

October 5, 2026

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Ex Parte Filing

Re: *Section 63.71 Applications of AT&T Services, Inc., on Behalf of Its Affiliate, Pacific Bell Telephone Company d/b/a AT&T California, for Authority Pursuant to Section 214 of the Communications Act of 1934, as Amended, to Discontinue the Provision of Services*, WC Docket Nos. 26-120, 26-121, Comp. Pol. File Nos. 2137, 2138

AT&T Services, Inc.'s Petition for Preemption and Declaratory Ruling, WC Docket No. 26-125

Dear Ms. Dortch:

I respectfully submit this letter in response to the ex parte letters of AT&T filed in Dockets 26-120 and 26-121¹ and the ex parte letter of AT&T in Docket 26-125², both filed September 18, 2026.

In its letters, AT&T claims that the letters from CPUC and RCRC *et al.* provide no basis for reversing the grant of AT&T's Discontinuance Applications³ and that claims by the California Public Utilities Commission's ("CPUC") and N. Albert's Reply Comments are without merit. In fact, it is AT&T's claims that have been repeatedly debunked and are without merit.

I. POTS is objectively more feature-rich than AP-A, providing in-demand consumer features that AP-A lacks

AT&T has made many unsubstantiated claims in these proceedings, including repeatedly claiming that AT&T Phone – Advanced ("AP-A") is "superior" to POTS⁴. But this claim lacks

¹ AT&T Services Inc. – Ex Parte – Dockets 26-120 and 26-121, filed September 18, 2026, "September 18, 2026 Letter by AT&T, 26-120 and 26-121" (<https://www.fcc.gov/ecfs/document/26110077006/1>)

² AT&T Services, Inc. – Ex Parte 1 – Docket 26-125, filed September 18, 2026, "September 18, 2026 Letter by AT&T, 26-125" (<https://www.fcc.gov/ecfs/document/26110077007/1>)

³ September 18, 2026 Letter by AT&T, 26-120 and 26-121, p. 1

⁴ AT&T's Section 63.71 Applications of AT&T Services, Inc. on behalf of its affiliate; Pacific Bell Telephone Company d/b/a AT&T California ("Application") WC Docket 26-121, p. 3

veracity, as commenters in the record have emphasized. Consumers – those actually commenting in these proceedings, not the abstract average consumer to which AT&T repeatedly refers – overwhelmingly disagree that wireless has comparable reliability or adequately serves their needs. And AT&T offered no specific evidence in its initial application to support its baseless claims of “superiority.” Commenters, however, have been easily able to refute AT&T’s nonsensical claims, and I do so again now.

AT&T repeatedly refers to POTS as an “unwanted” service⁵, suggesting “consumers want” only non-POTS services. While demand is lower for POTS than for certain other services, it remains non-negligible, with over 15 million switched access connections in use as of June 2025⁶, and over 6.4 million considered “consumer-grade” service. 6.4 million households relying on POTS is a substantial portion of the country. Consumer sentiment in dockets 26-120, 26-121, 26-123, and 26-125 is also overwhelmingly *against* AT&T’s applications and petitions.

POTS is superior to AP-A and other alternatives in many ways ignored or minimized by AT&T. For example, it offers access to operator services and directory assistance, which are essential to ensure that customers with disabilities and those without Internet access remain well-served, as The Utility Reform Network (“TURN”) has raised before the CPUC⁷. POTS subscribers are also furnished with a directory listing in the White Pages telephone directory, allowing people to easily obtain their telephone number. POTS supports pulse-dialing, ensuring that legacy customer premises equipment, including alarm systems that may be programmed for pulse dialing, continues to operate properly. POTS also supports “Equal Access” to interexchange carriers, providing consumers choices that other alternatives do not. AT&T, confronted with these irrefutable facts, has no reply other than to diminish these capabilities as “commercially irrelevant.” But the fact remains that POTS offers many concrete advantages and features not present in alternatives, making it obviously superior. To argue otherwise is to ignore basic facts regarding the capabilities of POTS and its inferior alternatives.

Furthermore, these features are *not* commercially irrelevant, and AT&T’s blasé attitude deriding them as such reinforces its callous lack of concern for consumers, particularly marginalized consumers who may have disabilities or other impediments that, without POTS service, prevent them from fully utilizing their telephone service and participating in society. As I have stated previously in the record⁸, in 2024, AT&T customers made 55,000 operator-assisted calls and placed 51,000 calls to directory assistance⁹. Consumers would not have made these

⁵ September 18, 2026 Letter by AT&T, 26-125, p. 7

⁶ Voice Telephone Services: Status as of June 30, 2025, “Voice Telephone Report”, p. 10 (<https://docs.fcc.gov/public/attachments/DOC-421558A1.pdf>)

⁷ Reply Comments of The Utility Reform Network on the ALJ’s Ruling Regarding Comments on Topics Discussed at August 22, 2025 Workshop (<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M590/K506/590506485.PDF>)

⁸ Comments of N. Albert, Docket 26-123 and 26-125, p. 29 (<https://www.fcc.gov/ecfs/document/26109997502/1>)

⁹ Reply Comments of The Utility Reform Network on the ALJ’s Ruling Regarding Comments on Topics Discussed at August 22, 2025 Workshop, p. 30

calls if they did not need these services, so clearly there is some commercial relevance if consumers are paying for these features.

II. POTS is profitable for AT&T and increases, not decreases, its ability to invest in other technologies

AT&T effectively calls POTS commercially irrelevant, complaining that it spends roughly \$1 billion a year to maintain POTS in California, including \$200 million in energy costs and tens of millions due to copper thefts. It publicly admits that it would prefer to sell \$800 million worth of copper from California's POTS networks¹⁰ for AI technologies that most consumers oppose¹¹.

However, costs are only one side of the equation. AT&T also spends billions of dollars a year on its wireless services, including significantly more on energy consumption¹² – clearly, costs alone mean nothing without context. To fill in the context that AT&T intentionally omits, AT&T *profited* over \$1 billion from legacy services in 2025¹³. AT&T's own reports confirm that POTS is still profitable for AT&T and will be until at least 2027¹⁴, at which point AT&T will have shuttered enough copper customers to deliberately make this segment unprofitable, in line with its own plans to sunset copper in most of its service territory by 2029¹⁵. Still, AT&T's Q2 "legacy" service profit (largely from POTS), was \$523 million, giving it a 32% operating income margin.

AT&T has not disclosed how much profit it realizes from its POTS operations in California. However, at the aggregate level, the data clearly shows that POTS is not the sinking ship it would have us believe, but rather a vessel that continues to stay afloat, despite AT&T trying to punch holes in the hull as vigorously as possible. AT&T argues that it is simply common sense that being forced to operate a legacy network provides the company with fewer resources¹⁶; however, given the economic facts at hand, this conclusion is not apparent and is

¹⁰ September 18, 2026 Letter by AT&T, 26-125, p. 7

¹¹ AI was supposed to win people over by now — it hasn't (<https://techcrunch.com/2026/08/19/ai-was-supposed-to-win-people-over-by-now-it-hasnt/>)

¹² AT&T now claims POTS in California uses "hundreds of millions of kilowatt-hours each year", but in the past has said it only uses 100 million kilowatt hours per year. Why the change in the numbers? In any case, cell sites in the U.S. use more than 21 million megawatt hours (i.e. 21,000 million kilowatt hours) per year. Even extrapolating this to California, which contains roughly 11.5% of the U.S. population, this is still a whopping 2.415 million megawatt (or 2,415 million kilowatt) hours annually. The 100 million of kilowatt-hours AT&T claims California's POTS network uses annually is just about 4% of the energy consumed annually by California's cell sites alone. The numbers speak for themselves. *Wireless* is a massive drain on the power grid. POTS is not.

¹³ AT&T Complete Annual Report 2025 ("AT&T Annual Report"), p. 25, available from <https://investors.att.com/~media/Files/A/ATT-IR-V2/financial-reports/annual-reports/2025/2025-annual-report-complete.pdf>

¹⁴ AT&T Delivers Strong Second-Quarter Results as Investment-Led Strategy Gains Momentum (<https://about.att.com/story/2026/2q-earnings.html>)

¹⁵ *Id.*

¹⁶ September 18, 2026 Letter by AT&T, 26-125, p. 8

itself questionable. AT&T has not materially explained how eliminating POTS – and thereby reducing profits – would increase investments in other technologies, especially considering it has already said it would not make many of those investments anyways¹⁷.

Publicly, AT&T pretends that POTS is a high-cost money loser that nobody wants. But the actual data suggests a different picture: a profitable service that AT&T is intentionally sabotaging and which customers continue to express demand for, including for features that AT&T pretends are “irrelevant.” AT&T publicly laments the “high costs” of maintaining the copper network, while failing to mention its even higher revenues and its substantial profits. This deceptive mischaracterization of POTS serves only to mislead the public, and the Commission, about the extent to which POTS is an onerous obligation for AT&T. But the data plainly shows that AT&T, which is making a profit off POTS – and would continue doing so if it were not seeking to sunset it throughout the country – is not losing money on POTS, despite its aggressive campaign to convince people otherwise.

III. AP-A and mobile wireless are less reliable than POTS

On the flipside, wireless is demonstrably less reliable than wired services, like POTS in particular. Regional outages are quite common; on August 17, 2026, AT&T suffered an outage in Lexington, Kentucky¹⁸. AT&T said it was “sorry for any inconvenience.” Days later, on August 28, 2026, AT&T suffered outages in Washington and York Counties in Maine¹⁹. And of course, AT&T’s so-called “reliable” wireless network suffered a nationwide failure in 2024, during which 25,000 customers were unable to call 911²⁰. During this incident, the San Francisco Department of Emergency Management advised consumers to call 911 from a landline²¹. Many people likely died or suffered disabling injuries as a direct result of this incident. Yet, AT&T maintains its delusion that this is a “reliable” service, while pretending that POTS, which has never suffered a nationwide issue of such scale, is somehow *less* reliable than AT&T’s outage-prone wireless network. AT&T offers no response to this point. If AT&T dismantles POTS, how does it propose people call for help the next time its wireless network suffers a nationwide outage? Carrier pigeons? Smoke signals?

AT&T and its friends at the CTIA²² *say* that wireless is reliable, in the face of evidence to the contrary. But these are hollow arguments. AT&T can say whatever it wants; the poor track

¹⁷ AT&T’s Petition for Preemption and Declaratory Ruling, WC Docket 26-125 (“Petition”), p. 37

¹⁸ AT&T customers experiencing wireless outage in Lexington (<https://www.wkyt.com/2026/08/17/att-customers-experiencing-wireless-outage-lexington/>)

¹⁹ AT&T customers in Washington, York counties experiencing service disruptions (<https://www.wabi.tv/2026/08/28/att-customers-washington-york-counties-experiencing-service-disruptions/>)

²⁰ February 22, 2024, AT&T Mobility Network Outage Report and Findings, p. 3 (<https://docs.fcc.gov/public/attachments/DOC-404150A1.pdf>)

²¹ NBC Bay Area: AT&T cellphone service restored after outage impacts calls to Bay Area police, fire agencies (<https://www.nbcbayarea.com/news/tech/cellphone-outage-bay-area/3461040/>)

²² CTIA Ex-Parte Letter, filed September 11, 2026, p. 2-3 (<https://www.fcc.gov/ecfs/document/26110076457/1>)

record of its wireless network speaks for itself. Instead of dealing in reality, AT&T merely brags about its nascent experiments with drone-based flying cell sites²³, as if adding wings to infrastructure that is already unreliable will improve the situation. But this isn't a science-fiction exposition; this is a docket that affects real customers and real people's lives, a matter about which AT&T has demonstrated only cruel indifference.

AT&T itself acknowledges in its ex-parte letter that the CPUC has supported fiber deployments and that AT&T could use fiber to provide "basic service"²⁴. AT&T correctly acknowledges that fiber is not self-powered. But this does not actually help AT&T's argument as it intended. While both fiber and wireless share this deficiency, that does not somehow make it any less of an issue. Furthermore, fiber, due to its passive optical nature – with no active electronics between a customer and the central office – is easier to power during outages, since a single backup battery at the customer premises can ensure service continuity. Wireless, on the other hand, requires backup power both at the customer premises and at multiple cell sites, increasing the points of failure. So, fiber is better than wireless, because it has fewer points of failure and the customer does not need to rely on carriers to supply additional backup power within their networks²⁵. And of course, copper POTS is better than both fiber and wireless, because the customer does not need to supply backup battery at all, giving it a unique and key virtue compared to alternatives.

IV. POTS is purely an intrastate service

AT&T continues to pretend that POTS is a jurisdictionally mixed service and claims that it has refuted arguments to the contrary²⁶. It has not, and it cannot, because no legitimate arguments exist to support this claim.

AT&T advances several dubious arguments for why POTS should be considered jurisdictionally mixed. First, it repeats the debunked argument that POTS is jurisdictionally mixed and inseparable, because it could not require "only the interstate portion of the local loops, switches, connecting trunks, or supporting systems used to provide POTS"²⁷. While this is an impressive display of jargon, this argument makes no actual sense. There is no such thing as an "interstate portion of local loops", any more than there is an "international portion of local loops", simply because these loops could be used to place international telephone calls. Likewise, Class 5 end-office telephone switches are purely local in design. While they enable callers to interconnect to facilities that can be used to place interstate (and international) calls,

²³ September 18, 2026 Letter by AT&T, 26-120 and 26-121, p. 9

²⁴ September 18, 2026 Letter by AT&T, 26-120 and 26-121, p. 10

²⁵ Of course, fiber is better than wireless for a myriad of other reasons as well, including reliability, bandwidth, latency, and energy consumption.

²⁶ September 18, 2026 Letter by AT&T, 26-125, p. 6 (footnote 34)

²⁷ AT&T Services, Inc. – Ex Parte – Docket 26-125, filed September 8, 2026, "September 8, 2026 Letter by AT&T", p. 1 (<https://www.fcc.gov/ecfs/document/26110075852/1>)

they themselves do not do that on their own. Rather, calls must first traverse to a toll tandem, specifically a Feature Group D Equal Access tandem, which provides a POTS subscriber with access to the interexchange carrier of his choice²⁸. From here, calls may be routed interstate using the carrier of the customer's choice (assuming the customer even presubscribes to one). However, this carrier need *not* be AT&T (and is often not²⁹), and the CPUC does not require AT&T act as such a carrier. AT&T falsely claims that “discontinuing only the interstate component of POTS would thus leave customers with only the ability to make and receive local calls, which would not be allowed under the CPUC’s COLR requirements”, but this is an incorrect interpretation by AT&T, as the CPUC’s COLR rules *do not* compel AT&T to provide interstate service as an interexchange carrier (IXC), only to provide *equal access* to interexchange carriers³⁰. Since AT&T itself is not forced to provide IXC services, no conflict exists with the CPUC’s rules, should AT&T decide to cease offering interstate service (the *only* service in question that falls purely within the Commission’s jurisdiction).

Likewise, the switches, trunks, and supporting systems can be categorized as supporting either local exchange services or interexchange services. Local loops, despite AT&T’s unconvincing argument otherwise, are purely intrastate, and have been unquestionably considered intrastate for over a century. AT&T’s IXC, which operates, I might add, as a completely separate business entity from Pacific Bell Telephone Company³¹, is completely distinct from AT&T’s local exchange operations from a technological and business perspective. Customers of Pacific Bell (the local exchange carrier) who subscribe to long-distance service from AT&T may notice this print on their bills: “*Our records indicate that you have selected AT&T Long Distance or a company that resells their services as your primary local toll carrier and AT&T Long Distance or a company that resells their services as your primary long distance carrier.*” AT&T’s own bills state the truth: interexchange services are not provided by Pacific Bell (the local exchange carrier) but by AT&T Long Distance (the interexchange carrier). Surely, AT&T would not be so naïve as to attempt to convince us that the operations of two distinct businesses are inextricably inseparable? Ah, but it does!

As has been stated before, AT&T Long Distance could retire all of its operations tomorrow – its long-distance tandems, Class 4 switching stations, interstate trunk lines, etc. –

²⁸ Not all IXCs have a point of presence at every Feature Group D tandem. Some IXCs may operate only in certain markets.

²⁹ Nationwide, of 6.413 million consumer POTS lines, only 3.857 million presubscribe to an IXC affiliated with the LEC (about 60%). Conversely, around 40% of customers either use another IXC for long-distance or have only local service and no long-distance service at all. See Voice Telephone Report, p. 11

³⁰ “Carriers offering basic service must at a minimum enable calls to be sent and received within a local exchange or over an equivalent or larger-sized local calling area... A basic service provider must allow equal access to all interexchange carriers within the local calling area in accordance with state and federal law and regulation.” Emphasis added. See CPUC D.12-12-038 Basic Service Decision, Appendix A, p. 1 (available from <https://docs.cpuc.ca.gov/PublishedDocs/SupDoc/A2209003/6553/517408149.pdf>)

³¹ While I normally refer to AT&T’s subsidiaries, including Pacific Bell Telephone Company d/b/a AT&T and AT&T Long Distance simply as “AT&T”, for clarity in this section, I refer to them using their specific subsidiary names.

without running afoul of COLR. COLR requires only that Pacific Bell (the local exchange carrier) provide *access* to interexchange carriers. COLR imposes no requirements at all on AT&T Long Distance (as that would be illegal). More easily understood, within AT&T's network, the portion of equipment and facilities that belong to Pacific Bell are purely intrastate, and the portions belonging to AT&T Long Distance are purely interexchange services (and possibly interstate), and outside the jurisdiction of the CPUC. Pacific Bell repeatedly attempts to use arguments that do not apply to it, only to its sibling IXC subsidiary, AT&T Long Distance. But these companies provide distinct services that are cleanly and easily separable – in fact, they are distinct and separate operating entities today. If AT&T is so confused that it does not believe it could cleanly demarcate where Pacific Bell hands off calls to and from AT&T Long Distance, it is free to hire any number of consultants (myself included) that will be happy to show AT&T how its network operates. But AT&T's own confusion about what portions of its network are intrastate or not provides no evidence of anything other than perhaps it no longer has any employees who understand how POTS works.

AT&T further argues that “discontinuing only the interstate component of POTS... would result in a commercially non-viable service³².” This has also been previously refuted; many AT&T POTS customers maintain only local exchange service, without obtaining long-distance service from AT&T *or* any other IXC for that matter. Many households maintain a POTS line primarily for emergencies, where there is no need for long-distance service. A substantial number are low-income customers participating in the Lifeline program³³ and many cannot afford long-distance service. AT&T itself has not disclosed how many of its POTS customers are local-only customers, likely because it is a significant number³⁴. Thus, existing evidence suggests a significant portion of AT&T's POTS customers already receive intrastate-only service and this service remains commercially viable today. AT&T provides no evidence to support its claim that moving *all* customers to intrastate-only service would be commercially non-viable. In any case, the commercial viability of such a service is entirely irrelevant, because AT&T is not being forced to discontinue interstate services, so if it decided to do so, it could not simultaneously complain about commercial viability.

AT&T seems to acknowledge this; Dr. Hany Fahmy writes that “If AT&T California could cease offering interstate services while continuing to provide intrastate service, it would

³² September 8, 2026 Letter by AT&T, p. 2

³³ AT&T California serves 43,000 Lifeline subscribers, which represents 13.25% of all AT&T California POTS customers. *See* Petition of AT&T for Forbearance Under 47 U.S.C. § 160(c) from Requirements Imposed on Eligible Telecommunications Carriers by 47 U.S.C. § 214(e), WC Docket 26-123 (“Petition for Forbearance”, p. 17 (<https://www.fcc.gov/ecfs/document/10520920917144/1>))

³⁴ Nationwide, of 6.413 million consumer POTS lines, only 3.857 million presubscribe to an IXC affiliated with the LEC (about 60%). Conversely, around 40% of customers either use another IXC for long-distance or have only local service and no long-distance service at all. *See* Voice Telephone Report, p. 11

not allow AT&T to achieve significant savings³⁵.” While AT&T and Dr. Fahmy are wrong in most of their arguments, there is some truth to this statement. Specifically, AT&T California (a/k/a Pacific Bell) does not offer interstate services (which are offered by AT&T Long Distance). Consequently, AT&T California does not have any interstate services it could cease offering, given that AT&T California’s services are almost exclusively intrastate services! To the extent that AT&T *does* provide interstate services, they are provided by AT&T Long Distance, *not* by AT&T California. AT&T California has a complete and utter lack of standing to argue any points about interstate services, because it does not provide interstate services, and none of its facilities are considered interstate. Neither are its operations “jurisdictionally mixed”; Pacific Bell and AT&T Long Distance are, quite literally, separate businesses within AT&T.

AT&T falsely claims that “AT&T’s local service includes interstate exchange access that allows customers to send and receive long distance calls.” AT&T makes two errors here. First, AT&T’s basic local exchange service does not include AT&T’s Long Distance service (offered by AT&T Long Distance). While customers could technically place interstate calls by using casual dialing through AT&T or another IXC, Pacific Bell does not directly provide customers with interexchange services, nor does it presubscribe them to any interexchange carrier. Long-distance service remains an optional add-on service for customers who wish to subscribe to it, but it is not mandatory. AT&T’s own websites shows its basic “Traditional home phone” plan starting at \$63 per month plus taxes and fees to include “unlimited local calling”, with long-distance calling noted as “optional³⁶.” AT&T offers “Complete Choice Enhanced”, which includes optional unlimited long distance calling at a higher price of \$77 per month plus taxes and fees. And AT&T also lists “long-distance” as its own offering (call for details). It is puzzling that AT&T continues to pretend that POTS inherently includes long-distance service, even when its own website confirms otherwise, but this underscores all the more how ridiculous and contrived AT&T’s arguments have become. AT&T is *allowed* to offer long-distance service to its customers, but it is not *forced* to do so, as it absurdly claims.

Secondly, the ability of a customer to *receive* interstate calls does not magically make a local-only service an interstate service, any more than the ability to receive international calls makes local exchange service an international service. Incoming calls to POTS lines have always been free to the receiver, and customers do not need a relationship with an interexchange carrier to receive incoming calls, regardless from where they originate. Incoming calls utilize the interexchange carrier of the person originating the call, not the person receiving it; it is the originating caller’s IXC that is ultimately responsible for handing the call off to the terminating subscriber’s local exchange carrier. It is unclear exactly what argument AT&T hopes to make by this point, because there is none it could make.

³⁵ AT&T Services, Inc. – Ex Parte – Docket 26-125, filed September 28, 2026, “September 28, 2026 Letter by AT&T”, p. 3 (<https://www.fcc.gov/ecfs/document/26110078519/1>)

³⁶ <https://www.att.com/home-phone/landline/>, as of October 2, 2026

AT&T also now creatively claims that number portability has rendered the demise of true intrastate-only service. It repeats this argument in a follow-up letter repeating the declaration of Dr. Hany Fahmy³⁷. While admittedly, this is on its surface the most apparently convincing of AT&T's arguments so far, it is nonetheless false. Services have not historically been considered intrastate or interstate based on where a called party happens to be physically located, but based on the ratecenter associated with a destination. Put simply, if a customer connected an autopatch or a private circuit to a telephone line in one state and ran it to an adjoining property in another state, would a local call from within the state to that line be considered interstate? Common sense suggests not.

Indeed, the very concept of Local Number Portability requires a ported number to be associated with a Local Routing Number (LRN) that is physically within the same geographic region. If, for example, a wireline customer decides to port out to a service that provides mobility, such as mobile wireless, the LRN associated with the customer is still in the same geographic area. The winning carrier is responsible for establishing a point of presence (POP) that can physically receive the call from a carrier over local tandem trunks – not interexchange trunks used for interstate service. This is why customers without long-distance service may still be able to call such customers; from a regulatory and ratesetting perspective, the call is local, and is handed off locally to the other carrier (not to an IXC). At that point, how the call is routed and to where ceases to be any of the originating carrier's (in this case AT&T's) business. It is entirely outside the scope of what is pertinent to AT&T's facilities, and AT&T cannot unilaterally change the definition of what "intrastate" or "interstate" calls are.

None of AT&T's arguments makes any technological sense whatsoever. These technically unsound arguments exist solely as another attempt by AT&T, by any means possible, to seek relief from California's COLR rules and its basic service requirements that all customers be served. To the extent that AT&T believes it is obligated to provide interstate services to POTS customers, it is mistaken. Under this pretense, AT&T attempts to convince the Commission and others that a service which has been considered a bonafide intrastate service for its entirety is now somehow something else. It is not, and the Commission should reject all arguments to this effect.

V. COLR service elements are not unique to POTS

AT&T is also incorrect that COLR service elements such as directory assistance or operator services require POTS. Prior to 2023, AT&T itself provided these capabilities to its U-Verse (VoIP) customers³⁸. In other words, AT&T offered non-POTS customers access to directory assistance or operator assistance. The notice acknowledged that traditional home phone

³⁷ September 28, 2026 Letter by AT&T, p. 1

³⁸ Operator and Directory Assistance is ending (<https://www.att.com/support/article/u-verse-voice/KM1511460/about.att.com/sites/Support>)

customers would continue to have access to these features. So, AT&T once again contradicts itself.

AT&T falsely claimed to staff of the Wireline Competition Bureau that “competitors do not offer” such features³⁹. Once again, this is false and easily debunked. AT&T’s peers in the regulated local exchange carrier business, Verizon⁴⁰ and CenturyLink⁴¹, both offer such services. Outside of POTS, a variety of providers also provide operator and directory services. For example, Comcast, which provides interconnected VoIP over its cable facilities, offers operator services and directory assistance⁴². Likewise, Spectrum, another large cable provider, also offers access to directory assistance⁴³. Voip.MS, a popular “over-the-top” VoIP service, provides access to directory assistance for \$0.99 per call⁴⁴. To be sure, there is no shortage of evidence here refuting AT&T’s meritless claims that these important accessibility features are somehow “unique” to POTS. They are not.

Other service elements, such as furnishing customers with a White Pages listing, are also not unique to POTS. Many non-POTS landline services, such as interconnected VoIP offerings from CLECs, do list their customers in the directory. In fact, there is no technological reason why any customer cannot be listed in the directory, although historically, wireless subscribers have been omitted from the directory, an obsolete discrepancy dating to when it was customary for wireless subscribers to pay for all incoming calls (in contrast, incoming calls to POTS customers have always been free; indeed, this is one of the basic service elements of California’s COLR rules⁴⁵).

Nothing stops AT&T from providing these service elements over other technologies. AT&T simply does not want to provide them at all. It is only *required* to provide them to POTS customers (to satisfy COLR requirements), but AT&T is wrong in suggesting that all of these service elements are unique to POTS. In practice, Equal Access to interexchange carriers is the primary service element that tends to be available only with POTS, but this capability can nonetheless be provided over other technologies besides copper, as AT&T and Verizon both currently do with fiber in their respective territories.

VI. POTS can be provided over fiber, and AT&T is not constrained by COLR rules from replacing copper with modern fiber deployments

³⁹ AT&T Services, Inc. – Ex Parte – Docket 26-125, filed September 30, 2026, “September 30, 2026 Letter by AT&T”, p. 1 (<https://www.fcc.gov/ecfs/document/26110078944/1>)

⁴⁰ <https://www.verizon.com/support/residential/homephone/getting-started/directories>

⁴¹ <https://www.centurylink.com/home/help/home-phone/phone-directory-info.html>

⁴² See <https://www.xfinity.com/support/articles/use-operator-services> and <https://www.xfinity.com/osda>

⁴³ <https://www.spectrum.net/support/home-phone/spectrum-voice-directory-and-directory-assistance>

⁴⁴ Extra Services Costs (https://wiki.voip.ms/article/Extra_Services_Costs#411_2F_Directory_Assistance)

⁴⁵ CPUC D.12-12-038 Basic Service Decision, p. 26

Puzzlingly, in one ex-parte letter, AT&T acknowledges that fiber can be used for basic service in California, and then in the other, it claims there is “no evidence” that basic service could be provided over technologies besides copper. Of course, AT&T itself has provided evidence to the contrary; it provides “POTS over fiber” service to 5,600 customers in California⁴⁶. AT&T pretends this is somehow an undesirable aberration, suggesting that because it is still POTS, it prevents AT&T from modernizing its network.

But this is demonstrably false. Clearly, it has been able to replace copper with fiber in California without running afoul of Carrier of Last Resort, demonstrating that no preemption conflict exists, as AT&T is already free to use other technologies to fulfill its basic service requirements. AT&T, realizing this is true, then has repeatedly pretended that somehow POTS over fiber is still the same legacy service that prevents it from modernizing its network. These arguments are incompatible and easily discredited.

AT&T itself defeats its own argument. It claims that “California’s COLR regime effectively requires AT&T to maintain its outmoded copper network to provide basic service in the form of POTS⁴⁷.” This is not only untrue; it is a deliberate lie by AT&T, who itself provides POTS *over fiber* to 5,600 customers in California. Fiber, not copper, is used as the physical medium through which service is delivered to these customers. None of the service elements of POTS is physically impossible to provide over fiber, and indeed, AT&T satisfies COLR where it provides POTS over fiber. Clearly, COLR does not require AT&T to maintain its copper network. It could tomorrow choose to replace all of its copper statewide with fiber, and continue offering traditional voice service – POTS over fiber – to the affected customers. While this would still be less resilient in many ways (such as depending on local power or backup batteries), such a technology transition would not run afoul of COLR in any way.

Verizon’s service offerings also refute AT&T’s argument. In many states where it offers fiber-to-the-home⁴⁸, Verizon offers “POTS over fiber”, which is traditional regulated phone service, at the same terms and prices as copper service, to customers fully over its fiber network. In some cases, the ONTs are connected to traditional TDM switches; in other cases, Verizon has replaced these TDM switches and consolidated them onto packet switches serving much larger geographic areas. In these cases, the connection between the customer and the central office is fully IP-based: Session Initiation Protocol (SIP) is used to communicate between the ONT and the packet switch. The CS2K and C20 are common types of modern packet-based switches that Verizon uses in its network where it has retired copper and TDM equipment. Functionally speaking, however, Verizon continues to offer customers the same service that it did on copper

⁴⁶ Pacific Bell Telephone Company d/b/a AT&T California’s (U 1001 C) Response to ALJ’s Ruling Ordering AT&T California Attestation and Verification, p. 14

(<https://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M608/K066/608066516.PDF>)

⁴⁷ September 18, 2026 Letter by AT&T, 26-125, p. 5-6

⁴⁸ Verizon offers this arrangement primarily in metropolitan areas within its native RBOC footprint where it has deployed fiber; e.g. greater Washington D.C. area, greater Philadelphia area, etc.

from a TDM switch. Importantly, customers retain access to operator assistance, directory assistance, and Feature Group D Equal Access to interexchange carriers, service elements that are not provided to its FiOS Digital Voice customers. Such an arrangement would fully satisfy California's COLR requirements.

In this case, between the customer and the switch, there is no technological difference between the traditional regulated voice service and the unregulated VoIP offering that Verizon offers to its customers. Technically, both offerings are IP-based. Both types of customers are served by the same end-office packet switches. The difference lies purely in how these services are regulated and treated, and traditional customers retain access to services that the unregulated customers cannot access.

AT&T could do the same thing. It already offers POTS over fiber to 5,600 customers. It complains that "the service still relies on other legacy TDM infrastructure"⁴⁹. But as Verizon has done, AT&T is free to retire this TDM equipment and replace it with packet switches. These packet switches could speak SIP to the ONTs at customer premises. AT&T would continue to satisfy California's COLR requirements, and contrary to AT&T's claims that it would need to tariff a VoIP basic service⁵⁰, it would not, considering that it would be offering customers effectively the same service, at the same rates and terms, as when they were on copper. The fact that this service would be delivered by IP and over fiber is completely immaterial.

Now for the shocker: AT&T is, in fact, already doing this! In September 2026 (approximately September 26, 2026), AT&T cut over the Healdsburg, CA (HLBGCA11DS0) DMS-100 TDM switch to a Ribbon G5 (HLBGCA11RPA) under the control of a C20 call agent. The SNRSCA11DS0 DMS-100 TDM switch in Santa Rosa, CA, was also cut over to a packet switch around the same time. On June 20, 2026, RTPKCA11DS0 was cut over to RTPKCA11RPA, a remote on SNFCCA21PSG⁵¹. Many other TDM switches have also been replaced with concentrated packet switches⁵². These changes were done quietly, with no fanfare, and likely little to no involvement from either the CPUC or the Commission. And while, for now, these customers remain served by copper, there is no reason they could not be served by fiber, using IP-based technologies. By all indication, AT&T seems to be pursuing a strategy of switch replacement and concentration that mirrors what Verizon has done in many of the urban areas of its RBOC territory. This demonstrates that AT&T, like other carriers, is free to modernize its network – and is already doing so, while simultaneously complaining and pretending that it cannot – and COLR rules do not pose an impediment to such modernization.

⁴⁹ September 18, 2026 Letter by AT&T, 26-125, p. 6

⁵⁰ September 18, 2026 Letter by AT&T, 26-125, p. 6

⁵¹ See LERG (Local Exchange Routing Guide), September 2026.

⁵² See e.g. https://localcallingguide.com/lca_prefix.php?switch=SNFCCA21PSG,
https://localcallingguide.com/lca_prefix.php?switch=SCRMCA01PSD,
https://localcallingguide.com/lca_prefix.php?switch=FRSNCA01PSA

AT&T knows this. AT&T itself admits it deploys POTS over fiber (rather than copper) “only in limited circumstances⁵³.” But AT&T itself is choosing to limit the circumstances in which it deploys fiber (and has gone on the record saying it does not want to deploy fiber to much of the state, so AT&T does not want to deploy fiber any more than it wants to maintain its existing copper). And although it derides POTS over fiber as “not a modern IP-based service”, that is again AT&T’s own fault, as it could choose to use IP-based technologies to deliver basic service to Californians – this service would be POTS over fiber, functionally identical to existing copper service. The real reason AT&T derides “POTS over fiber” is because AT&T has no plans to replace copper with comparable alternatives like fiber in much of its territory. In other words, it is not POTS over fiber that AT&T opposes (because it has no valid reason for opposing it), but fiber itself that AT&T opposes, despite its vacuous talk to the contrary about “modernization”. Furthermore, AT&T dislikes COLR and seeks to release itself from COLR obligations, despite being fully compatible with technologies like fiber. AT&T can provide no argument to the contrary – it is free today to replace copper with fiber in its service territory, and free to replace TDM switches with packet switches, without approval from the CPUC, yet it refuses to publicly entertain this, because it is not copper per se that AT&T wishes to move away from, but the entire regime of regulated telephone service altogether (including COLR). AT&T provides no explanation why it could not replace copper with fiber or replace TDM switches with packet switches (and in fact, is already doing this). It uses copper merely as a convenient smokescreen.

It is understandable that a growth-obsessed corporation like AT&T dislikes regulatory oversight of its services. But AT&T’s repeated claims that COLR effectively requires copper have been repeatedly debunked and fall on deaf ears. Even AT&T does not believe this, because it has made and is making network changes to the contrary. The company’s actions clearly speak for themselves. Using only AT&T’s actions to date, its baseless claims are fully refuted. Additionally, the tangible modernization efforts of carriers like Verizon further discredit AT&T’s mendacious contrivances. Neither copper nor TDM end-office switches are necessary to satisfy COLR. Nonetheless, AT&T continues repeating these lies, only making itself look more and more foolish in the process.

AT&T further complains that maintaining its copper network reduces AT&T’s investment in modern networks. This claim is also debunked above, considering that AT&T’s copper network increases, rather than decreases, its profits. AT&T has been unable to explain financially how copper services impose constraints on its financial ability to invest in new technologies. Furthermore, even if this were true, AT&T is not required to continue maintaining its copper network – it could tomorrow replace its entire copper network with fiber, offering customers basic service over a modern technology. But AT&T has no plans to invest in fiber buildouts in the majority of its service territory in California, leaving it in an argumentative predicament. It complains about constraints that don’t actually exist holding up modernization, while

⁵³ September 18, 2026 Letter by AT&T, 26-125, p. 6

simultaneously refusing to extend such modern services to most of its territory⁵⁴. Its characterization of COLR as “an entrenched regulatory morass with no reasonable end in sight⁵⁵” makes clear AT&T’s disdain for regulatory protections and oversight and its desire to see COLR eliminated, something it already tried and failed to by legal means within California, and for which AT&T now seeks illegal federal preemption, all under the guise of copper integrality, a false mandate that serves merely as a convenient scapegoat.

AT&T repeats the same discredited arguments over and over again, but that does not make them any more credible today than they were several months ago. AT&T complains about copper, but AT&T is already free to replace copper with alternate technologies like fiber. This is a fact that AT&T cannot refute. AT&T complains that its limited use of fiber to provide POTS does not demonstrate technological neutrality, but as I have shown above, it explicitly demonstrates that AT&T could move away from copper if it wanted to. Confronted with these facts, AT&T simultaneously advances incompatible arguments that obligations it dislikes cannot be fulfilled *without* using POTS, but this is also false and has been debunked numerous times now in the record. AT&T’s arguments are full of holes, repeatedly in conflict with each other, and simply fail to stand up to scrutiny, given their complete lack of basis in facts and reality. The Commission should thoroughly reject AT&T’s arguments to the contrary, and see them solely for what they are – thoroughly and completely unsubstantiated fabrications designed to manipulate the public and the Commission into falsely believing that the requirement to serve *all* customers, on a technologically neutral basis, is somehow in conflict with the Commission’s rules or the public interest.

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For all these reasons, the Commission should refrain from preempting California’s COLR rules and grant the applications for review by CPUC and RCRC, *et al.* The complex nature of these proceedings warrants further analysis by the Commission, something the Commission has recognized in more recent proceedings of a similar nature⁵⁶. I remind the Commission that it is the *public* interest – not AT&T’s interests – that it must prioritize. A grant of the applications for review and abstention from preemption would best serve the public interest.

Respectfully,

/s/ N. Albert

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⁵⁴ Petition, p. 37

⁵⁵ September 30, 2026 Letter by AT&T, p. 2

⁵⁶ Application of Verizon to Discontinue Domestic Legacy Voice Service as Part of a Technology Transition is Not Automatically Granted, Docket 26-227 (<https://docs.fcc.gov/public/attachments/DA-26-1038A1.pdf>)