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October 1, 2015

Tom Wheeler, Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Wi-Fi Calling & TTY
GN Docket 15-178

Dear Chairman Wheeler:

Earlier this year AT&T made the decision to introduce Wi-Fi calling capability on the AT&T network. At the same time, we recognized that the Commission's rules require all voice calling services, including Wi-Fi calling, to support teletypewriter (TTY) devices, and that those devices do not operate reliably on certain IP-based networks, particularly Wi-Fi networks. Despite that limitation, we were aware that at least two competitors -- T-Mobile and Sprint -- were already advertising and providing Wi-Fi calling services without having sought or obtained a waiver of the Commission's TTY rules. From a business perspective, therefore, we were faced with a Hobson's choice: enter the market without a waiver, as our competitors had done, or approach the Commission with a technology solution that would provide an alternative to TTY technology for IP-based Wi-Fi calls and a request for a temporary waiver of the Commission's TTY requirements until that technology could be implemented. We chose the latter as the only appropriate path for moving forward with this new calling capability.

Consistent with that choice, AT&T expended resources to identify and trial real-time text (RTT) as an alternative to TTY technology that is a more advanced and functionally superior solution designed to operate on IP networks. AT&T then undertook an extensive effort to demonstrate RTT's superior capabilities for the disability community's advocacy groups, industry participants, and FCC staff. The praise for RTT as a replacement for TTY technology was unanimous. While understandably, the disability advocacy groups want to ensure that RTT is adopted and implemented by the entire industry in a reasonable timeframe, no one expressed opposition to a temporary waiver of existing TTY rules for the reasonable timeframe outlined in the waiver petition.

Having completed the necessary legwork, AT&T filed a petition for waiver of the Commission's TTY rules so that AT&T could bring the benefits of Wi-Fi calling to its customers, as well as a petition for rulemaking proposing that the Commission amend its rules to permit RTT to be deployed in place of TTY. Those filings occurred simultaneously in June.

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Throughout this process, we emphasized to all stakeholders our desire to go to market concurrent with the iOS update expected in September 2015.

Unfortunately, despite the pre-filing work that AT&T conducted with the disability community, the industry, and the FCC Staff, and a request for an expedited pleading cycle in connection with our waiver, the Commission did not issue a Public Notice on our filing for six weeks, and then it established a 45-day comment cycle. I do not reference this delay to denigrate the Staff's efforts here, but simply to observe that the processes for keeping pace with technology transitions at the Commission are slow, particularly here where coordination amongst three Bureaus/Departments is involved. The comment period closed on September 9 with no opposition to our waiver request. And at no point in this process has anyone from the FCC suggested that the TTY requirement does not apply to Wi-Fi calling or that a waiver of the TTY rules to enable Wi-Fi calling is unnecessary.

This past Friday, September 25, was the date on which AT&T intended to introduce Wi-Fi calling services in competition with other competitors in the market, namely T-Mobile and Sprint. As discussed above, those carriers have been offering Wi-Fi calling services for a significant period of time, well over a year on Android devices and for months on iOS devices. Neither of those carriers has approached the FCC to request a waiver of the TTY rules. Because the Commission has not granted AT&T's waiver petition, we are not in a position to provide Wi-Fi calling services to our customers even while our competitors provide those services in defiance of the Commission's rules. The absence of that capability from our platform has already drawn media attention (see the *Fierce Wireless* article, available at <http://www.fiercewireless.com/tech/story/att-explains-delay-ios-9-and-wi-fi-calling/2015-09-21>). We anticipate that our competitors will continue to tout their Wi-Fi calling services for competitive advantage.

There is a growing concern at AT&T that there is an asymmetry in the application of federal regulations to AT&T on the one hand and its marketplace competitors on the other hand. This situation simply adds fuel to that fire. Exacerbating this situation is our understanding that a waiver may be delayed, at least in part, because the Staff considered for a time a Commission-level order (as opposed to a Bureau issued item) so that it may grant a waiver of the TTY rules for the entire industry. To be clear, AT&T did not request an industry-wide waiver, nor has any other competitor currently offering those services in apparent violation of the Commission's rules. While we appreciate the Commission's efforts here to expedite review, we renew our call for expedited action on AT&T's waiver, without the delays attendant in crafting an industry-wide waiver.

With much of the Commission's recent attention being paid to universal access in the face of changing technologies, approving our waiver and signaling to the industry that RTT is a permissible alternative to TTY will promote deployment of accessibility technologies that better serve the needs of disabled communities. Your recent statement at the TDI Conference in Baltimore sums it up best, "[a]ccessibility must be a first thought, not an afterthought ... At the FCC, we are determined to seize this new opportunity."

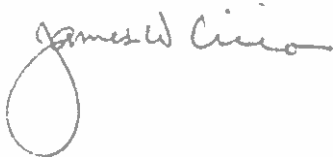
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Accordingly, AT&T urges the Commission to seize this opportunity to grant AT&T's waiver request without further delay. Doing so will enable AT&T to offer its customers Wi-Fi calling capabilities and correct the asymmetry that today exists between AT&T and its mobile services competitors over remaining in compliance with existing FCC regulations when deploying new services.

Sincerely,

A handwritten signature in cursive script, appearing to read "James W. Cicio". The signature is written in dark ink on a white background. The first letter of the first name is a large, stylized capital 'J' that loops down and back up. The last name "Cicio" is written in a fluid, cursive style.