

Diamond Williams

000121A-TP

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Monday, July 12, 2010 4:55 PM
To: Filings@psc.state.fl.us
Subject: 000121A-TP AT&T Florida's Revised Response to Item No. 1 to the Staff's Data Request
Attachments: Document.pdf

A. Vickie Woods

Legal Secretary to E. Earl Edenfield, Jr., Tracy W. Hatch,

and Manuel A. Gurdian

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B. Docket No. 000121A-TP: In Re: Investigation into the Establishment of Operations Support Systems Permanent Incumbent Local Exchange Telecommunications Companies.

C. BellSouth Telecommunications, Inc.

on behalf of Tracy W. Hatch

D. 5 pages total in PDF format (Letter, Certificate and *Revised* Response)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's *Revised* Response to Item No. 1 to the Staff's Data Request

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July 12, 2010

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: **Docket No. 000121A-TP**

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

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's *Revised* Response to Item No. 1 to the Staff's data request in the referenced docket.

Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Tracy W. Hatch

Enclosures

cc: All parties of record
Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

CERTIFICATE OF SERVICE
Docket No. 000121A-TP

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

Electronic Mail and U.S. Mail this 12th day of July, 2010 to the following:

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Tracy W. Hatch

(+) Signed Protective Agreement

REQUEST:

According to the Settlement Agreement between AT&T and CompSouth, the SEEM Tier 1 Fee Schedule would be increased by 20 percent on an individual remedied metric basis, commencing with the third consecutive month missed and continuing through the sixth consecutive month missed.

- a). For each month April, 2009 through March, 2010, please recalculate SEEM Tier 1 payments assuming **months 3 through 6** were increased by 25 percent as opposed to the stipulated 20 percent increase.
- b). For each month April, 2009 through March, 2010, please recalculate SEEM Tier 1 payments assuming **months 1 and 2** in the current Tier 1 Fee Schedule were increased by 10 percent. Months 3 through 6 would remain increased by 20 percent per the stipulation between AT&T and CompSouth.
 - i) Also recalculate **months 1 and 2** using 20, and 25 percent.
- c). For each month April, 2009 through March, 2010, please recalculate SEEM Tier 1 payments assuming **months 1 through 6** in the current Tier 1 Fee Schedule were increased by 10 percent.
 - i) Also recalculate **months 1 through 6** using 20 percent.

RESPONSE:

As an initial matter, it should be noted that AT&T filed its initial comments in the annual SQM/SEEM review on July 10, 2009. Since that time, AT&T has filed additional rounds of comments, participated in staff workshops, and answered staff data requests. Consistent with historical practice and in following the direction from the Commission, the parties to this docket, with one exception, have worked diligently to reach a settlement to resolve the issues in the current annual SQM/SEEM review. A settlement agreement between AT&T and CompSouth was reached and filed with the FPSC on March 22, 2010. With the exception of FCTA, all

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parties of record in the docket either signed the settlement agreement, agreed not to oppose the settlement agreement, or have indicated that they take no position regarding the settlement agreement. FCTA has consistently declined to enter into any negotiations to attempt to resolve any issues of interest to FCTA, instead maintaining that a return to the “collaborative” is the only acceptable path forward.

The settlement agreement obligates the signatories to the agreement to support the provisions in the agreement. Other than FCTA, the remaining parties will not oppose the settlement agreement. The agreement embodies a reasonable resolution to the issues that all parties have identified in this annual review. In view of the settlement agreement now pending before the Commission for approval, it appears counterproductive for the staff to continue to pose “what-ifs.” The posture of the case is now past the point of introducing new elements to the agreement.

FCTA notwithstanding, the parties’ positions regarding the settlement agreement are on record with a request that the agreement be approved by the Commission. AT&T suggests that the more productive approach is to obtain the Commission’s decision on the settlement agreement.

AT&T’s specific responses to the Staff’s question are set forth in the attached.