

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)
)
Section 63.71 Application of AT&T Services,)
Inc., on behalf of its affiliate; Pacific Bell)
Telephone Company d/b/a AT&T California)

Authority Pursuant to Section 214 of The	)	WC Docket No. 26-120
Communications Act of 1934, As Amended,	)	Comp. Pol. File No. 2137
To Discontinue the Provision of Service	)	WC Docket No. 26-121
	)	Comp. Pol. File No. 2138

July 28, 2026

Petition for Reconsideration

Secretary Marlene Dortsch

Federal Communications Commission:

Pursuant to 47 USC 405, 47 CFR § 1.104 and 47 CFR § 1.106, I am filing a Petition for Reconsideration of the FCC Wireline Competition Bureau's (Bureau) automatic grant of the AT&T (Applicant) applications 26-120 and 26-121, and the Bureau's decision to allow discontinuance of copperline landline telephone service - "legacy voice service" - in California. FCC Public Notice DA 26-539 names the Bureau as the designated authority for this decision.

I am

- a commenter in 26-120 and 26-121, as well as in 26-123, 26-125, 25-208, 25-209, and other related dockets
- an aggrieved party as to the discontinuance
- a disabled party, as defined and qualified under ADA and state rules, and am disabled by electromagnetic sensitivity, a condition recognized by the US Access Board and Social

Security Administration.

Evidence not available or known at the public comment time of these dockets are appended to this Petition:

- July 22, 2026 letter from California Congressional representatives (Exhibit A), and
- the AT&T Mobile Insurance disclosure that identifies microwave radiation, which is emitted by its AP-A phone equipment, as a pollutant.(Exhibit B)

<https://www.att.com/legal/terms.mobileInsurance.html>

I. Summary:

The Wireline Competition Bureau improperly acted by allowing scant time for the public to learn about and comment on the discontinuance of vital services, and allowed incomplete, unclear, factually incorrect customer notices. It then summarily dismissed a substantial record of evidence and allowed an automatic grant, without informing the public of the grant. The Bureau consistently ignored extensive public testimony and warning in this and previous related dockets on the public safety consequences of discontinuance, public testimony that rebutted and disproved industry and Applicant's claims, but the Bureau, despite its responsibilities to the public and to public safety under multiple federal laws, deferred to Applicant, industry, and its long held beliefs. Copperline landlines and their equipment are essential infrastructure; significant and serious public harm, preventable deaths, and loss of telephone service will occur if it is removed. The public has amply proved why this infrastructure is necessary. In addition, this decision impacts EMF-disabled persons such as myself, who are faced with having no safe phone service if this decision remains. The “alternatives” Applicant and Bureau propose are fragile, undependable, energy intensive,

toxic, and expensive. In contrast, legacy copper systems, despite AT&T's lack of maintenance, continue to perform and provide excellent and dependable service, with superior voice quality and pinpoint location accuracy for emergency responders, functioning during power outages, even when outages last many days. It is imperative that the Bureau reconsider its decision and engage the public and this topic honestly and neutrally. This infrastructure must be retained and strengthened for the well-being of our communities.

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II. The Bureau ignored federal laws, public rights, and FCC responsibilities; Congress mandates the FCC protect public safety

The public provided extensive comments and evidence in these dockets and in preceding ones of why the legacy copper-based networks are essential to the public and why it is essential to maintain and strengthen them, as well as make them affordable for all. They exposed the false statements and claims of the Applicant and Commission that the Bureau used to justify discontinuance. The automatic grant and discontinuance of the copperline landline telephone network violates laws and regulations, including the following examples.

By its decision, the Bureau violated 47 USC §332 where Congress ordered the Commission to put safety first:

§332. Mobile services

(a) Factors which Commission must consider

In taking actions to manage the spectrum to be made available for use by the private mobile services, the Commission shall consider, consistent with section 151 of this title, whether such actions will—

(1) promote the safety of life and property;...

But the Bureau acted in opposition to public safety in violation of its Congressional mandate, demonstrating depraved indifference to public safety – in disasters, power outages, and other emergencies – despite the track record of problems of non-copper systems, including wireless network outages. The vulnerabilities of the “modern” “acceptable alternative” replacements are known, and they fail to measure up to the solid performance of the dependable, high-quality backbone copper landline phone system that allows emergency responders to exactly locate someone, and which functions so reliably, despite Applicant's gross neglect and poor maintenance, especially in power outages lasting many days. The experts on the ground are the public and public officials who have explained how their safety

depends on this resilient copper system everywhere, especially in rural areas. They were ignored, and the Applicant, despite its conflict of interest, was preferred.

In its decision, the Bureau also violated 47 USC §151 where Congress again prioritized safety as well as freedom from discrimination for FCC actions.

§151.Purposes of chapter; Federal Communications Commission created
“... to make available, so far as possible, to all the people of the United States, without discrimination ... a rapid, efficient, Nation-wide, and world-wide wire and radio communication service with adequate facilities at reasonable charges, ...for the purpose of promoting safety of life and property through the use of wire and radio communications,... “

Congress also prohibits the FCC from discriminating and giving preferential treatment in decision-making and deliberations in 47 USC § 202.

47 U.S. Code § 202 DISCRIMINATION AND PREFERENCES

(a)Charges, services, etc.

It shall be unlawful for any common carrier to make any unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

But the Bureau violated this statute by providing “undue or unreasonable preference or advantage” first and foremost to AT&T, and subjecting the public to “undue or unreasonable prejudice or disadvantage” in its testimony, public notices, and now, in its discontinuance. The obvious advantages and superior qualities of legacy copper phone service have been repeatedly spelled out to the Bureau and Commission, but the Bureau disadvantages Californians by requiring them to use inferior, fragile, and expensive alternatives. In its decision, the Bureau also advantaged those who can afford backup generators and expensive battery backup during power outages, and have the knowledge to implement them,

and the Bureau discriminated against those who are elderly, disabled, and/or low income and have limited options and abilities. The Bureau advantaged and preferred urban over rural customers. The Bureau increased the digital divide by eliminating universal and accessible DSL internet service. These are a few examples of Bureau's violations of Congressional mandate to be fair, just, and reasonable.

Bureau and Applicant unlawfully sidestepped other federal and state laws, willfully indifferent to the plain language of the 1996 TCA, Title VI: Effect on Other Laws:

SEC. 601. APPLICABILITY OF CONSENT DECREES AND OTHER LAW.

(c) FEDERAL, STATE, AND LOCAL LAW.—

(1) NO IMPLIED EFFECT.—This Act and the amendments made by this Act shall not be construed to modify, impair, or supersede Federal, State, or local law unless expressly so provided in such Act or amendments.

The Bureau ignored that, unless expressly stated in the TCA, the Act doesn't preempt federal, state or local laws. These laws include:

- US Constitution general welfare and liberty clauses,
- Americans with Disabilities Act and Americans with Disabilities Amendments Act
- Fair Housing Act and Fair Housing Amendments Act
- California Constitution; specifically, Article 1 Section 1- Declaration of Rights, and Article 7 - Equal protection of the laws
- California Public Utilities Code 451 – Utilities are ordered to provide utility service that is just and promotes safety, health, comfort and convenience
- California Public Utilities Code 453(b) – Prohibits utility discrimination or disadvantage to disabled persons
- California Civil Code 1714.45 Product liability – The AP-A product is inherently unsafe based on AT&T's own admission, and it is not disclosed in this application or in notices to the public
- California Civil Code 52.1 a, b, d – Prohibits interference with exercise of civil rights
- California Civil Code 51 – Equal access to business services
- California Civil Code 1709, 1710, 1711 – Deceit-damages and fraud

Yet the Bureau refused to alter course.

Further, 47 U.S.C. § 414 states

SEC. 414. [47 U.S.C. 414] REMEDIES IN THIS ACT NOT EXCLUSIVE.

Nothing in this Act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this Act are in addition to such remedies.

47 USC § 414 doesn't abridge or alter the remedies for the public including federal civil rights laws, such as ADA/ADAA and FHA/FHAA, and state anti-discrimination laws including those governing utility company service. Yet, these have been consistently ignored by the FCC. The Bureau ignored the testimony of people disabled by electromagnetic sensitivity such as myself on the extent of harm to EMF-disabled Californians from discontinuance ,including loss of access to telephone service that is safe for us and doesn't exacerbate our disability, and the Bureau discriminated against us in this decision.

III. The Bureau violates disabled access rules, including ADA/ADAA and FHA/FHAA

There is no adequate substitute service for copperline landline telephone service for EMF-disabled persons. It is the most accessible by far, as well as providing coverage during power outages and connection with medical professionals and loved ones – critical for people whose health is compromised by exposures. The Bureau failed to consider ADA and FHA contraindications for Applicant's AP-A equipment due to its microwave emissions. I have written extensively to the Commission on disabling electromagnetic sensitivity and the serious life-threatening health effects occurring for these disabled persons. In addition, you have received testimony from Wired Broadband, Inc. and other commenters in this docket.

FHAA protects the services provided to homes.

§ 3604.Discrimination in the sale or rental of housing and other prohibited practices
As made applicable by SECTION 3603 OF THIS TITLE and except as exempted by sections 3603(b) and 3607 of this title, it shall be unlawful—

(f)

(2) To discriminate against any person in the terms, conditions, or privileges of sale or

rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of—

(A) that person; or

(B) a person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or

(C) any person associated with that person.

That includes telephone service.

ADA/ADAA and state laws define “disability” and prohibit discrimination against disabled persons. Disabled individuals may ask for disabled accommodation in practices, policies and facilities to remove access barriers in those practices, policies, and facilities that discriminate against them and deny them access. The Bureau failed to provide disabled accommodation or even engage in interactive dialogue with me or other disabled persons.

California Public Utilities Code Section 453(b) protects disabled people's equal access to utility services and prohibits discrimination.

As noted above by TCA Section 601(c)(1) and Section 414, the TCA does not have any preemptive or prohibitory effects on these civil rights laws, nor can it eliminate the remedies they provide. The Bureau is actively discriminating against me and other EMF-disabled Californians by ordering inaccessible telephone service, and discontinuing accessible telephone service.

I will be personally harmed by lack of 24/7 reliable access to telephone service and by exposure to applicant's polluting products. The Bureau's decision denies me access to safe-for-me telephone service.

IV. The Bureau failed to correct procedural flaws and public notice deficiencies

The Bureau's automatic decision ignored March 26, 2026 25-208, 25-209 Report and Order that gave some flexibility and the ability to pull AT&T's applications from streamlined processing and automatic grant for more extended consideration (emphasis added).

86. We conclude that 31 days is sufficient time for the Commission to determine whether to remove a dominant carrier's discontinuance application from streamlined processing or to allow automatic grant of the discontinuance.

87. We thus determine that 31 days will be sufficient time to review dominant carriers' applications as well. Additionally, the Commission retains discretion to remove an application from streamlined processing at any point during the 31-day period should the discontinuance raise concerns. This notice requirement and the backstop retained by the Commission ensure adequate review of applications by dominant carriers as the public and carriers are notified of the discontinuance application and have the ability to raise concerns about applications with the Commission before the automatic grant.

Nevertheless, the Bureau refused to deviate from streamlined processing.

Moreover, when I queried Bureau representative Kimberly Jackson about this, saying, "The FCC received many comments from the public raising "concerns" -- significant issues and problems with discontinuance. Why didn't the FCC removed these dockets from streamlined processing given the amount of public opposition with substantive comments?" she replied:

The Commission weighs several factors in determining whether a proposed discontinuance of a service to a community or part of a community would adversely affect the current or future public convenience and necessity. After weighing these factors along with review of the record for these proceedings, including AT&T's responses to customer concerns, the FCC determined that these applications should be granted for the proposed discontinuances scheduled to occur on or after June 1, 2027.

She did not disclose what those “several factors” were, but no “several factors” are included in the Order. In fact, the Bureau appears to have violated the Commission's Order and made its own rules to obviate “should the discontinuance raise concerns”.

The Bureau also failed to acknowledge when false information by Applicant about copperline landline phone service performance and equipment was exposed by commenters' evidence, including energy usage, and the Bureau refused to take action to penalize or correct, despite that Applicant made statements under penalty of perjury.

The Bureau allowed incomplete, unclear, and incorrect notices to be sent by Applicant to customers. It failed to correct Applicant's letters and caused confusion that still exists. There was also no public notice on discontinuance in local newspapers.

The Bureau ignored that in Applicant's notice to the public on the affected areas, on the page only labeled as “California,” Applicant didn't include all the communities affected. In my community, for example, Monterey, Marina, and Seaside are named, but not Carmel, Pacific Grove, Del Rey Oaks, or Sand City – all nearby incorporated cities likely served by their neighboring named cities' wire centers. That lack of clarity likely caused some people to reasonably conclude that they got the letter in error and that it didn't affect them.

Paper filers were additionally disadvantaged due to the short comment period with an even shorter window to submit mailed comments which take up to a week or more to protest the disconnection of their vital landlines. The poor notice and confusing, incomplete and false

information failed to meaningfully inform the public, and the Bureau allowed the public to be misinformed.

The Bureau provided little time for contesting the automatic grant. There was no public notice that an automatic grant had occurred. An article in some newspapers didn't actually quote or source the Commission and had to be fact-checked by the public via the Commission's Bureau, while in the midst of filing comments in other related proceedings. This lack of clear communication by the Bureau created much confusion and wasted time, delaying preparation of any appeals, petitions for reconsideration, and other steps.

V. Bureau allows pollutant product as acceptable alternative

The Bureau ignored Applicant's 2019 disclaimer about pollutants from its equipment (Exh. B), information which Applicant did not include its Applications nor in the mailed notice to the public about AP-A, which has two indoor cellular antennas. The Bureau ignored the toxicity of what Applicant proposed which Applicant admitted in fine print here (excerpt).

AT&T Mobile Insurance (downloaded July 27, 2026)
Important Information, including Terms and Conditions
Effective October 22, 2019

...

II. EXCLUSIONS.

H. Loss caused by or resulting from the discharge, dispersal, seepage, migration, release or escape of Pollutants.

...

IX. DEFINITIONS.

P. "Pollutants" means: Any solid, liquid, gaseous, or thermal irritant or contaminant including...artificially produced electric fields, magnetic field, electromagnetic field, electromagnetic pulse, sound waves, microwaves, and all artificially produced ionizing or non- ionizing radiation...

VI. The Bureau ignored other public safety consequences

The Bureau and applicant failed to consider that discontinued areas are redlined to many disabled persons. In addition, these areas become hazard zones with undependable phone service. Many disabled customers are unable to relocate to and live in disconnected areas or even visit loved ones who live there, violating the Fair Housing Act.

The Bureau failed to consider that business discontinuance affects physicians and health professionals, other essential services, personal businesses of EMF-disabled persons, hotels, local governments – blocking access to medical care, personal property, jobs, public agencies, and places of public accommodation due to the indoor presence of microwave-emitting equipment as well as the lack of reliable telephone service including in power outages and emergencies.

The Bureau failed to consider that discontinuance includes schools, which means that power outages will affect access to 911 and emergency responders, such as during school shootings and disasters

VII. The Bureau obviated Order rules and ignored public welfare with lack of transparency

Bureau failed to respond to the substantive comments and life-and-death issues detailed by the public and why those issues and comments were not worthy of Bureau consideration or relevant to the FCC's mandate to prioritize public safety. The Bureau failed to inform the public on what, if any, reasoned decision-making led to its allowing the automatic grants,

failing even to announce the grants. Since I and many other members of the public had thoroughly explained how landlines are lifelines, the public was entitled to a response in line with statutory requirements. Instead, the Bureau failed to provide any answer or response to the public, and instead, was silent. The public learned about the decision from a news article that didn't even source the Commission.

After reading that news article in July and after hearing nothing from the FCC, I contacted Kimberly Jackson, the docket contact at the Bureau. She responded that they had done a “review of the record for these proceedings, including AT&T’s responses to customer concerns.” She did not say that the Bureau had actually read any, all, or even most of the public opposition comments submitted including the comments submitted by commenter Isis Feral. The Bureau exercises its own “discretion” and can ignore these comments and evidence as it wishes.

The Commission weighs several factors in determining whether a proposed discontinuance of a service to a community or part of a community would adversely affect the current or future public convenience and necessity. After weighing these factors along with review of the record for these proceedings, including AT&T’s responses to customer concerns, the FCC determined that these applications should be granted for the proposed discontinuances scheduled to occur on or after June 1, 2027.

Ms. Jackson then went silent herself and refused to answer further questions.

In fact, it is unclear that Bureau did anything more than skim the ECFS list of public commenters in the dockets.

By its actions, the Bureau displayed depraved indifference and a lack of reasoned decision-

making in the face of extensive evidence of public harm including death, and public safety problems, as well as opposition by state officials and the public, which the Commission had already ignored in 26-208 and 26-209.

Bureau chief Joseph Calascione made prejudicial comments in a published statement in December 2025 (<https://www.fcc.gov/news-events/blog/2025/12/19/light-fiber>) while 26-208 and 26-209 was still underway and before 26-120 and 26-121 were initiated, despite his supervisory, advisory, and decision-making role, influencing other Bureau and Commission staff. His comments show his prior commitment and bias toward landline elimination and indicated that he was unable and/or unwilling to objectively consider evidence the Bureau would receive that would contradict the FCC direction, including due to public safety problems.

The Bureau made its decision against the background of Commission's continued refusal to comply with 2021 federal court remand in EHT et al v FCC.

The Bureau also lacks jurisdiction and violates cooperative federalism by directing automatic discontinuance of intrastate copperline service and networks

VIII. Conclusion

These proceedings clearly show the error in streamlining when bias and willful indifference are in control; despite urgent and life-threatening, life and death matters and considerations raised by commenters including myself, the Bureau was undeterred and the decision was ramrodded through, despite the knowable consequences and despite having the option of

stopping the automatic approval. The Bureau's refusal to change directions despite facts presented and clear evidence that the public would be dramatically harmed showed depraved indifference to fundamental problems at odds with the planned direction of the FCC, The Bureau showed gross negligence and public endangerment, and its actions likely constitute agency misconduct.

The only viable remedy is to grant my petition for reconsideration and deny AT&T's applications for discontinuance due to the impacts to public safety and safe, reliable access to telephone service, including for EMF-disabled individuals, as well as for all the reasons given above and included in commenters' public testimony.

Sincerely,

A handwritten signature in cursive script that reads "Nina Beety".

Nina Beety
434 Washington St, Suite B, #173
Monterey, CA 93940
831-655-9902
nbeety@proton.me

Section 63.602(a)(4) Certification

I, Nina Beety, am filing this Petition for Reconsideration. I certify under penalty of perjury that ,
to the best of my knowledge, information, and belief, the information required by 47 DFR
Section 63.602 that I have submitted in this Petition is true and correct.

July 28, 2026

A handwritten signature in cursive script that reads "Nina Beety".

Nina Beety
484 Washington St., Suite B, #173
Monterey, CA 93940

Certificate of Service

I, Nina Beety, certify that on July 29, 2026, I will cause a copy of the foregoing Petition for Reconsideration to be served by U.S. Mail postage prepaid on the addresses below.

/s/ Nina Beety
Nina Beety

Brett Farley
Christopher Heimann
David Chorzempa
David Lawson
AT&T SERVICES, INC.
601 New Jersey Ave NW, Suite 650
Washington, DC 20001

Exhibit A

July 22, 2026

Letter from California Congressional Delegation

(attached)

Exhibit B

AT&T Mobile Insurance

Terms of Service Notice

Effective October 22, 2019

(attached)