

Dorothy Menasco

From: Martha Johnson [marthaj@fcta.com]
Sent: Friday, April 23, 2010 4:56 PM
To: Filings@psc.state.fl.us
Cc: David Konuch; Adam Teitzman; Carolyn Ridley; gene.watkins@cbeyond.net; D. Anthony Mastando; de.oroark@one.verizon.com; Douglas Nelson; gdiamond@covad.com; Jerry Hallenstein; Katherine Mudge; Beth Keating; Lisa Harvey; matt.feil@akerman.com; Robert Culpepper ; Susan Berlin; Tracy Hatch; Vicki Kaufman
Subject: Docket No. 000121A - FCTA's Comments on AT&T-CompSouth Bi-Lateral Agreement
Attachments: FCTA's Comments on AT&T-CompSouth Bi-Lateral Agreemen.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact David Konuch at the number below. Thank you.

A. The person responsible for this electronic filing is:

David A. Konuch
Senior Counsel, Regulatory Law and Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
850-681-1990
850-681-9676
dkonuch@fcta.com

B. The docket title is: **In Re: Docket No. 000121** - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (AT&T FLORIDA TRACK)

C. This document is filed on behalf of the Florida Cable Telecommunications Association, Inc.

D. This document has a total of 18 pages.

E. Description of document: Comments on AT&T-CompSouth Bi-Lateral Agreement.

Thank you,

Martha Johnson
Regulatory Assistant
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
850/681-1990
850/681-9676 (fax)

4/26/2010

DOCUMENT NUMBER-DATE
03311 APR 26 2010
FPSC-COMMISSION CLERK



Florida Cable Telecommunications Association

Steve Wilkerson, President

April 23, 2010

VIA ELECTRONIC FILING

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **Docket No. 000121A** – In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies.

Dear Ms. Cole:

Enclosed for electronic filing in the above referenced Docket, please find the Florida Cable Telecommunications Association, Inc.'s Comments on AT&T-CompSouth Bi-Lateral Agreement.

If you have any questions whatsoever, please do not hesitate to contact me at (850) 681-1990.

Your assistance in this matter is greatly appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read 'DAK', is written over a faint, larger version of the signature.

David A. Konuch
Senior Counsel, Regulatory Law and Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
Phone: 850-681-1990
Fax: 850-681-9676
dkonuch@fcta.com

Enclosures

DOCUMENT NUMBER DATE

0331 APR 26 2010

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment
of operations support systems permanent
performance measures for incumbent local
exchange telecommunications companies
(BellSouth Track)

Docket No. 000121A-TP

April 23, 2010

**COMMENTS OF FLORIDA CABLE TELECOMMUNICATIONS
ASSOCIATION ON AT&T-COMPSOUTH BI-LATERAL AGREEMENT**

Florida Cable Telecommunications Association, Inc. ("FCTA")¹ hereby submits its comments on the bi-lateral settlement agreement between BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T") and certain CompSouth members, in response to the Commission Staff's March 25, 2010 notice.

INTRODUCTION AND BACKGROUND

Although not required to do so by statute, FCTA provides data on lines served to the Commission each year for use in the Commission's Annual Competition Report to the Legislature. For this year's Report, cable will be announcing that FCTA members serve more than 1.4 million residential lines as of December 31, 2009. Cable serves the overwhelming majority of all residential customers who purchase their service from a competitive provider rather than the ILEC. Cable's success in serving those customers depends on the quality of FCTA members' interaction with AT&T. Yet, the providers serving these 1.4 million customers were not asked to participate in the negotiations between AT&T and CompSouth, and indeed, learned of the negotiations only through rumor. The results of the negotiation reflect that fact, as the compromise reached between

¹ FCTA represents cable telephony providers throughout the state of Florida who provide, by and large, the only facilities-based mass market telephony competition to Florida's ILECs. FCTA's five largest members include Atlantic Broadband, Bright House Networks, Comcast, Cox, and Mediacom.

AT&T and CompSouth does not address cable's priorities or even the complete list of action items previously identified by the parties during the first two Staff workshops.

An important issue both in Florida and nationally this year is transparency of decision making in government. Yet, this bi-lateral settlement was negotiated between two parties behind closed doors, without involvement of the Commission Staff or of key stakeholders such as cable and others.

While the number of cable telephony customers increased slightly this year, AT&T alone still serves nearly twice as many customers as all of cable combined. Cable's continued ability to compete in Florida rests on the Commission maintaining its authority to assure compliance with the performance standards. AT&T submitted to SEEM and SQM consideration for entry to the long distance market in Florida. As part of the open workshop process established by the Commission, FCTA and Comcast (and even CompSouth) identified provisions that should be strengthened in their initial comments and redlines as an essential part of a SEEM and SQM overhaul. Multiple parties worked hard over several days of workshops to achieve consensus on how to move competition forward. Yet, the CompSouth-AT&T agreement leaves these detailed comments and proposals for the most part un-addressed.

Where the collaborative discussions at the workshops had resulted in broad consensus, the bi-lateral agreement between AT&T and certain CompSouth members represents a break with the concept of consensus, and a step backward from progress made at the Staff Workshops. The bi-lateral agreement modestly increases penalties on a handful of Tier I metrics, while simultaneously removing Tier II penalties. As such, the agreement appears more a dismantling of SEEM and SQM rather than an effort to improve or strengthen it. Moreover, elimination of Tier II penalties for important metrics such as

OSS 1 (OSS Response Interval). OSS 2 (OSS Interface Availability) and CM 6 (Percentage Software Errors Corrected within “X” days) would be detrimental to competition given AT&T’s recent OSS failures – most notably the Great OSS Train Wreck of 2008 described in detail in FCTA’s prior comments. AT&T’s recent history of OSS failures provides no basis for weakening SEEM and SQM, as the AT&T-CompSouth agreement would do.

AT&T and the CompSouth members who signed this agreement may reach their own bi-lateral settlement as private parties. However, the Commission’s role in this process is different and broader, as the Commission is charged with safeguarding and encouraging competition. A settlement between a handful of companies – one of which was recently purchased by an ILEC -- should not be permitted to dictate policy choices for the other companies who were excluded from these exclusive negotiations. Doing so would set up a classic ‘wag-the-dog’ scenario: it would allow a group that serves a minority of customers served by competitors to dictate terms for the companies that serve the majority.

Because they serve more customers, the providers who did not sign this agreement have a bigger stake in the outcome than those who did sign. Likewise, the Commission bi-lateral agreement does not reflect the views of the State of Florida, which will lose oversight discipline and possibly revenue if Tier II is scrapped.

The Staff’s role is to ensure that the competitive playing field remains open and in doing so to consider input from *all affected* providers. At best, the results of negotiations between AT&T and CompSouth should serve as one proposal among many in the workshop process. Accordingly, the Commission should re-start the workshop process and work through the open issues identified by the parties to this docket and attempt to achieve overarching consensus that ensures Florida’s telephony market continues to remain open and robust. To form the basis for an agenda for a Workshop, FCTA has attached a list of outstanding issues of concern to cable in Appendix A (unresolved issues from the November

9-10, 2009 Workshop) and Appendix B (Issues from December 3 follow-up conference call); plus redlines of both the SEEM and SQM plans that reflect cable's position and the workshops to date. (Appendices C and D)²

ANALYSIS

I. BECAUSE CABLE DID NOT HAVE A SEAT AT THE TABLE DURING NEGOTIATIONS WITH AT&T, THE AT&T-COMPSOUTH AGREEMENT DOES NOT ADDRESS CABLE'S CONCERNS AND COULD LEAVE CABLE VULNERABLE TO ANTI-COMPETITIVE CONDUCT BY AT&T

CompSouth members and FCTA members both compete with AT&T. CompSouth members serve primarily business customers using unbundled network elements (UNEs), while FCTA members serve primarily residential customers using the cable providers' own telephony network rather than UNEs. Understandably, therefore, the AT&T-CompSouth agreement does not address cable's key concerns, nor those of CompSouth members who did not sign onto it.

Because cable did not participate in the negotiations, issues that cable telephony providers care about were not addressed. These include important ordering metrics, which are more important to cable for some pre-order functions and the subsequent transitioning large volumes of residential, mass market customers to cable networks. CompSouth members, who provide service using UNEs, naturally sought to increase penalties on *those* inputs specific to their production, perhaps in trade for doing little or nothing on important metrics for cable, such as ordering and number portability.

In addition, CompSouth appears to have given up a lot while receiving little in return for its pledge not to oppose removing Tier II penalties. Metrics whose penalties increased were not increased enough to make up for the missing deterrent effect of Tier II.

² As Appendices C and D consist of over 100 pages each, they cannot be electronically filed. Accordingly, FCTA will be filing those documents with the Commission Clerk's office on Monday, April 26, 2010 and simultaneously providing electronic courtesy copies of the redlines to the parties on the service list.

Subtracting out the Tier II penalties, the twenty percent increase to some Tier I penalties barely keeps up with the rate of inflation. That increase is not enough to change AT&T's behavior and incent it to meet metrics that it currently routinely misses. Key metrics designed to enhance competition were not strengthened in the settlement. Nor does the settlement take meaningful steps to punish *chronic* failures, which was a key issue for FCTA members.

While the legislature deregulated some ILEC services last session, it retained Commission jurisdiction over *wholesale* services, the very services at issue here. AT&T asserts that SEEM and SQM represent burdens that apply to it alone among providers and are therefore unjust. However, AT&T's claim does not withstand scrutiny. AT&T voluntarily committed to the SEEM and SQM obligations in return for the right to provide long distance service to local telephony customers in Florida through the federal 271 process.

AT&T's commitment to its SEEM and SQM plans represented a competitive safeguard in which the dominant provider agreed not to disadvantage rivals in return for the right to compete in long distance markets. Those safeguards remain no less valid today, because missing metrics on the few inputs that AT&T still controls that cable needs to provide service can still undermine cable's telephony operations. Those service affecting items are different for FCTA members than they are for CompSouth members. The bilateral settlement agreement does not do enough to incent performance generally, and makes no effort to improve penalties on metrics that are of the greatest concern to cable.

Staff and the Commission are the "cop on the beat" to ensure that the competitive playing field remains level. The AT&T-CompSouth agreement is no substitute for Staff's careful scrutiny and involvement in an open process to examine all metrics that affect competition. The Staff should consider in a workshop format the proposals made in FCTA

and Comcast's individual comments, such as increased penalties for chronic non-performance, to ensure that the marketplace remains fair and competitive. As noted in those comments, AT&T has been able to sustain performance levels that continuously failed existing standards, in one case for twenty-four months. That should concern not only the wholesale customers such as cable, but also to the State of Florida, as it proves that the existing penalties provide insufficient incentive for AT&T to provide service that meets the standards set forth in the existing SEEM and SQM plans.

II. THE SLIGHTLY INCREASED PENALTIES FOR TIER I PROVIDE INSUFFICIENT INCENTIVES TO JUSTIFY REMOVAL OF TIER II PENALTIES

FCTA members receive no compensation when AT&T violates a Tier II standard. Rather, AT&T pays those fines directly to the state treasury. However, even though FCTA members receive no monetary payment when AT&T fails to comply, Tier II serves an important deterrent function. To determine whether the agreement helps the public interest, the issue is: are the slightly increased penalties for some metrics sufficient to counterbalance the lack of the deterrent effect caused by Tier II penalties going away? The answer is "no." Evidence of repeated, un-cured violations shows that the existing penalties are insufficient. So why weaken them by removing Tier II? Rather than "leveling the playing field," as AT&T claims, removing Tier II penalties in return for a modest increase in Tier I metrics significantly reduces AT&T's overall risk related to performance failures thereby giving it an undeserved competitive advantage.

While cable invested billions in network upgrades for the opportunity to provide local telephony competition, AT&T's only condition was to provide high quality OSS as measured by the SEEM and SQM regime. That regime obligates AT&T to pay fines *if and only if* it fails to provide inputs needed by competitors on a timely basis. So, if AT&T provided its intercarrier services accurately, and in a timely manner, AT&T's compliance

cost would be zero. The total fines paid by AT&T over the years amount to a small fraction of what cable paid to upgrade its networks to provide service in competition with AT&T.

Because the services at issue for cable primarily involve switching customers to the cable's own facilities based network without glitches, AT&T has no incentive – other than payment of the fines - to do this with a focus on quality and timeliness. Moreover, when it misses a metric, AT&T's remaining customers do not suffer, but the customer seeking to switch his or her service does, because the transfer to cable VoIP is delayed or worse botched, leaving the customer without dial tone and access to vital services like 911. Thus, even if AT&T misses a metric and pays a fine, it simultaneously receives some benefit, in that its competitor's prospective customer will be dissatisfied, possibly leading that customer to keep AT&T's service. That is a powerful incentive, one that could easily justify a financial penalty and at worst can create an environment that promotes anticompetitive behavior.

Given this simple calculation, cable's basic concern is that the both performance oversight and fines be meaningful, so that it makes more business sense for AT&T to comply than to fail and merely pay a fine. However, the deal AT&T reached with CompSouth does not do this. The bi-lateral agreement increases fines slightly – on par with or perhaps less than the rate of inflation – while removing the large incentive for compliance of the Tier II penalties. In combination, this reduces the fines to such a level that it will be cheaper for AT&T to fail the metrics and pay and spread those costs over its entire customer base. Removing Tier II without leaving adequate safeguards in place to ensure that AT&T complies with its metrics will give AT&T a competitive advantage over cable, and not, as AT&T argues, remove a competitive disadvantage.

III. THE COMMISSION STAFF SHOULD PICK UP WHERE IT LEFT OFF AND ADDRESS THE OUTSTANDING ISSUES WHERE NO AGREEMENT EXISTS BETWEEN THE REMAINING PARTIES

Because CompSouth members and FCTA members have differing needs and concerns, it's quite understandable that an agreement between CompSouth and AT&T does not address important concerns of cable telephony providers. While the agreement may satisfy some of AT&T and CompSouth's business interests, it does nothing to ensure continued fair telecommunications competition in Florida or protect the interests of the 1.4 million residential customers served by cable. Nor does it even address the concerns of some CompSouth members, in particular Cbeyond and STS, which did not sign onto the settlement agreement. This Commission's concern should be the maintaining of a level playing field for *all* competitors. This Commission, which retains jurisdiction over the ILECs' wholesale operations, is charged with ensuring that AT&T complies with commitments it made in return for the right to compete in local and long distance markets.

The Commission should pick up where it left off prior to the AT&T-CompSouth negotiations by addressing in a workshop the issues of concern identified by the remaining parties.

a. The Commission Should Use FCTA's Redline and Open Issues List from the First Two Workshops as the Agenda for the Next Workshop. Because key parties were left out of negotiations, the Staff should not use the CompSouth-AT&T settlement as the "agreed to" document going forward to resolve the remaining issues in this docket. The settlement does not reflect the progress made via collaborative discussions and workshops which all parties engaged in over a period of several months. Also, although CompSouth now has settled with AT&T, the remaining parties have not, and indeed, have rejected the CompSouth-AT&T bi-lateral agreement. By definition, therefore, the remaining parties disagree with what is in that agreement and it would make little sense to start with the bi-lateral agreement to resolve the remaining issues.

Rather than use the AT&T-CompSouth settlement as a departure point, the Commission Staff should begin with the open action items unresolved from the last two workshops. Many action items from the first two workshops remain unresolved and the remaining parties have not had discussions with AT&T since the last workshop in December 2009. FCTA's Attachments A and B catalog these issues and should be used to guide discussions at the next workshop. To assist in this process, FCTA has attached redlines of the SEEM and SQM plans that reflect FCTA's positions and progress made to date at the workshops. (See attachments C and D.) The remaining issues and workshop action items should be resolved in a collaborative manner involving Staff and industry, rather than relying on a few parties that do not adequately represent all stakeholders.

b. Other Specific Issues with the Settlement Not Mentioned Previously

The settlement seeks the "abolishment" of Tier II and all other provisions in the settlement are contingent upon that. Should the Commission decide to retain Tier II, the AT&T-CompSouth bi-lateral agreement by its own terms will be void. Rather than abolish Tier II, the Plan has mechanisms in place that allow AT&T to request waivers where appropriate. AT&T has successfully used these mechanisms frequently (including, most recently, without opposition from FCTA membership). Additionally, AT&T's request that the settlement be used in nine states is beyond the scope of this proceeding and has no relevance here. Similarly, it is unclear why a three year moratorium on changes to the SQM and SEEM plans results in any benefit to the competitive provider community.

CONCLUSION

FCTA respectfully requests that the Commission Staff re-start the workshop process with the remaining parties to this docket using the materials in FCTA's Appendices A, B, C, and D to guide those discussions.

Respectfully submitted this 23rd day of April, 2010.



David A. Konuch
Sr. Counsel, Regulatory Law & Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

Electronic Mail the 23rd day of April, 2010 to the following:

AT&T/AT&T Florida

E. Edenfield/ R. Culppeper
c/o Mr. Gregory Follensbee
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1561
Phone: 850-577-5555
FAX: 577-5536
Email: greg.follensbee@att.com

Akerman Law Firm

Beth Keating/Matt Feil
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
Phone: 850-425-1614
FAX: 222-0103
Email: matt.feil@akerman.com

Cbeyond Communications, LLC

Charles E. (Gene) Watkins
320 Interstate North Parkway, Suite 30
Atlanta, GA 30339
Phone: 678-370-2174
FAX: 978-424-2500
Email: gene.watkins@cbeyond.net

ALLTEL Communications, Inc. (Ausley)

Jeffrey Wahlen
c/o Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302
Phone: 850-425-5471
FAX: 222-7952

Network Telephone Corporation

Margaret Ring
3300 North Pace Blvd.
Pensacola, FL 32505-5148
Phone: 850-465-1748
FAX: 850-432-0218
Email: mhring@cavtel.com

Rutledge Law Firm

K. Hoffman/J. Ellis
P.O. Box 551
Tallahassee, FL 32302-0551
Phone: 850-681-6788
FAX: 681-6515

New South Communications, Corp.

Vicki Gordon Kaufman
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@moylelaw.com

MediaOne Florida Telecommunications

c/o Laura L. Gallagher, P.A.
101 E. College Ave., Suite 302
Tallahassee, FL 32301
Phone: 850-224-2211
FAX: 561-6311

Covad Communications Company

Ms. Katherine K. Mudge
7000 N. MoPac Expressway, Floor 2
Austin, TX 78731
Phone: 512-514-6380
FAX: 512-514-6520
Email: kmudge@covad.com

DeltaCom, Inc.

D. Anthony Mastando
7037 Old Madison Pike
Huntsville, AL 35806
Phone: 256-382-3856
FAX: 256-382-3936
Email: tony.mastando@deltacom.com

Keefe Law Firm

Vicki Gordon Kaufman
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@kagmlaw.com

NuVox Communications, Inc.

Susan J. Berlin
Two North Main Street
Greenville, SC 29601-2153
Phone: 864-331-7323
FAX: (864) 331-1236
Email: sberlin@nuvox.com

Pennington Law Firm Peter M.

Dunbar/Howard E. Adams
Post Office Box 10095
Tallahassee, FL 32302-2095
Phone: 850-222-3533
FAX: 222-2126
Email: Gene@penningtonlaw.com

Sprint Nextel

Douglas C. Nelson
233 Peachtree Street, N. E., Suite 220
Atlanta, GA 30303
Phone: 404-649-8983

Birch of the South, Inc.

Mr. Chris Bunce
2300 Main Street, Suite 600
Kansas City, MO 64108-2415
Phone: (816) 300-3000
FAX: (816) 300-3350
Email: cbunce@birch.com

Cleartel Communications

Randall P. Muench/Jamie Villanueva
12124 High Tech Avenue, Suite 100
Orlando, FL 32817-8374
Phone: 561-454-5041
FAX: 877-612-3027
Email: jvillanueva@cleartel.com

Comcast Southern Division

Richard Wolf
600 Galleria Parkway, Suite 1100
Atlanta, GA 30339
Phone: 678-385-5178
FAX: 678-385-5101
Email: richard_wolfe@cable.comcast.com

Competitive Carriers of the South, Inc.

Matthew J. Feil
c/o Akerman Law Firm
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
Phone: 850-224-9634
FAX: 222-0103
Email: matt.feil@akerman.com

Competitive Carriers of the South, Inc.

Vicki Gordon Kaufman
c/o Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@kagmlaw.com

Florida Competitive Carriers Assoc.

c/o Moyle Law Firm
Vicki Gordon Kaufman
118 North Gadsden Street

FAX: 404-649-8980
Email: douglas.c.nelson@sprint.com

Time Warner Telecom of Florida, L.P.

Carolyn Ridley, VP Regulatory Affairs
555 Church Street, Suite. 2300
Nashville, TN 37219
Phone: 615-376-6404
FAX: 615-376-6405
Email: Carolyn.Ridley@twtelecom.com

Verizon Dulaney O'Roark

5055 N. Point Parkway
Alpharetta, GA 30022
Phone: 678-259-1449
FAX: 678-259-1589
Email: de.oroark@verizon.com

Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788

Florida Public Telecommunications Association, Inc.

Mr. Bruce W. Renard
9432 Baymeadows Road, Suite 140
Jacksonville, FL 32256-7988
Phone: (904) 425-6050
FAX: (904) 425-6010
Email: brenard@fpta.com



David A. Konuch

**November 9-10 SQM Workshop
Action Items**

	Denotes AT&T and CLEC Action Item
	Denotes AT&T Action Item
	Denotes CLEC Action Item

Item	Performance Measure	Action Item	Party/Person Responsible	Status post 12/16/2009
1.	Administrative Changes	Parties to discuss timeline for industry notification (separate from public notifications). Additionally, parties to discuss staff proposal of inserting language regarding a timeframe for objections to administrative changes.	AT&T/CLECs	No resolution. See 12/16/09 Action Item #35. Item on hold per Staff.
2.	O-3	Language regarding simple port rules. Description of industry proposal---timing and intervals for simple port.	CLECs/Nuvox (Mary Conquest)	No resolution.
4.	email	Parties to discuss new benchmarks/intervals for measures impacted by email/non-mech ordering process.	AT&T/CLECs	No resolution.
14.	CLEC Proposed 911 and Directory Assistance	What other AT&T state performance measurements provide for these measures?	AT&T	No Resolution.
15.	M&R-2	Verify "NTF" counted in this measure (CTTR).	AT&T	No Resolution.
16.	P-9 M&R-2 M&R-4	Provide a new proposal that includes these three measures.	AT&T	No resolution.
17.	M&R-3	Are CLECs in agreement with the reporting structure?	CLECs	No resolution.
19.	CM-1	Provide the notice types reported in CM-1.	AT&T	Deferred.
20.	CM-1	Provide copy of five notices as provided in Sept. 09 SQM report.	AT&T	Deferred.
21.	CM all	Provide copy of CM measures in AT&T Midwest Performance Measurement Plan	AT&T	Deferred.
22.	CM all	Review and propose consolidation of CM measures	CLECs/Nuvox (Mary Conquest)	Deferred

Item	Performance Measure	Action Item	Party/Person Responsible	Status post 12/16/2009
23.	CM-3	Review what is included in CM-3 (final requirements/only 1 data point)	ATT	Deferred.
24.	CM all	Review Commission Orders for requirements to be included in CM measures	Commission staff	Deferred.
25.	CM-8	What item was rejected for CM-8?	AT&T	Deferred.
26.	CM all	Provide list of all releases for past 12 months.	AT&T	Deferred.
27.	CM-6 CM-9	Clarify Type 6 definition and change requests being reported for these measures (numbers don't match for Sept. 09 data).	AT&T	Deferred.
28.	CM-10	Review for possible deletion of measure	CLECs/Nuvox (Mary Conquest)	Deferred.
29.	CM-11	Review change requests implemented in past 12 months that should be included in CM-11	CLECs/Nuvox (Mary Conquest)	Deferred.
30.	Appendix B	Propose revised language for #1 in Appendix B.	AT&T (Tracy Hatch)	No Resolution. See #45
31.	Appendix B	Propose revised language for Appendix B dispute resolution	CLECs (Matt Feil)	No Resolution. See item 45-A for additional changes
33.	Special Access	Discuss necessity of measures	AT&T/CLECs	No Resolution.

**December 3 Conference Call Action Items
Action Items**

	Denotes AT&T and CLEC Action Item
	Denotes AT&T Action Item
	Denotes CLEC Action Item

Item	Performance Measure	Action Item	Party/Person Responsible	
35	Administrative Changes	Resubmit agreed language with sentences re-ordered per staff's suggestion. (see AT&T's 11/24 response to Action Item 1)	AT&T	Not resolved. At the request of the FL PSC Staff, this action item has been temporarily placed on hold 12.3.09. Xref 11/9/09 #1
37	P-9	Review AT&T's proposed changes to this measure. (see AT&T's 11/24 response to Action Item 16)	CLECs	No Resolution.
38	M&R-2	Review AT&T's proposed changes to this measure. (see AT&T's 11/24 response to Action Item 16)	CLECs	No Resolution.
39	P-9	Provide most recent six months of data results for 5 days (POTS Non-Designed services) and 14 days (Designed Services) as used in current measure. (see AT&T's 11/24 response to Action Item 16)	AT&T	No Resolution.
40	P-9	Provide most recent six months of data results using 10 days (POTS Non-Designed services) and 30 days (Designed Services) as proposed by CLECs.	AT&T	No Resolution.
41	M&R-2	Provide most recent six months of data results for 5 days (POTS Non-Designed services) and 14 days (Designed Services) as used in current measure. (see AT&T's 11/24 response to Action Item 16)	AT&T	No Resolution.
42	M&R-2	Provide most recent six months of data results using 10 days (POTS Non-Designed services) and 30 days (Designed Services) as proposed by CLECs.	AT&T	No Resolution.

Item	Performance Measure	Action Item	Party/Person Responsible	
43	CM measures	Timeline for joint Change Management Task Force	AT&T and CLECs	No Resolution
44	CM-1 &CM-3	Provide SQM redline that incorporates CM-1 and CM-3.	AT&T and CLECs	Deferred
45	Audit/Dispute Resolution Policy	Review and propose revisions to Item 4 under Audit Policy (see AT&T's 11/24 response to Action Item 30)	CLECs	No Resolution.