

COMMONWEALTH OF MASSACHUSETTS

DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Proceeding by the Department of Telecommunications)
And Energy on its own Motion to Develop Requirements) DTE 02-28
For Mass Migrations of Telecommunications Service)
End Users)

**COMMENTS OF
AT&T and AT&T BROADBAND PHONE OF MASSACHUSETTS, LLC.**

AT&T Communications of New England (“AT&T”) and AT&T Broadband Phone of Massachusetts, LLC (“AT&T Broadband”) hereby submit Comments in the above captioned proceeding.

Background

On April 19, 2002, the Department of Telecommunications and Energy (“Department”) opened this proceeding, DTE 02-28, to initiate a Mass Migrations Collaborative (“Collaborative”). The Collaborative was convened to adapt for use in Massachusetts industry guidelines adopted by the New York Public Service Commission (“New York PSC”) for carriers exiting the telecommunications market and either migrating a large portion of their customer base to another carrier, or exiting the market without an acquiring carrier.

On June 7, 2002, the Collaborative submitted to the Department Draft Mass Migration Guidelines (“Guidelines”), which it modified for use in Massachusetts. The Department now opens an adjudicatory phase of this proceeding to solicit comments regarding the Guidelines

from all interested parties. AT&T and AT&T Broadband participated in the Collaborative, and hereby submit their Comments.

Discussion

AT&T and AT&T Broadband applaud the Department's forethought in opening this proceeding. Unfortunately, in this tumultuous market, competitive telecommunications carriers have been susceptible to bankruptcies at an alarming rate. A migration policy that was collaborated upon by the industry and approved by the Department will serve to streamline the process for migrations and market exits, ease the transition for customers and open the lines of communication between all carriers and the Department to resolve any issues as they arise.

AT&T and AT&T Broadband were participants in the Collaborative, and support in large part the document as it was submitted to the Department. AT&T and AT&T Broadband, however, seek to use this opportunity to submit some additional comments on the Guidelines as follows.

1. Residential Customers Migrated to an Acquiring Carrier Should be Migrated to Basic Local Service.

It is AT&T and AT&T Broadband's position that in the event there is an acquiring carrier, the acquiring carrier should migrate the exiting carrier's residential customers to its network at a basic level of local service.¹ Migrating residential customers to basic local service will prevent acquiring carriers from having to "shoehorn" new customers into calling plans and feature packages that are not identical to their existing plans and may only exist at higher, a la carte, rates. Moreover, network specific features such as voicemail, will already need to be re-provisioned with the new provider and cannot be seamlessly transitioned without intervention.

Unless the acquiring carrier is able to migrate residential customers to the exact same level of service at identical rates, customer confusion will be reduced if customers are transitioned to a basic service level. AT&T and AT&T Broadband believe this type of transition will permit residential customers to choose their own level of service, and will cut down on confusion if the acquiring carrier's service offerings are different than the exiting carrier's. Transitioning residential customers in this manner will also permit the new carrier to affirmatively reach out to the new customer to establish service plans that may be even better than what the customer had with their previous provider.² Finally, proactive, outbound calls to new customers will cut down on inbound call center traffic and provide all newly acquired residential customers with the information they need to make an informed decision about their new telephone services.

2. Clarification to Section III Regarding Customer CSR Information

AT&T and AT&T Broadband seek clarification as to why Section III, Regulatory Notification Exit Plan, requires exiting carriers to include a customer list with CSR information to be filed with the Department. Such information should be shared solely between the exiting carrier and acquiring carrier³ and should not be otherwise distributed, as it likely includes customer specific proprietary information. It is unclear from the Guidelines as to what use the

¹ Collaborative discussions indicated that the customer's LPIC and PIC information should remain the same, but cautioned migrating customers in the customer notification letter to contact their appropriate carriers to ensure that the customer's chosen plan did not change as a result of the migration.

² It is noteworthy that the FCC, in its Streamlined Carrier-to-Carrier Migration Docket requires that advance subscriber notice must disclose the rates, terms, and conditions of the service(s) to be provided by the acquiring carrier. See, 47 CFR Part 64, CC Docket Nos. 00-257 and 94-129; FCC 01-153, 2000 Biennial Review--Review of Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers (Tuesday, May 22, 2001) at ¶21.

³ Such an exchange of information is noted between the acquiring and exiting carrier in Section IV, where it is required that the exiting CLEC provide that information to the acquiring carrier.

Department will make of such information and when or if it will be disclosed and under what protections. AT&T and AT&T Broadband request that the use of this proprietary information by the Department be more clearly defined in these Guidelines.

3. *Definition of Acquiring Carrier*

AT&T and AT&T Broadband also recommend that the Guidelines more clearly define “acquiring carrier” as the carrier with which the exiting carrier has an agreement in place to migrate its customer base and share the required network and customer information. Defining acquiring carrier in this manner will alleviate the potential confusion of responsibilities between a carrier contractually bound to take customers of an exiting CLEC, and those carriers who may choose to market aggressively to a large number of the exiting carrier’s customers without a formal agreement with the exiting carrier. Moreover, it also clarifies that there is no, per se, default carrier in Massachusetts. Ensuring that it is clear that there is no default carrier in Massachusetts is particularly important in the case of bankruptcies that involve a large customer base, whose migration to a default carrier could have the impact of dramatically shifting the competitive landscape in favor of the default carrier.

4. *Department’s Role in Maintaining Website*

The Guidelines as adopted by the Collaborative contemplate an active role by the Department in facilitating customer migrations and/or termination of service by an exiting carrier. Specifically, in Section IV of the Guidelines, the Department is charged with maintaining an informational website that will be utilized by all carriers to notify CLECs of pending market exits, as well as posting carrier specific migration procedures. CLECs will therefore look to the Department as a conduit of industry information during the migration or termination process.

AT&T and AT&T Broadband's experience with the New York Mass Migration Guidelines confirms the importance of carriers having quick and reliable access to up-to-date information concerning the status of CLEC bankruptcies, so that carriers can do their part to ensure efficient and smooth customer transitions. Because the Department purposefully refrained from substantive participation in the Collaborative discussions so that participating carriers could work out these types of issues, AT&T and AT&T Broadband respectfully request that the Department maintain a web-site that is updated regularly to reflect pending Massachusetts CLEC bankruptcy proceedings and other relevant migration information.

5. *New York PSC's "Phase II" Collaborative*

On May 10, 2002, the New York PSC reopened its Mass Migration Collaborative to consider additional issues based upon the implementation of its own Migration Guidelines. The New York PSC recognized that the PSC and carriers now had practical experience with market exits pursuant to the Guidelines, and reconvened its Collaborative to provide further clarification to the Guidelines. The Department should continue to monitor the progress of the "Phase II" New York Collaborative. Should the Department consider adopting new or revised New York procedures, AT&T and AT&T Broadband request that Massachusetts Collaborative members and intervening parties be permitted an additional comment period. This comment period should include the opportunity to consider any such revised procedures in a forum similar to the instant proceeding, discussion in a collaborative manner, followed by the adjudication of any proposed changes.

Conclusion

AT&T and AT&T Broadband fully support the Department's objective to put in place Mass Migration Guidelines to provide for the orderly migration of customers or facilitate the exit of CLECs that have succumbed to market forces or otherwise plan to cease operations in Massachusetts. Towards that end, AT&T and AT&T Broadband respectfully submit additional recommendations to the Guidelines previously submitted by the Collaborative as set forth herein, and encourages the Department to consider them as it deliberates the final Mass Migration Guidelines.

Respectfully submitted,

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LLC.**

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Dated: June 25, 2002