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

In the Matter of Section 63.71 Applications 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 Communications Act of 1934, As Amended, To Discontinue the Provision of Service	**WC Docket No. 26-120** **Comp. Pol. File No. 2137** **WC Docket No. 26-121** **Comp. Pol. File No. 2138**

OPPOSITION OF AT&T SERVICES, INC. TO THE APPLICATION FOR REVIEW FILED BY THE PEOPLE OF THE STATE OF CALIFORNIA AND THE CALIFORNIA PUBLIC UTILITIES COMMISSION AND THE APPLICATION FOR REVIEW FILED BY RURAL COUNTY REPRESENTATIVES OF CALIFORNIA, THE UTILITY REFORM NETWORK, AND COMMUNICATIONS WORKERS OF AMERICA

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INTRODUCTION AND SUMMARY

AT&T designed its innovative AP-A offering specifically to satisfy the Commission's demanding "adequate replacement" test for discontinuance applications in the context of technology transitions.[1] The Commission rigorously vetted AP-A, and its testing protocols and results were subject to public notice and comment. As Public Knowledge observed, "AT&T's creation and deployment of … AP-A [is] … a win-win," for which "both the Commission and AT&T should be applauded."[2] AT&T then filed multiple discontinuance applications—covering tens of thousands of customers across 18 states—based on AP-A as a replacement service for POTS, and the Commission granted each one on a streamlined basis. The Discontinuance Applications at issue here were substantially identical, again seeking to discontinue POTS in favor of AP-A, which is less expensive for residential customers in California and more feature-rich. Consistent with prior practice, the Wireline Competition Bureau ("Bureau") granted the Applications on a streamlined basis.

That result was fully appropriate under—and, indeed, mandated by—the *Technology Transitions Order*. There, the Chairman Wheeler-led Commission determined that discontinuance applications that satisfied the adequate replacement test should qualify for the same streamlined processing that has long applied to other types of discontinuance applications presumptively raising no public-interest concerns: they are automatically granted in 30 days after public notice unless the Bureau finds there is a substantial reason for concern based on the public comments. The *Technology Transitions Order* also ensured that discontinuance applications that

[1] AT&T Services, Inc., files this opposition on behalf of its affiliate Pacific Bell Telephone Company d/b/a AT&T California. "AT&T" refers to AT&T affiliated entities collectively or AT&T California specifically depending on context. For convenience, AT&T incorporates by reference the defined terms from its Discontinuance Applications and Reply Comments.

[2] Comments of Public Knowledge, WC Dkt. No. 24-220, at 2 (filed Dec. 2, 2024).

build on prior approved applications could not be tied up in red tape: "[A] repeat applicant for a 214 discontinuance application in the technology transition context can rely on its successful certification of compliance … in a previously approved application involving a substantially similar service."[3] This approach "address[ed] … concerns that the adoption of new requirements for section 214 discontinuances w[ould] slow technology transitions," "while protecting the interests of all stakeholders, industry and consumers."[4] Indeed, at the time, the CPUC affirmatively *supported* extending streamlined processing to technology-transition discontinuance applications.

Now, the CPUC and RCRC *et al.*[5] seek Commission review of the Bureau's streamlined grant of AT&T's Discontinuance Applications, but they cannot show that the Bureau misapplied the Commission's well-established framework. Instead, the CPUC and RCRC mount a collateral attack on the *Technology Transitions Order* and the grants of multiple prior AT&T discontinuance applications based on AP-A. Reverting to their primary tactic of delay, they argue that they were entitled to relitigate the adequacy of AP-A anew and fault the Bureau for not issuing a detailed decision responding to their arguments. But the Bureau followed the Commission's binding requirements to the letter. No party showed that AP-A's performance had changed since it was vetted and approved, making streamlined approval mandatory under the *Technology Transitions Order.*

In any event, the CPUC and RCRC have not identified any error warranting review. Procedurally, the CPUC's own filing shows that the Bureau's streamlined grant of AT&T's

[3] *Technology Transitions Order* ¶ 82.

[4] *Id.* ¶¶ 82–83.

[5] RCRC, TURN, and the Communications Workers of America (collectively, "RCRC") jointly filed an Application for Review ("RCRC AFR").

Discontinuance Applications without a written order has not prevented the CPUC from seeking review. The Administrative Procedure Act does not call into question the Commission's rules for streamlined processing of section 214 applications—rules that it applies routinely to a wide variety of applications.

On the merits, AP-A is not inferior to POTS. To the contrary, AP-A is reliable, provides 911 functionality, and complies with all accessibility, usability, and compatibility requirements to serve individuals with disabilities—capabilities confirmed by the Commission's repeated approval of prior discontinuance applications based on AP-A.

Nor is California's topography "unique" in any relevant sense, as the CPUC and RCRC suggest. AP-A does not lose any capabilities just by crossing the California border, and the laws of physics do not apply differently in California than they do in the 18 other states where AP-A has been approved and performs well. These states collectively have diverse geographies, including rugged mountainous regions, dense cities, and remote rural areas. AT&T submitted sworn evidence showing that AP-A reaches every Affected Customer based on the Commission's National Broadband Map. That Map relies on wireless propagation models that account for varied terrain and atmospheric conditions. Coverage determinations are updated regularly, reflect consumer challenges, and are audited by the Commission.

Finally, the CPUC's and RCRC's claims that discontinuance will disproportionately harm disadvantaged communities are without basis. In modernizing its network, AT&T is committed to leaving no customer behind. AT&T sought discontinuance only in areas where the National Broadband Map demonstrated that *every* Affected Customer has access to AP-A. Residential AP-A is *cheaper* than POTS, while providing enhanced functionality that POTS cannot match. And AT&T offers AP-A at a steep discount to existing Lifeline customers impacted by the Discontinuance Applications. The applications for review should be denied.

ARGUMENT

I. THE BUREAU'S STREAMLINED GRANT OF DISCONTINUANCE WITHOUT A DETAILED ORDER WAS PROCEDURALLY APPROPRIATE

The CPUC argues that the Bureau's streamlined grant of AT&T's Discontinuance Applications—without issuing a written order—violates the Administrative Procedure Act, the Commission's procedural rules, and due process.[6] Those arguments share a flawed premise: that the Bureau's "silence" prejudices the CPUC's ability to obtain review. The CPUC's own application for review shows that the premise is wrong. The CPUC has sought review, and the applications for review give the Commission an opportunity to explain its reasons. In any event, the CPUC's arguments do not withstand scrutiny. Indeed, the CPUC ultimately raises a collateral attack on the framework that the Commission adopted in the *Technology Transitions Order*—a framework that the CPUC itself expressly supported.

A. Section 555(e) Does Not Apply, And Is Satisfied In Any Event

The CPUC invokes Section 555(e) of the Administrative Procedure Act, which requires "prompt notice" and "a brief statement of the grounds for denial" when an agency denies "a written application, petition, or other request of an interested person," unless the denial is "self-explanatory."[7] For multiple independent reasons, section 555(e) does not help the CPUC.

First, section 555(e) does not apply. That provision is triggered by the "denial" of "a written application, petition, or other request." The CPUC's comments in *opposition* to AT&T's

[6] *See* CPUC Application for Review ("CPUC AFR") at 2–4 (July 29, 2026).

[7] 5 U.S.C. § 555(e).

Discontinuance Applications do not qualify. Those comments are not an “application” or “petition”; the only applications here were AT&T’s, and those were *granted*, not denied.

The CPUC seizes on the term “request,” but ignores the neighboring terms “application” and “petition.”[8] Under the canon of *noscitur a sociis*, a word must be read in light of “the neighboring words with which it is associated,”[9] and here, the words “application” and “petition” denote affirmative demands for agency action. Moreover, the word “other” confirms that a “request” must be fundamentally similar to an “application” or “petition.” Comments opposing someone else’s application are not themselves an application or petition, or anything like one.

Second, the CPUC’s objection is premature. The CPUC may seek review of the Bureau’s decision from the full Commission, as it has now done. Mandating a written decision now would disrupt the Commission’s use of procedures that deem particular kinds of requests granted absent agency action to the contrary within a specified period of time. Authorized by regulation and by statute, “deemed granted” provisions are common under the Communications Act, and are routinely employed beyond the technology transition context.[10]

Third, the *Technology Transitions Order* already supplied the Commission’s reasons for granting discontinuance applications like AT&T’s. Thus, even if section 555(e) applies, the grounds for rejecting the CPUC’s arguments in this particular case are “self-explanatory.”[11]

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[8] CPUC AFR at 3.

[9] *Fischer v. United States*, 603 U.S. 480, 487 (2024) (quoting *United States v. Williams*, 553 U.S. 285, 294 (2008)).

[10] *See* 47 U.S.C. §§ 160(c), 204(a)(3), 537; 47 C.F.R. § 63.71(f).

[11] *See* 5 U.S.C. § 555(e).

The Commission's *Technology Transitions Order* establishes a clear framework for a "repeat applicant" like AT&T "in the technology transition context."[12] Such an applicant must establish that "a replacement service [is] available to all affected customers," but in doing so may "rely on its successful certification … in a previously approved application involving a substantially similar service."[13] This kind of repeat application will be granted automatically unless objecting commenters "offer substantial evidence that the technology or network infrastructure are not in fact substantially similar to the service subject to the certifications in the previous application or the certifications have been proven unreliable, based on significant consumer complaints or new independent data."[14]

Under this framework, the basis for the streamlined grant here was obvious. As explained further below, AT&T's applications relied on detailed testing results of AP-A in multiple successful prior applications certifying that AP-A meets the adequate replacement test; AT&T submitted evidence based on the Commission's National Broadband Map that every Affected Customer has access to AP-A; and no one offered "substantial evidence" that AP-A has not performed consistent with the testing results. Anything other than a streamlined grant would have been an unexplained departure from Commission precedent.

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[12] *Technology Transitions Order* ¶ 82. RCRC claims that it is unclear whether the Bureau granted AT&T's applications under the framework established in the 2016 *Technology Transitions Order* or the new framework announced in the *Network Modernization Order*. RCRC AFR at 7–8. But as RCRC acknowledges, the rulemaking changes announced in the *Network Modernization Order* were not yet effective when AT&T filed its Discontinuance Applications, which were therefore governed by the Commission's then-existing framework. While AT&T's Discontinuance Applications met the requirements for streamlined processing under both frameworks, RCRC offers no basis to believe that the Bureau evaluated the Applications under a new framework that AT&T acknowledged was not yet effective.

[13] *Technology Transitions Order* ¶¶ 82, 123.

[14] *Id.* ¶ 83.

The CPUC's complaint that the Bureau granted AT&T's Discontinuance Applications without a written order thus boils down to an untimely attack on the *Technology Transitions Order* and the Commission's prior determinations that AP-A meets the adequate replacement test. The *Technology Transitions Order* reaffirmed the Commission's longstanding regime allowing for the "automatic grant" of certain discontinuance applications under section 214 and extended it to the context of technology transitions.[15] Further, recognizing red tape that threatened "speedy and effective" technology transitions, the Commission adopted an even "more streamlined approach for discontinuances involving services that are substantially similar to those for which a Section 214 discontinuance has previously been approved."[16] In doing so, the Commission specifically "reject[ed] calls to eliminate the streamlining and automatic grant procedures for discontinuance applications related to technology transitions."[17]

Indeed, the CPUC participated in the proceeding leading to the *Technology Transitions Order*, and it never suggested that unreasoned grants by the Bureau would be procedurally improper. To the contrary, the CPUC *endorsed* the streamlined framework it now attacks.[18] The CPUC "support[ed]" the Commission's proposal to allow applications to be "eligible for automatic grant" where a carrier certifies compliance with the adequate replacement criteria.[19] And the CPUC recommended that, where the Commission has "verified a third-party product as a comparable service" in a "previous 214 grant," that product should be permitted to serve as "a

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[15] *Id.* ¶ 77.

[16] *Id.* ¶¶ 76–77.

[17] *Id.* ¶ 76.

[18] Comments of the CPUC, GN Dkt. No. 13-5 (filed Oct. 30, 2015).

[19] *Id.* at 3–4.

comparable service" for subsequent discontinuance applications[20]—a recommendation markedly similar to the "repeat applicant" framework AT&T invoked here. Furthermore, when the Commission adopted the *Technology Transitions Order*, the CPUC did not seek reconsideration, and no party challenged it in court.[21] Having supported streamlined processing and automatic grants a decade ago, and having declined to challenge the resulting order, the CPUC cannot fairly complain now that the Commission followed its longstanding approach.

Nor can the CPUC claim surprise at how streamlining has played out in practice. When the Commission put AT&T's AP-A test plan out for public comment, the CPUC did not object.[22] When AT&T first applied for discontinuance in Oklahoma based on AP-A and the rigorous testing results it had obtained, the CPUC again did not object—despite knowing that the "repeat applicant" framework would allow AT&T to rely on that approval elsewhere.[23] And when AT&T again relied on AP-A to apply for discontinuance in 18 states, the CPUC yet again did not object.[24] The CPUC's belated protests today ring hollow.

B. Arbitrary-And-Capricious Review Does Not Apply

The CPUC also invokes the judicial review standards in the Administrative Procedure Act, arguing that "an agency conclusion supported 'with no explanation' is the epitome of

[20] *Id.* at 8.

[21] TURN, which joins RCRC's application for review here, joined a petition for reconsideration of the *Technology Transitions Order*, but that petition expressly described the "rules … that would enable an incumbent to file for the automatic grant of a Section 214 request for discontinuance" as "reasonable." NASUCA *et al.* Petition for Review, GN Dkt. No. 13-5, at i (filed Oct. 11, 2016); *see id.* at 2 (similar).

[22] AT&T 214 Reply at 5.

[23] *Id.* at 5–6.

[24] *Id.* at 7.

'arbitrary and capricious' decisionmaking."[25] But under the statute, the arbitrary-and-capricious standard applies to review of "final" agency action by a "court."[26] The Bureau's decision is not final agency action, and the CPUC has not sought review in court—nor could it do so at this point, so long as the applications for review remain pending.[27] The application-for-review process exists precisely to allow the full Commission to address concerns about Bureau-level decisions *before* they become final and subject to judicial review. Given the self-evident basis for the Bureau's decision, it will not be difficult for the Commission to provide non-arbitrary reasons for granting AT&T's application. Indeed, as explained above, the grant involves straightforward application of the *Technology Transitions Order*. Until the Commission disposes of the pending applications for review, the arbitrary-and-capricious standard is irrelevant.

C. The Commission's Rules And Due Process Requirements Are Fully Satisfied

The CPUC claims the Bureau's silence "prejudices" its ability to seek review because the Commission's rules require applications for review to refer to "the findings of fact or conclusions of law."[28] But the CPUC's own 12-page application refutes this claim; it identifies alleged errors and argues at length why the Bureau's grant should be reversed. Moreover, the Commission's rules require reference to findings of fact and conclusions of law only "*where appropriate*"[29]—which is obviously not the case where there are no written findings or

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[25] CPUC AFR at 4.

[26] 5 U.S.C. §§ 704, 706(2).

[27] *See* 47 U.S.C. § 155(c)(7); *Int'l Telecard Ass'n v. FCC*, 166 F.3d 387, 388 (D.C. Cir. 1999) (per curiam) ("Ongoing agency review renders an order nonfinal for purposes of judicial review, and a petition for review of the order is incurably premature.").

[28] CPUC AFR at 2–3.

[29] 47 C.F.R. § 1.115(b)(1) (emphasis added).

conclusions to reference. Nothing about the streamlined grant prevents the CPUC from seeking Commission review, as its very application demonstrates.

Finally, the CPUC makes a passing reference to "due process and fair play."[30] But due process requires only notice and an opportunity to be heard.[31] Both were provided here. The CPUC had notice of the proceeding that led to the *Technology Transitions Order*. The CPUC participated in that proceeding, submitting comments supporting the streamlined framework it now attacks. The CPUC likewise had notice of AT&T's prior AP-A-based discontinuance applications, but declined to comment. The CPUC also had notice of AT&T's Discontinuance Applications and the June 29, 2026 automatic grant date.[32] It had an opportunity to be heard, which it exercised by filing timely opposition comments. The CPUC now has notice of the Bureau's grant and is exercising its opportunity to be heard again through the CPUC's application for review. Due process demands nothing more.

II. THE CPUC AND RCRC PROVIDE NO LEGITIMATE GROUNDS FOR DENYING STREAMLINED APPROVAL

The CPUC and RCRC argue that AP-A is not an adequate replacement service, and thus the Bureau should have denied AT&T's Discontinuance Applications.[33] They are wrong.

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[30] CPUC AFR at 4.

[31] *See, e.g.*, *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

[32] Public Notice, DA 26-539 (WCB rel. May 29, 2026). In addition to the Commission issuing the Public Notice seeking comment, AT&T served those Applications on the CPUC. *See, e.g.*, Residential Discontinuance Application, Certificate of Service.

[33] CPUC AFR at 4–8; RCRC AFR at 8–13.

A. AT&T's Discontinuance Applications Were Supported With Evidence That AP-A Is Available To All Existing Customers

The CPUC's lead claim is that AT&T failed to provide any "evidence" that AP-A is available to its existing customers.[34] Not so. AT&T's Discontinuance Applications expressly explained the evidentiary basis for its determination that all existing POTS customers could obtain access to AP-A: the Commission's National Broadband Map.[35] Further, AT&T's Discontinuance Applications were supported by a sworn verification statement of a senior AT&T executive.[36] This is the same type of evidence AT&T relied upon in prior approved discontinuance applications.[37]

The CPUC does not explain why reliance on the National Broadband Map and a sworn verification is insufficient. Nor could it. The National Broadband Map is accurate and vetted, and it provides a uniform method for the Commission to adjudicate applications.[38] In the *Network Modernization Order*, the Commission expressly allowed discontinuance applicants to rely on mobile wireless service availability as shown by the National Broadband Map.[39] The

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[34] CPUC AFR at 6. To the extent the CPUC believes that AT&T had to show that every serviceable location in the 360 wire centers covered by the Discontinuance Applications has access to AP-A, it is mistaken. The Commission provided AT&T with blanket authority to grandfather in these areas, *see Network Modernization Order* ¶¶ 61–63, and AT&T sent notifications to do so, *see, e.g.*, Residential Discontinuance Application, Ex. 2. Thus, AT&T's Discontinuance Applications needed to demonstrate the availability of AP-A only to AT&T's *existing* POTS customers.

[35] *See, e.g.*, Residential Application at 6 & n.18 ("As reflected in the FCC National Broadband Map – Mobile, AT&T's LTE network covers all Affected Customers.").

[36] *Id.*, Section 63.602(a)(4) Certification of Susan Johnson; Business Application, Section 63.602(a)(4) Certification of Susan Johnson.

[37] *See, e.g.*, Section 63.71 Application of AT&T, WC Dkt. No. 24-220, at 21 (filed Nov. 1, 2024) ("AT&T OK Discontinuance Application"); Section 63.71 Application of AT&T, WC Dkt. No. 25-228, at 21 (filed July 15, 2025).

[38] AT&T 214 Reply at 20–21.

[39] *Network Modernization Order* ¶¶ 34–35.

Commission thus "decline[d] to adopt additional verification requirements for the availability of mobile wireless service beyond the data reflected in the National Broadband Map."[40] And the Commission specifically rejected concerns that the National Broadband Map is "unreliable" based on existing verification "guardrails."[41]

Thus, AT&T's showing that all Affected Customers had access to AP-A was not based on its "say-so,"[42] but on the Commission's verified data. The CPUC does not identify any instance where the National Broadband Map indicates an existing POTS customer lacks wireless coverage, let alone identify any Affected Customer that is unable to obtain AP-A.

B. California's Topography Is Not A Legitimate Reason To Disregard Commission Precedent That AP-A Is An Adequate Replacement

The CPUC and RCRC also recycle their argument that California is "different" and that AT&T should not be permitted to rely on prior approvals of AP-A in other states.[43] The Commission found, in granting discontinuance applications across 18 states, that AP-A (1) offers the same level of network performance as POTS; (2) provides 911 accessibility and location accuracy; (3) includes required residential backup power; (4) satisfies all applicable 911 network reliability requirements; (5) satisfies all applicable accessibility and compatibility requirements; and (6) works with legacy phone equipment. The CPUC and RCRC do not explain how AP-A loses these capabilities when provided in California.

Nor could they. As noted above, under the *Technology Transitions Order*, the CPUC and RCRC would have needed to offer "substantial evidence" that AP-A as offered in California is

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[40] *Id.* ¶ 35.

[41] *Id.*

[42] CPUC AFR at 6.

[43] *Id.* at 7; RCRC AFR at 11.

"not in fact substantially similar to the service subject to the certifications in the previous application," or that AP-A has "been proven unreliable, based on significant consumer complaints or new independent data."[44] The CPUC and RCRC offered no such "substantial evidence" in their comments opposing AT&T's Discontinuance Applications, nor do they offer it in their applications for review.[45]

Instead, disregarding the *Technology Transitions Order*'s framework for repeat applications, the CPUC and RCRC contend that California's topography means that the Bureau should have disregarded the Commission's prior approvals of AP-A.[46] As an initial matter, this argument ignores the Commission's vetting of AP-A. To gain approval for AP-A, AT&T had to develop a comprehensive test plan, which the Commission staff carefully reviewed and put out for public comment.[47] Staff considered how AP-A performs across a range of signal strengths. Neither the CPUC nor RCRC challenged the test plan, even though the Commission had made clear that approvals of discontinuance based on AP-A would serve as precedent for future streamlined applications.

AT&T then applied for discontinuance in Oklahoma based on AP-A. There, it provided the results of its rigorous testing, which confirmed that AP-A has "similar network performance

[44] *Technology Transitions Order* ¶ 83.

[45] *Id.* ¶¶ 82–83. RCRC's bare assertions that AP-A is not sufficiently reliable and does not work with legacy POTS devices, RCRC AFR at 8–9, 14, are not "substantial evidence … based on significant consumer complaints or new independent data" that AP-A has not performed adequately where it has been deployed. Instead, RCRC is simply raising an impermissible collateral attack on the Commission's *Technology Transitions Order*. In any event, AT&T fully refuted those claims in its reply comments. *See* AT&T 214 Reply at 9–18.

[46] CPUC AFR at 7; RCRC AFR at 10.

[47] *See* Network Performance Test Plan of AT&T, WC Dkt. No. 24-220 (filed July 19, 2024) ("AP-A Test Plan"); Public Notice, 39 FCC Rcd. 9749 (WCB 2024).

as" POTS, "surpassing the data loss and latency and benchmarks outlined in AT&T's test plan while maintaining availability across the entire Affected Service Area."[48] The CPUC and RCRC had an opportunity to object to the adequacy of AP-A and AT&T's testing results, but did not.

In any event, as a matter of basic engineering, the CPUC and RCRC are wrong that AP-A will not have adequate coverage in California because of its topography. The results of AT&T's testing show that AP-A performs well across a range of signal strengths, including below levels that would appear on the Commission's National Broadband Map. AP-A has been demonstrated to be an adequate replacement and perform well in states as geographically diverse as Georgia, Missouri, North Carolina, Texas, and Wisconsin.[49] These states include coastal, mountainous, forested, rural, suburban, and urban areas.

Further, as AT&T explained—but the CPUC and RCRC do not address—the Commission's National Broadband Map is intentionally designed to account for differing topography.[50] The Map starts with wireless propagation models that account for terrain and atmospheric conditions.[51] It is updated twice a year, incorporates the results of consumer challenges, and reflects data to which providers must attest.[52] In addition to the challenge process, the Commission conducts verification audits.[53] And since the National Broadband Map's introduction, the Commission has taken a number of steps to improve its accuracy.[54] As a

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[48] AT&T OK Discontinuance Application at 21–22.

[49] AT&T 214 Reply at 8.

[50] *Id.* at 20.

[51] *Id.*

[52] *Id.*

[53] *Id.*

[54] *Id.*

result of these efforts and as cellular technologies and mapping techniques have advanced, "the National Broadband Map has improved considerably."[55]

If anything, the National Broadband Map understates the extent to which consumers can obtain AP-A. AP-A is specifically designed to provide superior reception to traditional mobile devices.[56] The AP-A device has a much larger antenna than typical mobile phones,[57] and in the rare instance where there is still difficulty in obtaining a reliable signal inside a home, AT&T will provide an external antenna installed by a technician at no additional cost.[58] And while RCRC asserts that AT&T is under no obligation to offer AP-A once it has discontinued POTS,[59] AT&T has every incentive to continue to offer AP-A. There is simply no evidence—let alone "substantial evidence … based on significant consumer complaints or new independent data"[60]—that AP-A is inferior to POTS for any Affected Customer.

III. THE CPUC AND RCRC IDENTIFY NO EVIDENCE OF HARM TO VULNERABLE POPULATIONS

The CPUC and RCRC finally argue that streamlined treatment was inappropriate because of "potential harms" to disadvantaged and rural communities.[61] AT&T is committed to ensuring that *no* customer is left behind. Thus, as explained above, AT&T's Discontinuance Applications demonstrated that Affected Customers across the 360 relevant wire centers—low-income and

[55] *Modernization of High-Cost NPRM* ¶ 16; *see Network Modernization Order* ¶ 35 n.131.

[56] AT&T 214 Reply at 22.

[57] *Id.*

[58] *Id.*

[59] RCRC AFR at 3.

[60] *Technology Transitions Order* ¶ 83.

[61] *See* CPUC AFR at 8; RCRC AFR at 14.

rural customers included—had access to AP-A. Neither the CPUC nor RCRC offers any evidence to the contrary.

The only harm the CPUC purports to identify is cost,[62] recycling its claim from its comments that AP-A would be more expensive than residential POTS.[63] But as AT&T demonstrated,[64] the CPUC's *own* comparison table proves the opposite.[65] That table confirms that AP-A's monthly rate ($45) is $5 *less* than the $50 rate for AT&T's residential POTS in California.[66] The CPUC's table also confirms a $0 promotional installation fee for AP-A, compared to POTS's $49 one-time installation charge—savings made possible by AP-A's ease of self-installation, which avoids the need for a field technician visit (though AT&T will provide free professional installation where necessary).[67] At no extra cost, AP-A also includes valuable features that either cost additional fees with POTS or are not available with POTS at all.[68]

The CPUC's claim that AP-A costs more rests on the premise that customers would need to pay for a separate internet subscription.[69] But as AT&T explained, AP-A's default connection to AT&T's LTE network is included in the $45 monthly price, with no separate broadband

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[62] CPUC AFR at 8–9.

[63] CPUC Opposition at 10–11; CPUC AFR at 8 & n.31.

[64] *See* AT&T 214 Reply at 16–17.

[65] *See* CPUC Opposition at 10–11.

[66] *See* AT&T 214 Reply at 16; *see also* CPUC Opposition at 10; Residential Discontinuance Application at 15.

[67] *See* CPUC Opposition at 10 (showing $0 promotional installation fee for AP-A versus $49 one-time installation charge for POTS). *See* AT&T 214 Reply at 16.

[68] *See* AT&T Reply at 11, 16.

[69] *See* CPUC AFR at 8 n.31; CPUC Opposition at 11.

purchase required.[70] Based on the National Broadband Map, AT&T's LTE network covers every one of the Affected Customers for whom discontinuance is sought with sufficient signal strength to support AP-A. Thus, every Affected Customer can receive AP-A at $45 per month with connectivity included—making AP-A not merely comparable in price to residential POTS in California, but cheaper and far more feature-rich.

The CPUC and RCRC express generalized concerns that customers in areas with "poor cellular signal" would need a separate internet connection. As explained above and in AT&T's Reply, AP-A's features—including a larger antenna than typical mobile devices and professional installation of an external antenna if needed—directly address unspecified concerns about wireless coverage reception.[71] The CPUC and RCRC present no evidence to the contrary.

Low-income customers also will have numerous low-cost options after AT&T discontinues POTS in the Affected Service Area. As the Commission correctly predicted in 2016 when it granted substantial forbearance from the obligation of ETCs like AT&T to offer Lifeline voice service, consumers increasingly have access to lower-priced voice options beyond Lifeline.[72] That prediction has proven true many times over. As just one example, AT&T has announced an offer of AP-A at a discounted rate of just $25 per month to existing Lifeline customers in California where AT&T sought discontinuance.[73] And because AT&T's LTE

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[70] *See* Residential Discontinuance Application at 6. Of course, if a customer has purchased a separate broadband connection, the customer can use AP-A with that broadband connection.

[71] AT&T 214 Reply at 22.

[72] *See Lifeline & Link Up Reform & Modernization*, Third Report and Order, Further Report and Order, and Order on Reconsideration, 31 FCC Rcd. 3962, ¶ 338 (2016) ("[W]e fully expect increasingly lower-priced voice service to continue to be available even absent a Lifeline benefit for standalone voice service, for example as part of packages or bundles of services, including broadband Internet access service.").

[73] *See* AT&T Forbearance Petition, WC Dkt. No. 26-123, at 23 (filed May 20, 2026).

network covers all of AT&T's existing POTS customers where discontinuance is sought, every existing AT&T Lifeline customer covered by the Discontinuance Applications can obtain Lifeline service from the multiple alternative ETCs that resell AT&T's mobile service.[74] Moreover, virtually all Affected Customers—99.99 percent—are also covered by the wireless networks of Verizon or T-Mobile, which support Lifeline service from even more ETCs, providing additional low-cost options.[75]

Finally, AT&T agrees with Commissioner Gomez that POTS discontinuance is appropriate only where there are adequate alternatives for impacted customers.[76] That is why AT&T is committed to ensuring no customer is left behind by its network modernization and is also offering low-cost options to Lifeline subscribers. The CPUC's reliance on Commissioner Gomez's general observations about the potential impacts of technology transition—made in voting *in favor of* the *Network Modernization Order*[77]—does not suggest, let alone establish, that AT&T's Discontinuance Applications implicate those concerns.[78]

CONCLUSION

For the reasons stated above, the applications for review should be denied.

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[74] *See id.* at 38.

[75] *See id.* (citing Charneski Decl. ¶ 19).

[76] *See* Statement of Comm'r Anna M. Gomez, *Network Modernization Order*.

[77] *Id.* ("Our nation's copper infrastructure is aging, costly to maintain, and increasingly vulnerable to theft and natural disaster. The future is IP-based, and our rules should facilitate, not obstruct, carriers' ability to build it. … I am pleased to support this item, and I want to thank the Chairman for his willingness to work collaboratively to strengthen the public safety, consumer, and competition safeguards in it.").

[78] CPUC AFR at 8.

Respectfully Submitted,

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