

**Ruth Nettles**

090430-TP

**From:** Nancy M. Samry [nmsamry@aol.com]  
**Sent:** Tuesday, October 13, 2009 12:29 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** ke2722@att.com; mg2708@att.com; Timisha Brooks; jparado@acgoldlaw.com  
**Subject:** Docket 09-0430-TP Saturn Telecommunication Services, Inc. v. AT&T  
**Attachments:** 090430-TP STS Combined Letter-Motion-Amended Petition 10-13-09.pdf

Dear Ms. Cole:

Attached for filing is Saturn Telecommunication Services, Inc.'s (STS) Motion To Amend Verified Emergency Petition For Injunctive Relief and Request For Stay of AT&T's CLEC OSS-Related Releases. Docket No.: 09-0430-TP.

Thank you for your kind attention to this filing.

Nancy M. Samry, F.R.P.  
Alan C. Gold, P.A.  
1501 Sunset Drive  
2nd Floor  
Coral Gables, FL 33143  
305-667-0475, ext 4  
305-663-0799, fax  
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DOCUMENT NUMBER-DATE  
10515 OCT 13 8  
FPSC-COMMISSION CLERK

*Law Offices of Alan C. Gold, P.A.*

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**Paralegal:**

**Nancy M. Samry**  
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October 13, 2009

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

Via E-Mail Only: [filings@psc.state.fl.us](mailto:filings@psc.state.fl.us)

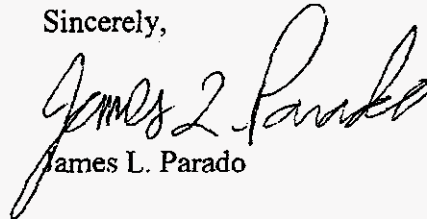
Re: Docket No. 090430-TP: Saturn Telecommunication Services, Inc. v. AT&T Florida

Dear Ms. Cole:

Enclosed is STS' Motion to Amend Petition with proposed Amended Verified Emergency Petition for Injunctive Relief and Request to Restrict or Prohibit AT&T from Implementing Its CLEC OSS-Related Releases attached as Exhibit 1 to the Motion, filed by Saturn Telecommunication Services, Inc., which we ask that you file in the captioned docket. Note that the Amended Petition also has the following exhibits attached: Affidavit of Ronald E. Curry, Affidavit of Caryn Diaz, and Affidavit of Cesar Lugo.

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

Sincerely,

  
James L. Parado

CC: All Parties of Record (Via E-Mail)

DOCUMENT NUMBER-DATE

10515 OCT 13 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

SATURN TELECOMMUNICATION SERVICES INC., a Florida corporation,  
Petitioner,  
v.  
BELLSOUTH TELECOMMUNICATIONS, INC., a Florida corporation, d/b/a AT&T FLORIDA  
Respondent.

Docket No.090430-TP  
Filed: October 13, 2009

**STS' UNOPPOSED MOTION TO AMEND VERIFIED EMERGENCY PETITION FOR INJUNCTIVE RELIEF AND REQUEST FOR STAY OF AT&T's CLEC OSS-RELATED RELEASES**

Petitioner, SATURN TELECOMMUNICATION SERVICES, INC. ("STS"), by and through its undersigned Counsel, pursuant to Rules 28-106.202 and 28-106.204, Florida Administrative Code, hereby files its Motion to Amend Verified Emergency Petition for Injunctive Relief and Request For Stay of AT&T's CLEC OSS-Related Releases, and in support thereof states as follows.

- 1. On or about September 2, 2009, STS filed its Verified Emergency Petition For Injunctive Relief and Request For Stay of CLEC OSS-Related Releases in the instant case against Respondent, BELLSOUTH TELECOMMUNICATIONS, INC., d/b/a AT&T FLORIDA ("AT&T FLORIDA").
- 2. STS desires to amend the Petition to clarify certain factual allegations, the statutory authority for which it seeks relief as well as the relief sought.

DOCUMENT NO. DATE  
10515-09 10/13/09  
FPSC - COMMISSION CLERK

3. Before the Florida Public Service Commission (“Commission”) can grant full relief pursuant to the Petition, it should take into consideration the clarified factual allegations and Florida Statutes, in particular §364.14(2), which states as follows:

Whenever the commission finds that the rules, regulations, or **practices** of any telecommunications company are unjust or unreasonable, or that the **equipment, facilities, or service** of any telecommunications company are inadequate, inefficient, improper, or insufficient, the commission shall determine the just, reasonable, proper, adequate, and efficient rules, regulations, practices, equipment, facilities, and service to be thereafter installed, observed, and used and shall fix the same by order or rule.  
*(emphasis added)*

4. Furthermore, 47 C.F.R. §51.313, which is enforceable as expressed by §364.012, Fla. Stat., is also applicable to the instant action.
5. A copy of Plaintiffs proposed “Amended Verified Emergency Petition For Injunctive Relief and Request To Restrict or Prohibit AT&T From Implementing Its CLEC OSS-Related Releases” is attached hereto as Exhibit “1”
6. The purpose of amending the Petition is in the interest of justice and not for purposes of undue delay.
7. Counsel for STS has conferred with Counsel for AT&T Florida, who is unopposed to amending the Petition.

**WHEREFORE**, Petitioner, SATURN TELECOMMUNICATION SERVICES, INC., respectfully requests that this Honorable Commission enter an order granting Petitioner leave to amend the Petition, with the proposed Amended Verified Emergency Petition for Injunctive Relief and Request to Restrict or Prohibit AT&T from Implementing Its CLEC OSS-Related

Releases being deemed as filed on the date of the Commission's order, and any other relief the Commission deems just and proper.

s/ Alan C. Gold  
Alan C. Gold (Florida Bar No. 304875)  
James L. Parado (Florida Bar No. 580910)  
Attorney e-mail address:  
agold@acgoldlaw.com  
jparado@acgoldlaw.com  
ALAN C. GOLD, P.A.  
1501 Sunset Drive  
2<sup>nd</sup> Floor  
Coral Gables, FL 33143  
Telephone: (305) 667-0475  
Facsimile: (305) 663-0799

**CERTIFICATE OF GOOD FAITH**

I **HEREBY CERTIFY** that I have attempted to confer with Defendant's Counsel prior to the filing of this Motion who is not opposed to amending the Petition.

s/ James L. Parado  
James L. Parado (Florida Bar No. 580910)

**CERTIFICATE OF SERVICE**  
**Docket No. 090430-TP**

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

Electronic Mail only this 13<sup>th</sup> day of October, 2009 to the following:

Earl E. Edenfield, Esquire  
Tracy W. Hatch, Esquire  
Manuel A. Gurdian, Esquire  
c/o Gregory R. Follensbee  
AT&T Southeast Legal Dept.  
150 South Monroe Street, Ste. 400  
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tbrooks@psc.state.fl.us

s/ Alan C. Gold  
Alan C. Gold (Florida Bar No. 304875)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

SATURN TELECOMMUNICATION SERVICES INC., a Florida corporation,	}	
	}	
	}	Docket No.090430-TP
	}	
Petitioner,	}	
	}	
v.	}	Filed: October 13, 2009
	}	
BELLSOUTH TELECOMMUNICATIONS, INC., a Florida corporation,	}	
d/b/a AT&T FLORIDA	}	
	}	
Respondent.	}	

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**AMENDED VERIFIED EMERGENCY PETITION FOR INJUNCTIVE RELIEF AND REQUEST TO RESTRICT OR PROHIBIT AT&T FROM IMPLEMENTING ITS CLEC OSS-RELATED RELEASES**

Petition, SATURN TELECOMMUNICATION SERVICES, INC. ("STS"), by and through its undersigned Counsel, pursuant to Rule 25-22.030, Florida Administrative Code, hereby files this Amended Verified Emergency Petition for Injunctive Relief and Request to Restrict or Prohibit AT&T from Implementing Its CLEC OSS-Related Releases until such time as AT&T's OSS-Related releases complies with the prior orders of this Honorable Commission, and in support thereof states as follows.

**I. PARTIES AND STS' COUNSEL**

1. STS is a Competitive Local Exchange Carrier ("CLEC") and Interexchange Carrier ("IXC") certified by the Florida Public Service Commission ("FPSC"), to provide telecommunications services in Florida.
2. STS has its office at 12399 SW 53<sup>rd</sup> Street, Cooper City, Florida 33330, and its telephone number is 954-252-1000.

**EXHIBIT 1**

3. AT&T is an incumbent local exchange carrier ("ILEC") certified by the FPSC to provide local exchange services in Florida. AT&T is an ILEC defined in §251(h)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (hereinafter, "the Act"), and is a local exchange telecommunications company defined by §364.02(6), Florida Statutes. AT&T is also a Bell Operating Company ("BOC") and an interexchange carrier certified by the FPSC to provide long distance services based upon §271 of the Act.
4. According to the official records of the Florida Secretary of State, AT&T has its principle office at 675 Peachtree Street, NE, Suite 4500, Atlanta, Georgia 30375; and its Registered Agent for Florida, CT Corporation System, is at 1200 Pine Island Road, Plantation, Florida.

## **II. JURISDICTION**

5. The Commission has jurisdiction with respect to the claims asserted in this Petition under Chapter 120 and 364, Florida Statutes, and Chapters 25-22 and 28-106, Florida Administrative Code.
6. The Commission also has jurisdiction under the Federal Act under 47 U.S.C. § 251(d) (3) (conferring authority to State commissions to enforce any regulation, order or policy that is consistent with the requirements of Section 251) with respect to matters raised in this Petition.

## **III. VIOLATION OF AN ORDER OF THE FLORIDA PUBLIC SERVICE COMMISSION AND FLORIDA STATUTES.**

7. On July 22, 1998, the Florida Public Service Commission ("FPSC") issued Order No. PSC-98-1001-FOF-TP in Docket No. 980119-TP, "Final Order on Complaint", In re: *Complaint of Supra Telecommunications & Information Systems against BellSouth*



*Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief. ("Final Order")*

8. The Final Order provided the following:

**VII. RELIEF**

....

5. BellSouth shall modify the ALEC ordering systems so that the systems provide the same online edit checking capability to Supra that BellSouth's retail ordering systems provide.

....

9. The online edit checking capabilities were necessary in order to bring the CLEC's ordering procedures in parity with BellSouth's retail ordering procedures, and to eliminate an unfair competitive advantage employed by BellSouth in the ordering process. The edit checking capabilities inform a CLEC of errors in the order while the order is being processed, and allows a CLEC to have a customer on the telephone line while placing and completing an order. Thus this edit checking capability allows the CLEC to immediately give the customer the date for the new service, and avoid delays and other errors. For example under the edit checking capabilities of the current LENS system, if a field was filled in incorrectly or a required field left blank, the system will not allow the CLEC to process the order, but rather inform the CLEC of the error, allow the CLEC to properly fill in the order and continue processing the order. In LEX, the system does not advise the CLEC of the error during the ordering phase, but the order will be rejected or clarified after the order is completed, thus causing delays, eroding

consumer confidence in the CLEC, and unfairly giving BellSouth (AT&T) an unfair competitive advantage.

10. Pursuant to the FPSC's Final Order in the Supra case, BellSouth was compelled to modify LENS to incorporate certain "pre-order edits" so that orders could flow through the system without errors (error free), in a similar manner to what BellSouth provided for itself, in its Retail Navigation System (RNS)<sup>1</sup>.
11. The Final Order of this Commission requiring BellSouth to provide the "online edit checking capability" was affirmed by this Commission in Order No. PSC-03-1178-PAA-TP issued October 21, 2003 and in Order No. PSC-04-1146-FOF-TP issued November 18 2004, in the same docket as the Final Order. These two orders found that BellSouth had complied with this Commission's 1998 order on the "online edit checking capability" in LENS.
12. Recently, Respondent AT&T notified the CLEC community through their "Accessible Letter SN91087078 and CHANGE MANAGEMENT CR 2493"<sup>2</sup> (Attached as Composite Exhibit "A") that it intended to change its Operation Support Systems (OSS) from the current systems as were provided for by BellSouth<sup>3</sup> to those Operational Support Systems used by the 13 AT&T state region. This change is referred to by AT&T

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<sup>1</sup> In DOCKET NO. 980119 – TP; ORDER NO. PSC – 98 – 1001 – FOF – TP; Witness Hamilton asserted that LENS does not provide prompts for USOC codes, features details, or service and customer information requirements, not does it have the capability to allow Supra to supplement an order once it has been submitted via LENS...He stated that BellSouth's customer service representatives with access to all customer information and its order systems provide prompts for all "critical information" such as USOC codes.

<sup>2</sup> Accessible Letter stated: On June 22, 2008, AT&T Southeast Region will retire the Local Exchange Navigation System (LENS) Graphical User Interface (GUI). The ordering functionality currently provided for by LENS will be replaced by the Local Service Request Exchange (LEX) GUI, and the pre-ordering functionality will be replaced by the Verigate GUI, which are systems currently used by the AT&T 13-state region.

<sup>3</sup> Currently referred to as the AT&T Southeastern region.

as the 22 State OSS Alignment. Part of this Alignment is the retirement of the Local Exchange Navigation System (“LENS”) to Local Service Request Exchange (LEX) and Verigate GUI.

13. The AT&T 22-State OSS Alignment LENS will be retired and replaced by LEX for pre-ordering and ordering of §251(c)(3) elements starting in November 2009. LEX and Verigate do not have the same pre-order edits as LENS. According to the affidavits of Mr. Ron Curry and Ms. Caryn Diaz,<sup>4</sup> on August 5, 2009 during the CMP (Change Management Process) meeting, AT&T presented to the CLEC community a LEX overview for the Southeast Region November 2009 Release.

14. At the August 5<sup>th</sup> 2009 meeting, STS asked the following question: “Does LEX allow for the same pre-order edits as LENS?” AT&T answered “No”, and explained; “LEX provides for the initial edits that required fields and forms are populated and basic field edits checks.” Further according to AT&T, “No additional field level edits and/or validations will be done prior to issuance.”—meaning that if an error occurs, then the order will flow through and then be rejected and electronically sent back to the CLEC.<sup>5</sup>

15. As in the Supra case in 1998, this was the same position of BellSouth through its witness: “Witness Stacy further asserted that if an order containing an error is submitted through LENS or EDI, an error code is attached to the order and electronically sent back to the ALEC”<sup>6</sup>.

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<sup>4</sup> The original affidavits of Curry and Diaz were attached to STS’ initial petition; copies of said affidavits are attached hereto.

<sup>5</sup> See Exhibit “1” attached to affidavit of Curry

<sup>6</sup> ODER NO. PSC – 98 – 1001 – FOF – TP, pg. 21, section. 3. Insufficient Ordering Capabilities (Second paragraph - response of BellSouth Witness Stacy)

16. According to the affidavit of Mr. Cesar Lugo<sup>7</sup> AT&T's RNS does not allow an error on an order to flow through its system and then be electronically rejected. The RNS prompts corrections thereby saving time during the conversion and ordering process.
17. According to Curry and Diaz there are as many as 25 edits within LENS that will no longer be provided for in LEX<sup>8</sup>. These pre-order errors in LENS will not allow the CLEC to move to the next page/screen until the pre-order error is corrected.
18. As a result, Petitioner will be irreparably harmed by erosion of customer confidence, inability to efficiently add, convert and service its customers on Petitioner's network, and loss of customers to Respondent. Because of the lack of edits in LEX, it is highly unlikely for a CLEC to process an order through the system in a timely manner without errors. If Petitioner wanted to take an order from an end user over the phone in LEX as Petitioner does today in LENS, it would be impossible to do so timely and efficiently and expect the customer to wait while the order taker works through the errors back and forth in LEX. Also, if an order is submitted with errors the system rejects the order back so the order does not reach a representative from AT&T. During this time, the person ordering cannot cancel an order and start over. This could cause internal provisioning problems. The only option of removing the order from the pending queue is to delete it at which time you will lose the entire order history. Given the history of AT&T's inability to correctly invoice services without error, it would not be in a CLEC's best interest to delete the history of any order that may be subject to billable charges. Processing orders in LEX will increase order errors, increase charges to the CLEC for supplemental orders

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<sup>7</sup> See. The original affidavit of Caesar Lugo was attached to STS' initial petition; copies of said affidavits are attached hereto .

<sup>8</sup> See affidavit of Curry and Diaz.

as well as delay service to the end user. The use of LEX OSS will affect the CLEC's ability to satisfy and thus retain an end user's telecommunication's services after conversion to a CLEC from AT&T or another CLEC. The implementation of LEX as proposed by AT&T is a giant step backwards for CLECs and their customers, and designed by AT&T to give its retail division an unfair competitive advantage over the CLECs.

19. The FPSC determined in July 22, 1998, the following:<sup>9</sup>

“We believe the same interaction and edit checking capability must take place when an ALEC is working an order as when BellSouth's retail ordering systems interact with BellSouth's FUEL and Solar databases to check the accuracy of BellSouth orders. Based upon the evidence, it does not appear that this interaction currently takes place in a manner that gives Supra adequate online edit checking ability”.

20. The Final Order is not just relevant with regards to Supra but is an Order that BellSouth had to comply with for all CLECs<sup>10</sup>, since the relief granted compels Respondent to modify its ordering systems that effect all CLECs, not just Supra.

21. AT&T in their 22 State OSS Alignment seeks to disregard the mandate of the FPSC and “backslide” into the performance structure to which this Commission found to be unacceptable over ten years ago in July 1998. Given all the advancements in technology over the last decade, it is unbelievable that in 2009, AT&T intends to revert to an ordering process for CLECs that was not in parity with the BOC's own retail ordering system in 1998.

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<sup>9</sup> See ORDER NO. PSC – 98 -1001 –FOF – TP, at pg. 22.

<sup>10</sup> CLECs and ALECS are the same, in 1998 the FPSC referred to CLECs and Alternative Local Exchange Carriers.

22. The fact that AT&T still utilizes the edit checking capabilities in the ordering system for its own retail customers demonstrates the desirability as well as the viability of having the same capabilities in the ordering systems utilized by CLEC
23. STS anticipates that it might discover additional deficiencies in LEX after it commences testing.
24. LENS is comparative to AT&T Florida's Retail RNS. Besides edits, Verigate (Pre Order GUI Tool) and LEX (Ordering GUI Tool) are not comparative to RNS. They are two separate systems which are inferior and not equal or at parity with AT&T's Retail RNS in violation of 47 C.F.R. §51.313, which is enforceable as expressed by §364.012, Fla. Stat.

#### **IV. REQUEST FOR EMERGENCY RELIEF**

25. The FPSC requires that all contracts and services shall be fair, just, reasonable, and sufficient, and the service rendered to any person by any telecommunications company shall be rendered and performed in a prompt, expeditious, and efficient manner. See §364.03(1). The telecommunications facilities furnished by a telecommunications company shall be kept in good condition and repair; and its service shall be adequate, sufficient, and efficient. See id. Every telecommunications company shall, upon reasonable notice, furnish to all persons who may apply therefore and be reasonably entitled thereto suitable and proper telecommunications facilities and connections for telecommunications services and furnish telecommunications services as demanded upon terms to be approved by the commission.
26. Respondent has announced the implementation of an OSS system which clearly violates the FPSC's Final Order and Florida Statutes, and will continue to violate said Order and Florida Statutes for as long as LEX continues to lack adequate edit checking capabilities.

The OSS Release currently scheduled for November 2009, will cause substantial and irreparable damage to Petitioner, all other CLECs operating in Florida and the consumer. The only entity which will profit from this release and its devastating effect on the CLEC ordering process, is AT&T retail.

27. The FPSC has the power to seek relief in the circuit court in the form of temporary or permanent injunctions, restraining orders or other appropriate orders where the FPSC finds that an entity within its jurisdiction has violated or is in violation of a Commission Order and the FPSC finds that said violation impairs the operations or service of any entity over which it has jurisdiction. See Rule 25-22.030 Injunctions, Florida Administrative Code. See also §§ 364.015 and 364.285(2), Florida Statutes.
28. Whenever the Commission finds that the rules, regulations, or **practices** of any telecommunications company are unjust or unreasonable, or that the **equipment, facilities, or service** of any telecommunications company are inadequate, inefficient, improper, or insufficient, the commission shall determine the just, reasonable, proper, adequate, and efficient rules, regulations, practices, equipment, facilities, and service to be thereafter installed, observed, and used and shall fix the same by order or rule. §364.14(2), Fla. Stat.
29. Furthermore, whenever the FPSC finds, on its own motion or upon complaint, that repairs or improvements to, or changes in, any telecommunications facility ought reasonably to be made, in order to promote the convenience of the public or in order to secure adequate service or facilities for basic local telecommunications services consistent with the requirements set by the FPSC, the FPSC must make and serve an order directing that

such repairs, improvements, changes, additions, or extensions be made in the manner specified in the order. See §364.15, Florida Statutes.

30. The FPSC is also empowered to impose penalties on Respondent for violation of its orders. See §364.285(1), Florida Statutes.

**WHEREFORE**, based on the stated intentions of AT&T in their 22 State OSS Alignment not to incorporate pre-ordering edits, in violation of the Final Order On Complaint and Florida Statutes , Petitioner requests:

- a. An order that this Commission restrain or prohibit AT&T from implementing the AT&T 22-State OSS Alignment in November 2009, and/or file an action in circuit court for an injunction, until such time as AT&T can sufficiently demonstrate that they have provided pre-order edits substantially equal to what they provide to themselves in their retail order system “RNS”;
- b. An order requiring that AT&T Florida cannot retire LENS without this Commission’s approval.
- c. An order requiring that LEX has the same pre-order edits, and has the same quality and capabilities as LENS, prior to retiring LENS;
- d. An order requiring AT&T to correct any further deficiencies in LEX and VERIGATE which may be discovered during the course of these proceedings and as determined by this Commission through testing and otherwise, prior the Commission’s recommendation for the retirement of LENS;
- e. An order prohibiting AT&T from retiring LENS until this Commission completes an audit of LEX and Verigate and AT&T corrects all deficiencies found by this Commission.



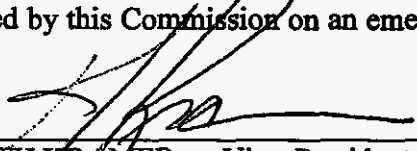
- f. An order assessing penalties against Respondent pursuant to §364.03, Florida Statutes;
- g. An order requiring that AT&T make its LENS OSS with its edit checking capabilities available to STS and other CLECS until any new OSS replacement system contains the same capabilities.
- h. An order requiring that AT&T continue to provide its LENS OSS with all of its current capabilities available until such time as the Commission has verified that AT&T has complied with paragraph (e).
- i. An order for costs and for such further relief as the Commission deems just and appropriate.

s/ Alan C. Gold

Alan C. Gold (Florida Bar No. 304875)  
James L. Parado (Florida Bar No. 580910)  
Attorney e-mail address:  
agold@acgoldlaw.com  
jparado@acgoldlaw.com  
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Coral Gables, FL 33143  
Telephone: (305) 667-0475  
Facsimile: (305) 663-0799

**VERIFICATION TO AMENDED VERIFIED EMERGENCY PETITION FOR  
INJUNCTIVE RELIEF AND REQUEST FOR STAY OF CLEC OSS-RELATED  
RELEASES**

I have read the foregoing Amended Verified Emergency Petition For Injunctive Relief and Request For Stay of CLEC OSS-Related Releases and the facts contained herein are true and correct based upon my personal knowledge. Moreover due to the scheduled release of LEX in November 2009, it is necessary the Petition be considered by this Commission on an emergency basis.

  
\_\_\_\_\_  
KEITH KRAMER as Vice President, Legal  
& Regulatory, Saturn Telecommunication  
Services, Inc.

State of Florida                    }  
  } § §  
County of Broward                }

BEFORE ME the undersigned authority personally appeared on this 11<sup>th</sup> day of October, 2009, Keith Kramer as Vice President, Legal & Regulatory, Saturn Telecommunication Services, Inc., who is personally known to me or has produced \_\_\_\_\_ as identification, and who after being duly sworn, deposes and states that he has read the foregoing Verified Emergency Petition For Injunctive Relief and Request For Stay of CLEC OSS-Related Releases, and states that the facts contained therein are true and correct and based upon his personal knowledge.

  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF FLORIDA

Print Name:  
Commission No.:  
Expiration:



**CERTIFICATE OF SERVICE**

**Docket No. 090430-TP**

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

Electronic Mail only this 13<sup>th</sup> day of October, 2009 to the following:

Earl E. Edenfield, Esquire  
Tracy W. Hatch, Esquire  
Manuel A. Gurdian, Esquire  
c/o Gregory R. Follensbee  
AT&T Southeast Legal Dept.  
150 South Monroe Street, Ste. 400  
Tallahassee, FL 33130  
Tel. No. (305) 347-5561  
Facsimile: (305) 577-4491  
Email: ke2722@att.com; mg2708@att.com

Timisha Brooks, Esquire  
Staff Counsel  
Florida Public Service Commission  
Division of Legal Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
Tel. No. (850) 413-6212  
tbrooks@psc.state.fl.us

s/ Alan C. Gold  
Alan C. Gold (Florida Bar No. 304875)

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
Tallahassee, Florida 32399-0850

In the Matter of

Saturn Telecommunication )  
Services Inc., a Florida )  
Corporation )  
 )  
Complainant, )  
 )  
 )  
v. )  
 )  
BellSouth )  
Telecommunications, Inc., a )  
Florida Corporation, )  
d/b/a AT&T )  
 )  
Respondents )

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**AFFIDAVIT OF RONALD E. CURRY**

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State of Florida                                 }  
  }ss  
County of Broward                             }

**BEFORE ME** the undersigned authority personally appeared, RONALD (RON) E. CURRY, who after first being duly sworn deposes and says:

**I. INTRODUCTION**

- 1) My name is Ronald (Ron) E. Curry and the following information is true and correct based upon my personal knowledge. I am over the age of 18 and am making this affidavit under penalties of perjury. My business address is 12399 SW 53rd Street Cooper City, Florida 33330.
- 2) My title is Provisioning and Carrier Relations Manager for Saturn Telecommunication Services, Inc. (d/b/a/ STS Telecom, hereafter "STS").
- 3) I started my career in the telecommunications industry in 1999 as a Customer Service Technician for Ericsson Mobile Phones, where I assisted end users via inbound calls with Ericsson brand cellular phones.
- 4) I joined IDS Telecom in 2000 as a Customer Service Representative for Local, Long Distance, and International Services and finished my tenure with that company in 2003 as an Agent Support Supervisor.
- 5) I joined STS in 2003 as a Customer Service Specialist for local service orders, change orders, provisioning, repair, and customer care.
- 6) My major duties as Provisioning and Carrier Relations Manager for STS include requesting and/or obtaining access to Local Ordering and building and maintaining relationships on STS' behalf with other carriers such as Bellsouth, AT&T, Verizon, Embarq, FP & L

Fibernet, Level 3, Paetec, XO Communications, Global Crossing, and Time Warner Telecom.

- 7) I am an active CLEC elected member of Bellsouth/AT & T's CUF (CLEC User Forum) as Chair for the CLEC 22-States Community and an active member of BellSouth/AT&T's CCP/CMP (Change Control Process)/ (Change Management Process) where I serve on the executive steering committee representing STS. I have successfully submitted Change Request (Change and Document Defects) on the behalf of STS, the BellSouth Southeast Region and AT & T 22 States CLEC Community for implementation of a change and or a correction. I have participated in these teams/processes since 2004.

## **II. PURPOSE AND SUMMARY**

- 8) I have utilized the BellSouth OSS Systems for the last nine years.
- 9) These BellSouth systems include; Common Access Front End (CAFÉ), Performance Measurement and Analysis Platform (PMAP), CLEC Service Order Tracking System (CSOTS), and Local Exchange Navigation System (LENS). All of these systems are robust and designed to ensure service orders accuracy and eliminate errors which promotes competition, Moreover the BellSouth OSS systems currently operating in Florida protect the Florida Consumer from service outages, delays in service, and billing errors. The current BellSouth OSS systems allows a CLEC to add, convert new customers, process "Directory Listing", move service from one location to another, combine end user record information, separate end user record information, deny & restore service, port service stand-alone and or with loop, disconnect service and change features, of an existing customer in a prompt and seamless manner so as not to detrimentally affect the customer's perception of service quality.

- 10) The LENS Pre Order edits and/or Level 1 validations on the current OSS are designed to send clean LSRs (Local Service Requests) to BellSouth d/b/a/ AT&T from the CLEC/ALEC.
- 11) On or about May 7, 2007 AT&T notified the CLEC community through their Accessible Letter SN91087078 and Change Management CR 2493 that it intended to change their Operation Support Systems (OSS) from the current systems as were provided for by BellSouth to those Operational Support Systems used by the 13 AT&T state region.
- 12) This change is referred to by AT&T as the 22 State OSS alignment.
- 13) Part of this alignment is the retirement of Local Exchange Navigation System (LENS) and the implementation of Local Service Request Exchange (LEX) for placing mechanized orders and Verigate GUI for pre-ordering functions. The BellSouth OSS System LENS performs both pre-ordering and ordering edits; thus what was previously taken care of in a single OSS platform will now require two separate OSS platforms.
- 14) On or about August 5, 2009, AT&T provided the 22 states CLEC Community an high level functionality overview of the upcoming retirement of LENS and implementation of LEX in the November 2009 Release. One material change and the primary objection to the proposed OSS change is that LEX has a "lack" or "missing" pre-order submission edits and/or 1<sup>st</sup> level validation functionality that is contained in LENS today.
- 15) Pre-order submissions edits/1<sup>st</sup> level validations should be performed as the CLEC/ALEC enters data into the LSR (Local Service Request), which is the case in LENS.
- 16) However LEX has very few pre-order submissions edits/1<sup>st</sup> level validations which are in marked contrast to LENS. Because of the fewer edits, errors would be far more frequent and it would be significantly more difficult to submit a clean order as compared with the current LENS. This is particular troublesome when customer on the line. In LENS, it is a usual

occurrence to go through the preordering process and give the customer a firm date for service. This is far more unlikely in LEX, which could result in a loss of the customer, erosion of customer confidence, and improper billing.

17) In LENS a CLEC cannot submit an order until it is error free, as the system will reject or clarify an erroneous order before submission.

18) In Contrast, a CLEC can submit an erroneous order in LEX, and will not discover the errors until sometime after submission. Not only will this increase the work and expense to a CLEC, but erodes customer's confidence in the CLEC.

19) The LEX OSS system is a major step backwards from the current LENS OSS platform. .

20) IN LENS, the Firm Order Screen can have numerous pages, depending on the type of order.

The 1<sup>st</sup> page on the Firm Order Screen has at minimum of 26 pre-order edit/1<sup>st</sup> level validations from the 1<sup>st</sup> 10 LSR fields in LENS;

- **Please select an Activity Type. (0600)**
- **Please enter a Due Date.(0603)**
- **Desired Due Date Out is prohibited for this REQ TYP/ACT TYP combination. (0297)**
- **You are not authorized to perform this action on service owned by another CLEC. (0022)**
- **Please select a Service Type. (0601)**
- **Please select an Area. (0607)**
- **Invalid PON format. PON must be between one and sixteen alphanumeric characters or the symbols period (.), comma (,), hyphen (-), and apostrophe (') (0083) Please select a PON. (0602)**
- **Migration Indicator is required. (0456)**
- **Invalid Date Format. (0030)**
- **Migration Indicator is prohibited. (0529)**
- **Telephone number does not match specified state. (0028)**
- **Invalid class of service. (0620)**
- **Invalid Request, Activity, and Service Type Combination. (0291)**
- **Service not eligible for this REQ TYP/ACT TYP combination (0367)**
- **Please enter a valid Telephone Number. (0608)**
- **Please select a Loop Type. (0604)**
- **For Unbundled Network Terminating Wire, TOS must be 1B--. (0558)**
- **For Unbundled Network Terminating Wire, Activity Type must be C. (0559)**
- **This Service Type is prohibited with this Request Type/Loop Type combination. (0605)**
- **The due date must be today or in the future. (0029)**



- The due date must be less than one year in the future. (6010)
- Desired Due Date Out is required for this REQ TYP/ACT TYP combination. (0296)
- Desired Due Date Out cannot be earlier than today. (0293)
- Desired Due Date Out must be less than 31 calendar days before the requested Desired Due Date. (0552)
- PON (XXXXXXXX) entered is a duplicate. Please enter another PON (0116)

21) LENS has more than 1,000 edits /1<sup>st</sup> level errors messages for Ordering and Per-Ordering via LENS User Guide Appendix D, whereas LEX only has a few.

22) BellSouth can place and confirm orders and dates when their customers are on the telephone line. CLECS are currently able to place such order using LENS; however it is highly unlikely that a CLEC could successfully place an order and receive a firm date that will not be subject to future rejection or clarification utilizing LEX.

23) The switching from LENS to LEX gives AT&T an unfair competitive advantage.

24) AT&T has acknowledged this deficiency in LEX. (See highlighted portion of page 6 which is AT&T's Final Minutes of August 5, 2009 meeting, which is attached hereto as Exhibit "1" to this Affidavit)

FUTHER AFFAINT SAYETH NOT

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW.

  
RONALD E. CURRY

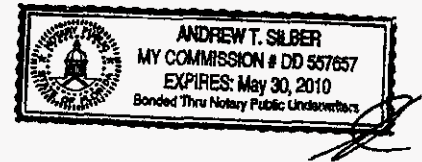
BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of September 2009 personally appeared RONALD E. CURRY, who is personally known to me or produced \_\_\_\_\_ as identification, and who after being first duly sworn deposes and says that he had read the foregoing Affidavit, that the information contained therein is true and correct and based upon his personal knowledge.



NOTARY PUBLIC

Print Name:

Commission No.:



BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
Tallahassee, Florida 32399-0850

In the Matter of

Saturn Telecommunication	)
Services Inc., a Florida	)
Corporation	)
	)
Complainant,	)
	)
	)
	)
v.	)
	)
	)
BellSouth	)
Telecommunications, Inc., a	)
Florida Corporation,	)
d/b/a AT&T	)
	)
Respondents	)

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**AFFIDAVIT OF CARYN DIAZ**

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State of Florida                                 }  
  }ss  
County of Broward                                 }

**BEFORE ME** the undersigned authority personally appeared, CARYN DIAZ, who after first being duly sworn deposes and says:

**I.           INTRODUCTION**

- 1) My name is Caryn Diaz and the following information is true and correct based upon my personal knowledge. I am over the age of 18 and am making this affidavit under penalties of perjury. My business address is 12399 SW 53rd Street Cooper City, Florida 33330.
- 2) My title is Executive Assistant - Project Director for Saturn Telecommunication Services, Inc. (d/b/a/ STS Telecom, hereafter "STS").
- 3) I have been employed by STS since December 6, 2004.
- 4) My resume is attached to my affidavit as Exhibit 1, and sets forth my experience in the telecommunications industry.
- 5) My responsibilities as Executive Assistant-Project Director for STS include but are not limited to supervision and implementation of special projects involving other carriers such as.; Bellsouth d/b/a AT & T Florida, AT & T INC, Verizon, Embarq, FP & L Fibernet, XO Communications, and Time Warner Telecom.
- 6) In carrying out my responsibilities with STS, I work very closely with the executive officers of the STS to keep them informed of the progress and/or problems on these special projects. I provide administrative assistance for these projects, and I am in charge of the documentation which includes but are not limited to; making sure the minutes of any meeting are accurate, and that the proper business rules, processes and procedures are in place.

## II. PURPOSE AND SUMMARY

- 7) On Friday, August 21, 2009 I joined a working conference call with Ron Curry of STS, Cesar Lugo of STS and others. The purpose of the call was to receive a "hands on" overview of LEX OSS pre order issuance.
- 8) Since STS is in the Southeast region and does not have access to LEX, the overview was made possible via WebEx whereas STS worked with another CLEC/Provider to access LEX and process an order. The intention of the overview was to determine the pre order issuances differences between LEX OSS and LENS OSS. LEX is the system scheduled to replace LENS.
- 9) It was necessary to compare the LEX OSS to the LENS OSS, in order to be prepared to properly service STS' existing customers and be able to efficiently convert, add and service new customers to STS' network when AT&T switches from its current LENS OSS platform to LEX OSS platform, which is scheduled to occur in the Fall of 2009.
- 10) Based on my own personal observation, there is no doubt that LEX is substantially less efficient than LENS.
- 11) LENS offers significantly more robust features and edits to provide order accuracy and the timely processing of orders.
- 12) Below is a list of LEX inefficiencies as compared to the current LENS platform that I have concluded from the overview.
  - LEX does not emphasize required fields per order issuance. It only emphasizes those fields which are required on ALL order types. Whereas LENS has pre-order issuance edits which will emphasize those fields required by the business rules for each order type. Without these same pre-edits in LEX, the error rate on orders is expected to greatly

increase. In fact, LEX will actually allow you to submit an order without required information such as the service address. This will return an "order" clarification that will eventually be billed to the CLEC and delay processing.

- While navigating the pre-order issuance screens/tabs in LEX, there is no option to reference the business rules. Not only does LEX fail to guide you through the required fields per order issuance, but it doesn't allow you immediate access to the resources necessary to process a clean order. Whereas LENS has a hyperlink available during the entire pre-order process should the business rules need to be referenced.
- LEX does not offer a drop down selection on fields i.e. TOS/Type of Service field whereas LENS does.
- Whereas LENS offers pre-order issuance edits to prevent order clarifications where at all possible, LEX fails to offer such edits. LEX checks for fatal errors once the order is actually submitted and not prior. This in turn will cause preventable clarifications for which the CLEC will be charged , when a supplement order is resubmitted to correct the errors in the order.
- LEX OSS is not an improvement over LENS OSS, but rather a giant leap backwards. I can see no advantages to the CLEC or its customers though the use of LEX, but conversely numerous disadvantages, the major ones of which are set forth above.

13) Because of the lack of edits in LEX, it would not be possible for a CLEC to process an order through the system in a timely manner without errors. If STS wanted to take an order from an end-user over the phone, as AT&T retail does today, it would be impossible to do so timely and efficiently and expect the customer to wait while the order taker works through the errors back and forth in LEX.

14) Also, if an order is submitted with errors in LEX, the system will rejecting it back to you so the order never reaches an AT&T representative. During this time, you cannot cancel an order and start over so as to correct any errors that have been clarified.

15) This could cause internal provisioning problems. The only option of removing the order from

the pending queue is to delete it at which time you will lose the entire order history. Given the history of AT&T's inability to invoice services without error, it would not be in a CLEC's best interest to delete the history of any order that may be subject to billable charges.

### III. CONCLUSION

- 16) Overall I can conclude that LEX is a far more inferior ordering system than that of LENS.
- 17) LENS coincides with the business ordering rules to ensure order accuracy. It also provides a practical order flow with edits every step of the way. If at any time while processing an order through LENS there is any question regarding a required field, you can click on the reference library which will open another screen where you can access the business rules directly.
- 18) I am certain that processing orders in LEX will increase order errors, increase charges to the CLEC for supplemental orders as well as delay service to the end user. The use of LEX OSS platform will probably will affect the CLEC's ability to satisfy and thus retain an end user's telecommunication's services after conversion to a CLEC from AT&T or another CLEC.

FUTHER AFFAINT SAYETH NOT.

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CARYN DIAZ

BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of September 2009 personally appeared CARYN DIAZ, who is personally known to me or produced \_\_\_\_\_ as identification, and who after being first duly sworn deposes and says that he had read the foregoing Affidavit, that the information contained therein is true and correct and based upon his personal knowledge.

  
NOTARY PUBLIC

Print Name:

Commission No.:





BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION  
Tallahassee, Florida 32399-0850

In the Matter of

Saturn Telecommunication )  
Services Inc., a Florida )  
Corporation )  
 )  
Complainant, )  
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v. )  
 )  
BellSouth )  
Telecommunications, Inc., a )  
Florida Corporation )  
d/b/a AT&T )  
 )  
Respondents )

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**AFFIDAVIT OF CESAR LUGO**

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State of Florida                    }  
   }ss  
County of Broward                 }

- 1) My name is Cesar Lugo and the following information is true and correct based upon my personal knowledge. I am over the age of 18 and am making this affidavit under penalties of perjury. My business address is 12399 SW 53rd Street Cooper City, Florida 33330.
- 2) My title is Provisioning and Billing Supervisor for Saturn Telecommunication Services, Inc. (d/b/a/ STS Telecom, hereafter "STS").
- 3) I have worked for BellSouth, now d/b/a AT&T in 2003-2005 as a customer service/sales associate in the Miami, Florida location
- 4) While I was there, we were trained to use their OSS systems
  - a) RNS (Regional Navigation System)
  - b) MAX
  - c) MOBI
    - i) RNS was used for:
      - (a) Viewing customer's information
      - (b) Viewing Pending Orders
      - (c) Issuing Orders
    - ii) MAX was used for:
      - (a) Having a quick glance at the customer's records for a potential sale
    - iii) MOBI was used for:
      - (a) Viewing billing records that were more than 6 months old
      - (b) Viewing Pending Orders (including tech notes)

(c) Issuing Orders (since MAX was created to take the place of MOBI, we were not fully trained on how to issue orders on this system)


- 5) Issuing orders via RNS was simple to do and we were trained to issue orders ONLY when we have the customer on the line. We were not allowed to access an account without having the customer on the phone. Therefore, Bellsouth d/b/a AT&T, RNS system was created to have orders placed in error-free status 99% of the time so the reps will not have to go back and correct the errors after the customer hung up.
- 6) When we issued orders via RNS, if we selected an item or a choice that was invalid, the submit option at the end of the order was not highlighted and on the screen it would tell us what the error(s) were, therefore, it forced us to go back to correct the error(s). We were not able to submit an order with an incorrect field in RNS just as today we are not able to submit an incorrect order in LENS.
- 7) Just like the way CLECs use LENS today, there are fields in LENS that if they are not populated or has incorrect data, LENS will not allow CLECs to issue the order until these fields are corrected.

FURTHER AFFIANT SAYETH NOT

THE REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK. SIGNATURE PAGE TO FOLLOW.

  
CESAR/LUGO

BEFORE ME, the undersigned authority, on this 2<sup>nd</sup> day of September 2009 personally appeared CESAR LUGO, who is personally known to me or produced \_\_\_\_\_ as identification, and who after being first duly sworn deposes and says that he had read the foregoing Affidavit, that the information contained therein is true and correct and based upon his personal knowledge.

  
NOTARY PUBLIC  
Print Name:  
Commission No.:

