



**Roger Moffitt, Esq.**  
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September 28, 2012

Trixie Behr  
Utah Public Service Commission  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84111

Re: *Docket No. 12-087-01*

**In the Matter of:** the Joint Application of AT&T Communications of the Mountain States, Inc. and AT&T Corp. for Certificate of Public Convenience and Necessity as a Competitive Local Exchange Carrier, and for Informal Adjudication of Merger

Dear Ms. Behr,

AT&T Corp. has determined that it needs to amend information in its joint application *See Joint Application at p. 7 (Subsection C Bond Statement)* regarding the responsibility to obtain a liability bond. AT&T Corp. withdraws its request for a waiver, and has instead obtained a bond as required, and in the form attached hereto as Exhibit A.

Thank you for your attention in this matter. If you have any questions or concerns, please feel free to call.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Moffitt".

Roger Moffitt  
General Attorney  
AT&T Services, Inc.  
Attorney for Nevada Bell Telephone Company, dba AT&T Nevada

Enclosure

## Exhibit A

**MISCELLANEOUS INDEMNITY BOND**

**KNOW ALL MEN BY THESE PRESENTS:** That we,  
AT&T Corp. 816 Congress Avenue, Austin, TX 78701  
a New York corporation (hereinafter called Principal), as Principal,  
and Fidelity and Deposit Company of Maryland, a corporation of the State  
of Maryland with its Home Office in the City of Schaumburg, IL, and duly authorized and licensed  
to do business in the State of Utah (hereinafter called Surety), as Surety, are held and firmly bound unto  
Utah Public Service Commission, 160 East 300 South, Salt Lake City, UT (hereinafter called Obligee), in the full and  
just sum of One Hundred Thousand and NO/100 -----  
Dollars (\$ 100,000 ) to the payment of which sum, well and truly to be made, the Principal and Surety bind  
themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

Signed, sealed and dated this 26th day of September, 2012

**WHEREAS**, the Principal has applied for a Certificate of Public Convenience and Necessity

**WHEREAS**, the aforesaid agreement provides that the Principal shall pay  
on liabilities for customer deposits or other liabilities to telecommunications customers of the telecommunications  
corporation or liabilities to the Utah Public Telecommunications Service Support Fund, 54-8b-15, or the Hearing  
and Speech Impaired Fund, 54-8b-10.

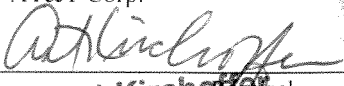
**WHEREAS**, the obligee has requested security to guarantee payment of the aforesaid in an amount equal to  
One Hundred Thousand and NO/100 Dollars -----  
Dollars (\$ 100,000.00 -----).


**NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH** That, if the Principal shall  
pay the aforesaid sum under the terms of the Agreement then this obligation to be void, otherwise, to remain in full force  
and effect.


**PROVIDED; HOWEVER**, that this bond is executed by the surety and accepted by the Obligee upon the  
following express conditions and limitations:

- 1) This bond may be canceled by the Surety by the sending of notice in writing to the obligee stating when, not  
less than thirty days thereafter, liability hereunder shall terminate.
- 2) Regardless of the number of years this bond shall continue or be continued in force and the number of  
premiums that shall be payable or paid the Surety shall not be liable hereunder for a larger amount, in  
the aggregate, than the amount of this bond.

WITNESS:  
  
\_\_\_\_\_

AT&T Corp.  
  
**Art Kirchoff**  
Assistant Treasurer  
\_\_\_\_\_  
(SEAL)

WITNESS:  
  
\_\_\_\_\_

Fidelity and Deposit Company of Maryland  
By   
**Heidi A. Notheisen**, Attorney In Fact  
\_\_\_\_\_

ACKNOWLEDGMENT BY SURETY

STATE OF Missouri }  
County of St. Charles } ss.

On this 26th day of September, 2012, before me personally appeared Heidi A. Notheisen, known to me to be the Attorney-in-Fact of Fidelity and Deposit Company of Maryland

, the corporation that executed the within instrument, and acknowledged to me that such corporation executed the same.

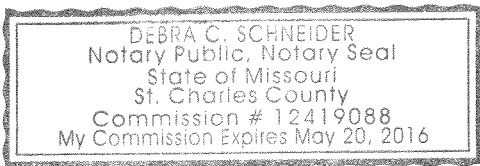
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, at my office in the aforesaid County, the day and year in this certificate first above written.

*Debra C. Schneider*

Debra C. Schneider  
Notary Public in the State of Missouri  
County of St. Charles

My Commission Expires: May 20, 2016

(Seal)



**Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by FRANK E. MARTIN JR., Vice President, and GERALD F. HALEY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof does hereby nominate, constitute and appoint **Pamela A. BEELMAN, Cynthia L. CHOREN, Heidi A. NOTHEISEN, JoAnn R. FRANK, Karen L. ROIDER, Debra C. SCHNEIDER and Sandra L. HAM, all of St. Louis, Missouri, EACH** its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for and on its behalf as surety, and as its act and deed: **any and all bonds and undertakings**, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons. This power of attorney revokes that issued on behalf of Pamela A. BEELMAN, Cynthia L. HANAK, Heidi A. NOTHEISEN, JoAnn R. FRANK, Karen L. ROIDER, Debra C. SCHNEIDER, Sandra L. HAM, dated December 12, 2007.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 3rd day of December, A.D. 2009.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gerald F. Haley*

*Frank E. Martin Jr.*

By:

*Gerald F. Haley* Assistant Secretary      *Frank E. Martin Jr.* Vice President

State of Maryland }  
City of Baltimore } ss:

On this 3rd day of December, A.D. 2009, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came FRANK E. MARTIN JR., Vice President, and GERALD F. HALEY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself deposed and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Constance A. Dunn*

*Constance A. Dunn* Notary Public  
My Commission Expires: July 14, 2015

**EXTRACT FROM BY-LAWS OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

"Article VI, Section 2. The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages,....and to affix the seal of the Company thereto."

**CERTIFICATE**

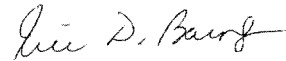
I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing Power of Attorney is still in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2, of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Power of Attorney and Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 10th day of May, 1990.

RESOLVED: "That the facsimile or mechanically reproduced seal of the company and facsimile or mechanically reproduced signature of any Vice-President, Secretary, or Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company,

this 26th day of September, 2012.



*Assistant Secretary*

## MAILING CERTIFICATE

I hereby certify that on the 28<sup>th</sup> day of September, 2012, I caused to be served a copy of the correspondence from Roger Moffitt regarding Docket 12-087-01 on the following person by overnight delivery and electronic mail:

Trixie Behr, Commission Secretary  
Utah Public Service Commission  
Heber M. Wells Building, 4<sup>th</sup> Floor  
160 East 300 South  
Salt Lake City, UT 84111  
Email: [tbehr@utah.gov](mailto:tbehr@utah.gov)

I also hereby certify that on the 28<sup>th</sup> day of September, 2012, I caused to be served a copy of the correspondence from Roger Moffitt regarding Docket 12-087-01 on the following persons by electronic mail:

Patricia Schmid  
Assistant Attorney General  
Division of Public Utilities  
[pschmid@utah.gov](mailto:pschmid@utah.gov)

William Duncan  
Division of Public Utilities  
[wduncan@utah.gov](mailto:wduncan@utah.gov)

Wes Felix  
Assistant Attorney General  
Division of Public Utilities  
[wfelix@utah.gov](mailto:wfelix@utah.gov)

Paul Proctor  
Assistant Attorney General  
Office of Consumer Services  
[pproctor@utah.gov](mailto:pproctor@utah.gov)



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David A. Collier  
Area Manager – Regulatory