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Chairman Robert M. Clayton III
Missouri Public Service Commission
P.O. Box 360
Jefferson City, Missouri 65102

Re: AT&T's Response to the Chairman's January 15 Order Directing Collection of Broadband Provider Information ("Order"); File No. AO-2010-0213

Dear Chairman Clayton:

This responds to the above-captioned Order in which you directed that each provider of broadband or broadband-like services within the state of Missouri identify the entity providing the services, the area where the services are provided, and how many subscribers or customers are served.

AT&T is fully supportive of the goals enunciated by the Broadband Data Improvement Act ("the Act") which your Order references, and has committed, not only for Missouri but across the country, to assist in providing the broadband mapping data requested in connection with the National Telecommunications and Information Administration's ("NTIA's") State Broadband Data and Development Grant Program, as was described more fully in the Notice of Funds Availability ("the NOFA") through which NTIA has made broadband mapping funding available to the states, including Missouri. AT&T plans to voluntarily provide that data to the Missouri Office of Administration ("OA"), the entity receiving the grant to develop Missouri's broadband mapping data, when requested by OA.

In connection with producing the data required by the NOFA, AT&T will require appropriate confidentiality protections as described by NTIA.¹ This is in keeping with Sections 106(c)(3) and 106(h)(2) of the Act (providing that entities eligible to receive a State Broadband Data and Development Grant must agree to comply with confidentiality requirements pertaining to trade secret, commercial, financial or otherwise confidential information).

To aid OA in developing its mapping data, AT&T will be providing information as required by the NOFA (and its Clarification Order). This will include data regarding AT&T's wireline and wireless broadband availability as well as the speeds associated with its offerings.

¹ To this end, AT&T has submitted an appropriate non-disclosure agreement ("NDA") to OA for review.

In addition to the information we plan to provide to OA (once asked by OA and after an NDA has been signed), AT&T offers the following information addressing the questions in the Order,² since we understand that you may be seeking to help OA identify broadband providers in the state.

AT&T, through its various affiliates, provides a variety of services that could be considered “broadband” services. Given the clear direction from the Order that the data being collected is to be used for the NTIA’s mapping process, we are interpreting the Order’s use of the term “broadband” to generally mean the services provided to end user customers to enable high speed Internet access (i.e., non-dialup Internet service) as defined in the NTIA’s Orders (e.g., services typically known as “DSL,” “cable modem service,” “3G,” etc.).

In Missouri, AT&T provides wireline and wireless broadband services through various affiliates commonly known as AT&T Missouri, AT&T Internet Services and AT&T Mobility. Generally speaking, AT&T’s wireline broadband services are available in the exchanges where AT&T Missouri provides local exchange telecommunications services and AT&T’s wireless broadband services are available throughout the metropolitan areas and several of the larger outstate communities.

The Order also seeks the number of subscribers or customers served. Such data is not part of the information required to be provided under the NOFA or the Act. However, you may be seeking such information to help OA determine the largest broadband providers to help focus the initial mapping efforts given the short amount of time available to complete the initial mapping exercise. To that end, AT&T believes it is one of the largest broadband providers in Missouri, providing both wireline and wireless broadband availability to millions of customers.

Sincerely,



Robert J. Gryzmala

cc: General Counsel
Public Counsel

² Notwithstanding the information offered here, it has been and remains AT&T’s position that state commissions have no authority or jurisdiction over broadband services. The Communications Act vests the Federal Communications Commission with exclusive jurisdiction over interstate communications services. *See*, 47 U.S.C. §§ 151, 152. It is well settled that retail Internet access (and wholesale DSL transmission used for Internet access) are both interstate communications services. *See, Appropriate Framework for Broadband Access to the Internet over Wireline Facilities*, CC Docket No. 02-33, Notice of Proposed Rulemaking, 17 FCC Rcd 3019, 3047-48 (2002) (citing *GTE Telephone Operating Cos.*, CC Docket No. 98-79, Memorandum Opinion and Order, 13 FCC Rcd 22466 (1998); *Implementation of the Local Competition Provision in the Telecommunications Act of 1996*, CC Docket No.96-98, Order on Remand and Report and Order, 16 FCC Rcd 9151 (2001).