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October 31, 2008

VIA ELECTRONIC SUBMISSION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW – Lobby Level
Washington, D.C. 20554

Re: *Broadband Industry Practices*, WC Docket No. 07-52

Dear Ms. Dortch:

On October 30, 2008, Hank Hultquist and Jack Zinman, representing AT&T Internet Services, (AT&T) met with Amy Bender, Legal Advisor to Chairman Martin, to discuss the above-referenced docket. As AT&T has previously explained, a small minority of our broadband Internet access customers consume a disproportionately large amount of the total bandwidth available to all of the customers on our network.¹ In order to ensure that we can continue to equitably provide affordable broadband services to all of our customers, we are exploring potential changes to the manner in which we offer and charge for those services.

In particular, AT&T plans to initiate a broadband Internet access usage trial in Reno, Nevada beginning in November. Consistent with AT&T's belief that consumers should have clear information about the capabilities of their broadband Internet access services and any meaningful limitations on those service,² AT&T will be providing written notice to customers involved in the trial explaining that their broadband service will be subject to a certain monthly usage tier for the total amount of data they may send and receive, as well as a per gigabyte charge in the event they exceed the usage tier.

We further explained that AT&T will provide customers with an online usage metering tool that displays a running total of the amount of data the customer has transmitted during a given month. AT&T also will send written notices to customers when they reach 80 percent of their monthly usage tier to remind them of the usage tier and the additional charges that apply for exceeding it. In addition, the first time a customer exceeds the applicable monthly usage tier, AT&T will send a written notice reminding the customer again about the usage tier, but we will not impose any additional charges at that time. Only after the second time the customer exceeds the applicable monthly usage tier will the customer be subject to additional per-gigabyte charges. Finally, in the event a new or existing customer does not want to participate in the trial, we will

¹ See Testimony of Robert W. Quinn, Jr., AT&T, FCC Public En Banc Hearing at Carnegie Mellon University on Broadband and the Digital Future, at 5-6 (July 21, 2008) (Quinn Testimony).

² Quinn Testimony at 3, 5-6; Letter from James W. Cicconi, AT&T, to Kevin Martin, FCC, WC Docket No. 07-52, at 1-2 (Sept. 11, 2008).

permit the customer to cancel their broadband Internet access service without an early termination penalty.³

If you have any questions or need additional information, please do not hesitate to contact me. Pursuant to section 1.1206 of the Commission's rules, this letter is being filed electronically with the Commission.

Sincerely,

/s/
Jack Zinman

cc: Amy Bender
Scott Deutchman
Scott Bergmann
Nick Alexander
Greg Orlando
Dana Shaffer

³ Most of AT&T's existing customers are on month-to-month plans and may already cancel service without an early termination penalty. To the extent an existing customer is on a term plan and does not wish to participate in the trial, the customer may cancel service without an early termination penalty. New customers that initiate service after the trial begins, and subsequently decide they no longer want to participate in the trial, may cancel service without an early termination penalty, provided that they do so within their first 30 days of service.