carrier services. Consequently, AT&T often cannot respond to its competitors' offers as aggressively as it would like because of its common carrier obligations. In addition, unlike its private carriage competitors, AT&T spends time and money evaluating the implications of common carriage requirements when assessing how best to respond to the tailored and individualized offerings of its private carriage competitors. For

¹ See AT&T Statement in Support of Application, at 8-9 (citing Report and Order, *Business Data Services in an Internet Protocol Environment*, 32 FCC Red. 3459, ¶¶ 267-85 (2017) ("BDS Order"), remanded in part, *Citizens Telecomms. Co. of Minn. v. FCC*, 901 F.3d 991 (8th Cir. 2008), mandate stayed (Order, 8th Cir., November 9, 2018)).

² I understand that the regulatory classification of the AT&T packet-based and wavelength services at issue here is not absolutely clear because these services have never been formally classified as "common carriage." However, I also understand that regulators and others have historically assumed that AT&T's packet-based and wavelength services are subject to "common carriage" regulation. AT&T has thus complied with the common carriage requirements for these services.

all of these reasons, granting private carriage status for the services included in the Application will enable AT&T to compete more effectively against its private carriage rivals.

4. The remainder of this declaration is organized as follows. In Section III, I describe the specific packet-based and wavelength services that AT&T is seeking to offer as private carriage, and I identify the corresponding services offered by a number of AT&T's competitors.³ In Section IV, I describe the harms to AT&T, competition, and consumers caused by the current regulatory asymmetry, and why granting AT&T's application will address those harms.

III. THE SERVICES COVERED BY AT&T'S APPLICATION

5. AT&T's Application seeks to formally classify the following packet-based and wavelength business services as private carriage.

A. AT&T Dedicated Ethernet ("ADE")

6. ADE is used by business, government, and educational entities to connect two locations with dedicated fiber facilities. It is typically used by customers for local data transport. ADE supports both Ethernet and Optical Transport Network technologies and is available within AT&T's ILEC footprint and where AT&T has extended its own facilities outside its ILEC footprint.⁴ It is available in bandwidths up to 100 Gbps. To order ADE, customers generally must contact an AT&T sales representative, or already have a previously negotiated "growth" contract in place for future circuits. Although AT&T publishes standard rates, terms, and conditions for

³ Although I understand that AT&T must technically apply to "discontinue" these services to reclassify them as private carriage, AT&T does not plan to actually "discontinue" any service. AT&T plans to continue offering these services and to honor all existing contracts.

⁴ When this service is offered using AT&T's ILEC facilities, the service is called AT&T Dedicated Ethernet (or "ADE") and is offered by the relevant AT&T ILEC affiliate. When this service is offered using AT&T's CLEC affiliate facilities, the service is called AT&T Dedicated Ethernet Service (TCAL) and is offered by CLEC subsidiaries of AT&T Corp. In this declaration, I collectively refer to these services as "ADE." AT&T's Application applies to all of these ADE services.

ADE in its service publications,⁵ most customers negotiate individualized rates and terms that reflect their unique circumstances. AT&T's ADE service competes with a number of analogous services offered by other providers.⁶

B. Ethernet Private Line Service – Wide Area Network (“EPLS-WAN”)

7. EPLS-WAN is a dedicated connection used by business, government, and educational entities to connect locations in different cities. It is typically used by customers for long distance data transport. It provides a dedicated connection from each customer location to an AT&T Point of Presence (“POP”), which is then connected via a long-distance connection to another AT&T POP. It is available in bandwidths up to 100 Gbps. To order service, customers generally must contact an AT&T sales representative. Although AT&T publishes standard rates, terms, and conditions in its Service Guide,⁷ most customers negotiate individualized rates and terms. EPLS-WAN customers are typically larger business customers that require statewide or nationwide connectivity. AT&T's EPLS-WAN service competes with a number of analogous services offered by other providers.⁸

C. AT&T Ultravailable Network (“UVN”)

8. UVN is a dedicated connection used by business, government, and educational entities. It is a fully managed Ethernet and optical transport network service and private network solution that provides high levels of availability, reliability, and security. It can provide highly reliable dedicated connections among customer sites, and between customer sites and AT&T

⁵ See Exhibit A, hereto (links to the online description of these services).

⁶ See Exhibit B, hereto (listing a sample of the products offered by AT&T's competitors that compete directly with AT&T's ADE service).

⁷ See Exhibit A, hereto (links to the online description of these services).

⁸ See Exhibit B, hereto (listing a sample of the products offered by AT&T's competitors that compete directly with AT&T's EPLS-WAN service).

POPs. It is available in bandwidths up to 100 Gbps. To order service customers generally must contact an AT&T sales representative and negotiate customized rates and terms. UVN customers are typically larger business customers that require AT&T's most reliable data networking connectivity. Customers include large banks and financial institutions, retailers, pharmaceutical companies, defense contractors, data center providers, and government agencies.⁹ AT&T's UVN service competes with a number of analogous services offered by other providers.¹⁰

D. AT&T Switched Ethernet ("ASE")

9. ASE is a switched service used by business, government, and educational entities to connect two or more locations using Ethernet networking technology. ASE service connects each customer location to an Ethernet switch in an AT&T office, and AT&T's network manages the routing of traffic to and from the connected locations. ASE provides scalable duplex bandwidth up to 100 Gbps. ASE is provisioned over mostly fiber facilities and is available within AT&T's ILEC footprint and where AT&T has facilities outside of its ILEC footprint.¹¹ AT&T offers ASE to wholesale and retail customers of all sizes. AT&T publishes standard rates, terms, and conditions for ASE service in service guides and guidebooks that are accessible on-line.¹²

⁹ See Exhibit A, hereto (link to the online description of these services).

¹⁰ See Exhibit B, hereto (listing a sample of the products offered by AT&T's competitors that compete directly with AT&T's UVN service).

¹¹ To be more precise, when this service is offered within AT&T's ILEC footprint the service is called AT&T Switched Ethernet (or "ASE") and is offered by the relevant AT&T ILEC affiliate. When this service is offered outside of AT&T's ILEC footprint using AT&T's CLEC affiliate facilities, the service is called AT&T Switched Ethernet Service (TCAL) and is offered by affiliates of AT&T Corp. In this declaration, I collectively refer to these services as "ASE." AT&T's Application applies to all of these ASE services. I note that AT&T recently introduced, as a private carriage offering, a new switched Ethernet service available outside of AT&T's ILEC footprint called AT&T Switched Ethernet Service Third-Party Access (3PA). Because this service was introduced as a private carriage service in the first instance, AT&T is not requesting discontinuance for that service.

¹² See Exhibit A, hereto (links to the online description these services).

However, ASE customers almost always work with an AT&T sales team to enter into an individualized contract that often departs from the published rates, terms, and conditions. AT&T's ASE service competes with a number of analogous services offered by other providers.¹³

IV. GRANTING THE APPLICATION WILL ENABLE AT&T TO COMPETE MORE EFFECTIVELY, BENEFITING COMPETITION AND CONSUMERS

10. Granting the Application will enable AT&T to respond more effectively to competitive offerings, which will further enhance competition for packet-based and wavelength business services.

11. AT&T offers all of the services subject to this Application in a highly competitive marketplace, where cable companies are among the fastest growing competitors. Virtually every customer opportunity is contested, typically by multiple facilities-based providers. The FCC recently stated that “competition” for packet-based services is “sufficient enough to discipline pricing.”¹⁴ And Vertical Systems (an analyst firm that tracks competition among providers for Ethernet services) has found that “Ethernet pricing decline[ed] across all port speeds for the six service types tracked by Vertical (*i.e.*, EPL, EVPL, DIA, Access to VPN, Switched Metro VPLS)”¹⁵ and that in the first half of 2019, “three Cable MSOs . . . (Spectrum Enterprise, Comcast and Cox) had the highest port growth.”¹⁶

12. Notwithstanding this highly competitive marketplace, AT&T's services are subject to more regulation than those of many of its competitors. Although the Commission has not

¹³ See Exhibit B, hereto (listing a sample of the products offered by AT&T's competitors that compete directly with AT&T's ASE service).

¹⁴ *BDS Order* ¶ 83.

¹⁵ 2018 U.S. Carrier Ethernet Leaderboard, Vertical Systems (Feb. 2018), <https://www.verticalsystems.com/2019/02/14/2018-us-ethernet-leaderboard>.

¹⁶ *Id.* Mid-Year 2019 U.S. Carrier Ethernet Leaderboard, Vertical Systems (Sep. 2019), <https://www.verticalsystems.com/2019/09/10/mid-2019-us-ethernet-leaderboard/>.

formally designated AT&T's packet-based and wavelength services as either "private carriage" or "common carriage," I understand that the Commission has generally assumed that AT&T's packet-based and wavelength services are "common carriage," and that is how AT&T has treated them. By contrast, the Commission has formally acknowledged that the analogous services offered by larger cable companies and certain other competitors are "private carriage" services.¹⁷ This regulatory asymmetry allows AT&T's competitors to make offers to customers that AT&T cannot match.

13. Specifically, AT&T's private carriage competitors – especially cable companies – are increasingly targeting individual customers or specific groups of customers with offerings that are specifically tailored to their individualized needs. AT&T would like to meet or beat many of these competitive offers. However, because AT&T treats its packet-based and wavelength services as "common carriage," I understand that AT&T often lacks the regulatory flexibility to do so.

14. For example, cable companies have been successful in winning small business ASE customers from AT&T by offering promotions that are tailored to each customer's (or group of customers') individualized needs. AT&T would like to respond to these competitive offers. However, as a "common carrier" of these services, AT&T is constrained in its ability to make similarly tailored offers. Thus, although AT&T often could meet or beat its rivals' offers for packet-based and wavelength services, its common carrier obligations often prevent it from doing so.

¹⁷ See, e.g., *BDS Order*, ¶¶ 267-285 (formally classifying packet-based business services offered by cable companies and certain ILECs and CLECs as private carriage services).

15. The issue is not limited to pricing. For example, AT&T recently competed against a cable company for a contract to provide a 105-site Ethernet network to a healthcare provider with clinics in rural areas. From experience, the customer knew that approximately five of their clinics would close down each year. The customer requested, therefore, that it be permitted to cancel up to five sites per year without incurring termination penalties. Because of the large number of sites, AT&T's business case supported giving these favorable terms. However, there were substantial questions as to whether this offer was permissible under the common carriage requirements. AT&T therefore chose not to make this individually tailored offer. By contrast, AT&T's cable competitor, which was not subject to the same common carrier requirements, was able to offer this large customer the requested individualized terms and won the customer.

16. As these examples illustrate, the artificial and arbitrary differences in the regulatory classifications for AT&T's packet-based and wavelength services and its competitors' analogous services can limit AT&T's ability to respond to competitive offerings, causing AT&T to lose customers and reducing AT&T's competitive impact in the marketplace.

17. It is also important to note that AT&T, as a common carrier, incurs additional burdens that are not borne by its private carriage competitors. When AT&T considers its response to a competitor's individualized offer, AT&T must expend substantial time and resources evaluating the extent to which its response must be curtailed due to its common carriage obligations. This additional cost places AT&T at a further disadvantage relative to its private carriage competitors, and this additional time makes AT&T a less nimble competitor.

V. CONCLUSION

18. For all of the reasons set forth above, granting AT&T's Application will benefit competition and consumers.

VERIFICATION

I hereby swear under penalty of perjury that, based on the best information available to me, the foregoing is true and correct.

/s/ James Daugherty
James Daugherty

Dated: October 21, 2019

EXHIBIT A

DESCRIPTIONS OF PACKET-BASED AND WAVELENGTH SERVICES SUBJECT TO APPLICATION

Service	AT&T Entity Providing	Service Publication Link
AT&T Switched Ethernet (ASE)	AT&T ILEC Affiliates AT&T CLEC Affiliates	http://cpr.att.com/pdf/commonEthServGuide.html http://serviceguidenew.att.com/sg_flashPlayerPage/ASE
AT&T Dedicated Ethernet (ADE)	AT&T ILEC Affiliates AT&T CLEC Affiliates	http://cpr.att.com/pdf/is/index.html http://serviceguidenew.att.com/sg_flashPlayerPage/ADE
Ethernet Private Line Service – Wide Area Network (EPLS-WAN)	AT&T Corp.	http://serviceguidenew.att.com/sg_flashPlayerPage/BWS
AT&T Ultravailable® Network (UVN)	AT&T Corp.	http://serviceguidenew.att.com/sg_flashPlayerPage/UVN

EXHIBIT B

**SAMPLE OF PACKET-BASED AND WAVELENGTH SERVICES OFFERED BY OTHER PROVIDERS
THAT COMPETE DIRECTLY AGAINST EACH OF THE AT&T SERVICES SUBJECT TO THE APPLICATION**

AT&T	Verizon	CenturyLink	Comcast	Cox	Charter	Windstream	XO	Level 3
ASE	Switched E-LAN, Switched E-Line	E-line, VPLS	Ethernet Network Svc., Metro Ethernet, EVPL	E-LAN (MP2MP), EVPL (Hub-Spoke)	EPLAN, VPL	Switched Ethernet	Ethernet Hub Service, Ethernet VPLS	E-line, VPLS
ADE	Dedicated E-line	Ethernet Private Line, Optical Wavelength Service	EPL	Dedicated EPL (ICB only)	Wavelength Services	Wave Service	Ethernet Private Line	Intercity and Metro EPL
EPLS-WAN	Dedicated E-line, Wavelength Services	Ethernet Private Line, Optical Wavelength Service	EPL	Dedicated EPL (ICB only)	Wavelength Services	Wave Service	Wavelength	Waves
UVN	Wavelength Services	Optical Wavelength Service	Not Applicable	Not Applicable	Wavelength Services	Wave Service	Wavelength	Waves