



Robert Culpepper  
Senior Attorney  
Legal

AT&T Florida  
150 South Monroe Street  
Room 400  
Tallahassee, Florida 32301

T: 404-335-0841  
F: 404-614-4054  
rc1191@att.com  
www.att.com

February 14, 2008

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COMMISSION  
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Ms. Ann Cole  
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 incumbent local exchange Telecommunications companies**

Dear Ms. Cole:

Pursuant to Section 4.5.1 of the Florida SEEM plan, BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") has notified Tennessee Telephone Service, LLC d/b/a Freedom Communications, USA LLC ("Freedom Communications") of its intent to withhold payment of certain SEEM payments. A copy of the letter advising Freedom Communications of such action is enclosed for filing. The attachments to the letter contain proprietary information and will be filed separately with a Request for Confidential Classification.

- CMP
- COM
- CTR
- ECR
- GCL
- OPC
- RCA
- SCR
- SGA
- SEC
- OTH

Sincerely,

Robert A. Culpepper

Enclosures  
cc: All parties of record  
Jerry D. Hendrix  
Matthew T. Davis

#704438

USA  
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DOCUMENT NUMBER DATE

01223 FEB 15 8

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Kristen Shore T: 404.927.7560  
675 W Peachtree Street NW F: 404.529.7839  
Atlanta, GA 30375 [kristen.shore@att.com](mailto:kristen.shore@att.com)

**Sent Via Electronic Mail**

February 13, 2008

Matthew T. Davis

Tennessee Telephone Service, LLC d/b/a Freedom Communications, USA LLC  
201 Skyline Drive  
Dickson, TN 37055

RE: Notice of AT&T's exercise of Section 4.5.1 of the SEEM Administrative Plan

Dear Mr. Davis:

Section 4.5.1 of the SEEM Administrative Plan provides in relevant part that AT&T is not "obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms for non-compliance with a performance measure if such non-compliance results from a CLEC[']s acts or omissions that cause failed or missed performance measures. These acts or omissions include but are not limited to, accumulation and submission of orders at unreasonable quantities or times, failure to follow publicly available procedures, or failure to submit accurate orders or inquires."<sup>1</sup> On several days in December 2007, Tennessee Telephone Service, LLC d/b/a Freedom Communications, USA LLC ("Freedom Communications") submitted a greatly increased quantity of local service requests ("LSRs"). Further, these submissions were not made in accordance with applicable AT&T ordering guidelines.

Freedom Communications' submission of such orders resulted in AT&T's inability to meet the SQM measurement standard associated with two ordering metrics -- the Reject Interval O-8 [RI] measurement and the Firm Order Confirmation Timeliness O-9 [FOCT] measurement in several states. Accordingly, and except as noted herein (see footnote 3), please be advised that pursuant to Section 4.5.1 of the SEEM Plan, AT&T is not obligated to pay SEEM payments associated with RI and FOCT for the month of December 2007, because the SEEM liability associated with such measures was triggered by Freedom Communications' actions.<sup>2</sup>

Specifically, on several dates in December 2007, Freedom Communications submitted large quantities of LSRs.<sup>3</sup> Freedom Communications substantially increased its LSR submission volume without providing a forecast in advance of such submissions and without working with AT&T to establish project coordination.

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<sup>1</sup> Alabama SEEM Plan, Version 2.01 (July 1, 2006); Florida SEEM Plan, Version 5.00 (July 1, 2007); Georgia SEEM Plan, Version 3.0 (August 1, 2005); Kentucky SEEM Plan, Version 3.00 (August 1, 2005); Mississippi SEEM Plan, Version 2.01 (November 1, 2006); North Carolina SEEM Plan, Version 2.01 (July 1, 2006); and South Carolina SEEM Plan, Version 2.01 (May 1, 2006).

<sup>2</sup> Freedom Communications' interconnection agreement ("ICA") incorporates by reference the SQM/SEEM plan. See ICA, Attachment 9.

<sup>3</sup> Specifically, December 15th through December 26th, 2007. AT&T performed a re-run of the December data for Freedom Communications with the ordering data for the aforementioned days removed. With the days involving "order dumping", AT&T incurred minimal SEEM liability in Kentucky and North Carolina. Because Freedom Communications' activities did not cause this SEEM liability, these payments will be made:

DOCUMENT NUMBER-DATE

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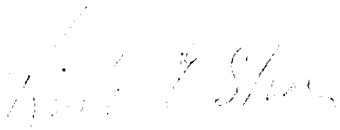
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Freedom Communications has an obligation to submit orders as outlined in AT&T's ordering guidelines.<sup>4</sup> Freedom Communications' failure to follow such guidelines placed an extraordinary demand on AT&T's ability to process such orders within the applicable performance intervals and resulted in AT&T missing the RI and FOCT measures through no fault on AT&T's part.

Enclosed for your review are two documents which show the FOCT and RI results for the month of December 2007, for: (i) Freedom Communications; (ii) all other competitive local exchange carriers ("CLECs") operating in the AT&T's Southeast region; and (iii) combined results for all CLECs, including Freedom Communications. As you can see, Freedom Communications' performance results are substantially lower than the performance results for all other CLECs for both measurements. Again, Freedom Communications' results are directly and exclusively attributable to Freedom Communications' failure to follow applicable ordering guidelines and its decision to substantially increase its volume of LSR submissions. The SEEM liability that is being withheld is also set forth in the enclosed FOCT and RI documents.

In sum, Freedom Communications' submission of LSRs in increased quantities and without adhering to applicable ordering guidelines caused AT&T to miss the RI and FOCT performance measures in December 2007. As a result thereof, and except as noted above in footnote 3, AT&T will not pay Freedom Communications any SEEM remedies associated with such measures for the month of December 2007.

Sincerely,



Kristen Shore

Enclosures

cc: Alabama Public Service Commission  
Florida Public Service Commission  
Georgia Public Service Commission  
Kentucky Public Service Commission  
Mississippi Public Service Commission  
North Carolina Utilities Commission  
South Carolina Public Service Commission

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<sup>4</sup> ICA, Attachment 6, § 2.3.1 obligates Freedom Communications to abide by AT&T's electronic interface guidelines. The relevant guideline is AT&T's Operations Support Systems (OSS) Interconnection Volume Guidelines, (Version 7.0, issued September 2007). In submitting LSRs in the volume and manner that occurred in December 2007, Freedom Communications failed to follow the requirements of Section 2 of the aforementioned guidelines. The guidelines are available on the web at the following address:  
[http://wholesale.att.com/reference\\_library/guides/lep/assets/pdf/oss\\_volume\\_guidelines.pdf](http://wholesale.att.com/reference_library/guides/lep/assets/pdf/oss_volume_guidelines.pdf)

**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 14<sup>th</sup> of February, 2008 to the following:

Adam Teitzman  
Staff Counsel  
Jerry Hallenstein  
Lisa Harvey  
David Rich  
Florida Public Service  
Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6175  
Fax. No. (850) 413-6250  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)  
[jhallens@psc.state.fl.us](mailto:jhallens@psc.state.fl.us)  
[lsharvey@psc.state.fl.us](mailto:lsharvey@psc.state.fl.us)  
[drich@psc.state.fl.us](mailto:drich@psc.state.fl.us)

Tracy W. Hatch  
AT&T  
100 South Monroe Street  
Suite 400  
Tallahassee, FL 32301  
Tel No. (850) 425-6360  
Fax No. (850) 425-6361  
[thatch@att.com](mailto:thatch@att.com)

Kelly A. Fennell (e-mail only)  
Director-Crcm  
External Affairs-Corp  
Michigan Bell Telephone Company  
Suite/Floor 1670  
444 Michigan Ave  
Detroit, MI 48226-2517  
Tel No.: (313) 223-0729  
Fax No.: (313) 496-9332  
[Kelly.A.Fennell@att.com](mailto:Kelly.A.Fennell@att.com)

Verizon, Inc.  
Kimberly Caswell  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110  
Tel. No. (813) 483-2617  
Fax. No. (813) 223-4888  
[kimberly.caswell@verizon.com](mailto:kimberly.caswell@verizon.com)

Peter M. Dunbar, Esquire  
Karen M. Camechis, Esquire  
Pennington, Moore, Wilkinson,  
Bell & Dunbar, P.A.  
Post Office Box 10095 (32302)  
215 South Monroe Street, 2nd Floor  
Tallahassee, FL 32301  
Tel. No. (850) 222-3533  
Fax. No. (850) 222-2126  
[pete@penningtonlawfirm.com](mailto:pete@penningtonlawfirm.com)

Supra Telecommunications and  
Information Systems, Inc.  
Marva Johnson  
2901 S.W. 149<sup>th</sup> Avenue  
Suite 300  
Miramar, FL 33027-4153  
Phone: (786) 455-4248  
FAX: (786) 455-4600  
[marva.johnson@supratelecom.com](mailto:marva.johnson@supratelecom.com)

Michael A. Gross  
Vice President, Regulatory Affairs  
& Regulatory Counsel  
Florida Cable Telecomm. Assoc.  
246 East 6th Avenue  
Tallahassee, FL 32303  
Tel. No. (850) 681-1990  
Fax. No. (850) 681-9676  
[mgross@fcta.com](mailto:mgross@fcta.com)

Douglas C. Nelson  
Sprint Nextel  
233 Peachtree Street, NE  
Suite 2200  
Atlanta, GA 30303  
Tel. No. 404 649-0003  
Fax No. 404 649-0009  
[douglas.c.nelson@sprint.com](mailto:douglas.c.nelson@sprint.com)

Brian Sulmonetti  
MCI WorldCom, Inc.  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328  
Tel. No. (770) 284-5493  
Fax. No. (770) 284-5488  
[brian.sulmonetti@wcom.com](mailto:brian.sulmonetti@wcom.com)

William Weber, Senior Counsel  
Gene Watkins (+)  
Covad Communications  
1230 Peachtree Street, N.E.  
19th Floor, Promenade II  
Atlanta, Georgia 30309  
Tel. No. (404) 942-3494  
Fax. No. (508) 300-7749  
[wweber@covad.com](mailto:wweber@covad.com)  
[gwatkins@covad.com](mailto:gwatkins@covad.com)

John Rubino  
George S. Ford  
Z-Tel Communications, Inc.  
601 South Harbour Island Blvd.  
Tampa, Florida 33602  
Tel. No. (813) 233-4630  
Fax. No. (813) 233-4620  
[gford@z-tel.com](mailto:gford@z-tel.com)

Vicki Gordon Kaufman  
Moyle Flanigan Katz Raymond  
& Sheehan, PA  
118 North Gadsden Street  
Tallahassee, FL 32301  
Tel. No. (850) 681-3828  
Fax. No. (850) 681-8788  
[vkaufman@moylelaw.com](mailto:vkaufman@moylelaw.com)  
Represents KMC Telecom  
Represents Covad  
Represents Mpower

Jonathan E. Canis  
Kelley Drye & Warren, LLP  
1200 19th Street, N.W., Fifth Floor  
Washington, DC 20036  
Tel. No. (202) 955-9600  
Fax. No. (202) 955-9792  
[jcanis@kelleydrye.com](mailto:jcanis@kelleydrye.com)

Tad J. (T.J.) Sauder  
Manager, ILEC Performance Data  
Birch Telecom of the South, Inc.  
2300 Main Street FL  
Kansas City, MO 64108  
Tel. No. (816) 300-3202  
Fax. No. (816) 300-3350

John D. McLaughlin, Jr.  
KMC Telecom  
1755 North Brown Road  
Lawrence, Georgia 30043  
Tel. No. (678) 985-6262  
Fax. No. (678) 985-6213  
[jmclau@kmctelecom.com](mailto:jmclau@kmctelecom.com)

Andrew O. Isar  
Miller Isar, Inc.  
7901 Skansie Avenue  
Suite 240  
Gig Harbor, WA 98335-8349  
Tel. No. (253) 851-6700  
Fax. No. (253) 851-6474  
[aisar@millerisar.com](mailto:aisar@millerisar.com)

Renee Terry, Esq.  
e.spire Communications, Inc.  
14405 Laurel Pl.  
Suite 200  
Laurel, MD 20707-6102  
Tel. No. (301) 361-4298  
Fax. No. (301) 361-4277

Suzanne F. Summerlin, Esq.  
Attorney At Law  
2536 Capital Medical Blvd.  
Tallahassee, FL 32308-4424  
Tel. No. (850) 656-2288  
Fax. No. (850) 656-5589  
[summerlin@nettally.com](mailto:summerlin@nettally.com)  
[sbharvey@suzannesummerlinattorney.com](mailto:sbharvey@suzannesummerlinattorney.com)

Dulaney O'Roark III (+)  
WorldCom, Inc.  
Six Concourse Parkway  
Suite 3200  
Atlanta, GA 30328  
Tel. No. (770) 284-5498  
[De.OROark@mci.com](mailto:De.OROark@mci.com)

Matthew Feil  
FDN Communications  
2301 Lucien Way, Suite 200  
Maitland, FL 32751  
Tel. No. (407) 835-0460  
[mfeil@mail.fdn.com](mailto:mfeil@mail.fdn.com)

D. Anthony Mastando  
DeltaCom  
VP-Regulatory Affairs  
Senior Regulatory Counsel  
Ste 400  
7037 Old Madison Pike  
Huntsville, AL 35806  
[Mary.Conquest@deltacom.com](mailto:Mary.Conquest@deltacom.com)



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Robert A. Culpepper

**(+) Signed Protective Agreement**