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000121A-TP

From: Ann Bassett [abassett@lawfla.com]
Sent: Friday, January 15, 2010 3:00 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 000121A-TP
Attachments: 2010-01-15, Comcast Further Comment.pdf

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The Docket No. is 000121A-TP - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications carriers.

This is being filed on behalf of Comcast Phone of Florida, LLC

Total Number of Pages is 11

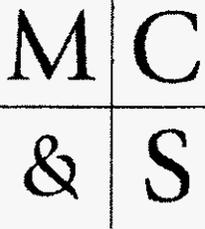
Further Comments of Comcast Phone of Florida LLC

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DOCUMENT NUMBER - DATE

00416 JAN 15 2010

FPSC-COMMISSION CLERK



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January 15, 2010

ELECTRONIC FILING

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Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

Re: Docket No. 000121A-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast") is the Further Comments of Comcast Phone of Florida, L.L.C. in the above referenced docket.

Thank you for your assistance with this filing.

Sincerely yours,

Floyd R. Self

FRS/amb

Enclosures

cc: Andrew Fisher, Esq.
Parties of Record

00416 JAN 15 09

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 carriers.)

Docket No.: 000121A-TP

Filed: January 15, 2010

**FURTHER COMMENTS OF
COMCAST PHONE OF FLORIDA, LLC**

Pursuant to the Florida Public Service Commission workshop of December 17, 2009, and direction from Commission Staff, Comcast Phone of Florida, LLC ("Comcast Phone") hereby submits its further comments to the BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T Florida") proposed revisions to its (1) Florida Service Quality Measurement Plan, Version 5.01 ("SQM Plan"), and (2) Self-Effectuating Enforcement Mechanism Administrative Plan, Version 5.02 ("SEEM Plan") (collectively, the "Plans"). The following Further Comments provide additional clarification, elaboration, and follow up to the Reply Comments submitted by Comcast Phone on September 9, 2009 ("Comcast Phone Reply Comments"), and the discussion from the December 17, 2009, workshop. As is discussed further below, Comcast Phone has specific recommendations for increasing certain Tier 1 payments and for revising the Tier 2 payments to also include an escalating payment schedule.

A. INTRODUCTION AND BACKGROUND

1. The current phase of this docket originated in May 2009 when the Commission Staff began a periodic review of the Plans which were first adopted by the Commission in Order No. PSC-01-1819-FOF-TP, issued September 10, 2001. As a part

of the overall review process, Comcast Phone has participated in various workshops and has filed written Reply Comments on September 3, 2009. Comcast Phone's position in these proceedings has been that no action should be taken until after the full testing, implementation, and review of the proposed 2010 software release by AT&T Florida. Comcast continues to believe that this is the most appropriate response to AT&T Florida's proposed revisions. However, to the extent a review of the Plans moves forward, Comcast Phone has proposed keeping or increasing certain benchmarks measuring critical activities, revising parity metrics with the goal of simplification, and adding a chronic failure remedy for the SEEM Plan.

2. The Plans have been, and continue to be, a critical component to the successful growth of facilities competition in Florida. AT&T Florida, as an incumbent local exchange carrier ("ILEC"), and Comcast Phone, as a facilities-based competitive local exchange carrier ("CLEC"), each have extensive networks of their own for the origination and termination of phone calls. However, no facilities-based network exists in isolation. ILECs and CLECs must interconnect their networks and interface certain operational systems so their customers can have both ubiquitous connectivity to all other consumers regardless of carrier and the ability to change carriers without an interruption in service and without changing telephone numbers. In considering any potential changes to the Plans, this fundamental necessity must remain foremost.

3. The Plans monitor the performance levels of various AT&T Florida Operations Support Systems ("OSS") that, among other things, are required for transitioning consumers from one carrier to another. As previously referenced, the Plans are comprised of a Service Quality Measurement ("SQM") Plan and a Self-Effectuating

Enforcement Mechanism (“SEEM”) remedy plan. The SQM Plan includes a comprehensive and detailed description of AT&T’s performance measurements, while the SEEM remedy plan details the methodology for payments to CLECs (Tier 1 payments) and to the State of Florida (Tier 2 payments) when AT&T’s performance fails to meet the SQM standards. AT&T Florida bears these obligations due to its historic local landline monopoly and its own agreement to shoulder them in exchange for being permitted to provide long distance telephone service.

4. Given the important consumer benefits that have flowed from having the Plans in effect, Comcast Phone has objected to AT&T Florida’s proposals. However, as this review process has evolved, so has Comcast Phone’s position. During the workshop on December 17, 2009, Comcast Phone indicated it would file an updated recommendation with respect to AT&T Florida’s proposed modifications to the Tier 1 payments and an appropriate escalation schedule. Comcast’s proposed Tier 1 recommendation is contained in Attachment 1 to these Further Comments as a redline to Exhibit B from the SEEM document. Comcast Phone also noted in the workshop that since Tier 2 payments are made to the State, Comcast Phone felt it was appropriate that the State negotiate those with AT&T Florida. However, during the workshop Staff indicated that recommendations regarding Tier 2 would be welcome. Comcast Phone’s Further Comments with respect to both Tier 1 and Tier 2 payments are presented below.

II. TIER 1 REVISIONS

5. Tier 1 payments are important to the CLECs because they send the message that missed standards will receive increased attention and get fixed or else even

greater payments will be due from AT&T Florida to the affected CLEC until the matter is corrected.

6. Of course, the problem with the theory behind the Tier 1 payments is that it does not always work the way it is supposed to. As the FCTA reported in its Reply Comments of September 3, 2009, in this docket, AT&T Florida failed the Order Completion Interval (P-4) for Comcast Phone for 25 consecutive months. In addition, AT&T Florida failed the Service Order Accuracy - Resale (P-11) performance standard for 12 consecutive months. *See* FCTA Reply Comments, at 7 (Sept. 3, 2009). These types of situations indicate that the payments not only should not be eliminated or reduced but actually should escalate over time in order to ensure that problems are rapidly acknowledged and corrected in a timely manner or else the financial consequences to AT&T Florida will become greater.

7. Throughout this process, Comcast Phone has been actively listening and considering AT&T Florida's proposals and their professed desire to simplify the Plans and make the measurements, particularly the parity metrics that rely upon statistical formula to assess parity, more balanced. Overall, AT&T Florida would like the following:

- Eliminate some SQM measures.
- Lower the performance level required on some benchmark measures.
- Adjust statistics for evaluation of parity.
- Cap high volume measures.

AT&T Florida's justification for modifying the Plans is that its performance has been consistently at or above the existing metrics. But if that were consistently true, AT&T would suffer no harm by simply leaving both the SQM and SEEM Plans as they are

today. Indeed, if there were several years in which AT&T Florida did not make any payments for missing any of the benchmarks, this would be an entirely different discussion. The reward for continued good performance always has been and would still be not being required to pay remedies. That should be incentive enough for AT&T Florida.

8. Comcast Phone is very concerned that if AT&T Florida's modifications are approved that there will be compound impacts because AT&T Florida today cannot consistently meet all of the present metrics. Comcast Phone continues to believe that the way to true simplification is through the use of benchmark measurements set at appropriate thresholds and to implement an escalator for continuing failure to perform at the benchmarks. The necessity for continuation, and escalation of payments, remains just as true today as when the Commission established the Plans in 2001: "the enforcement metrics established herein[] represent a comprehensive set of metrics that will adequately evaluate the most critical areas of carrier-to-carrier performance." Order No. PSC-01-1819, at 93-94 (Sept. 10, 2001). Quite simply, these metrics, and the associated payments, help enable consumer choice.

9. Comcast Phone's Reply Comments in September suggested in the Enforcement Mechanisms and the Appendix Recommendations sections the inclusion of an escalator in the payment schedule to guard against continuing failure. That proposed escalator may have been perceived by some to be harsh, but it was based upon Comcast Phone's experience with AT&T Florida's continuing failure to deliver service satisfying the two metrics discussed in paragraph 5 above. In addition, the continuing Tier 2 payments by AT&T Florida discussed further in paragraph 13 below reflect an

acceptance of continuous performance failures by AT&T Florida that impact CLECs and especially consumers. Conversely, the multi-layered AT&T proposal might result in AT&T Florida being relieved of any obligation to make payments, or minimally to cap payments, thus insulating AT&T Florida from the risk for poor performance for systems that enable consumers to change carriers. As AT&T Florida continues to deemphasize its landline business and shed employees, building and maintaining systems to help customers leave AT&T Florida are not going to be a priority.

10. Comcast Phone recognizes that breakdowns do occur, and that AT&T Florida should not be penalized for isolated or otherwise short term problems. However, the current payment schedules clearly do not provide enough of an incentive to stem the continuing, ongoing failures in AT&T Florida's systems. Comcast Phone strongly believes that a graduated escalator assessed against continuous poor performance is a more effective means of creating an incentive that will generate more significant accountability than currently exists. Comcast Phone's initial proposal was considered Draconian based upon feedback from some of the other parties. Accordingly, Comcast Phone offers a more relaxed recommendation for Tier 1 payments that escalate over time when the delivered performance consistently fails to meet standards in Attachment 1 to these Further Comments. Comcast Phone believes this revised proposal will help to better create the proper incentive to positively influence AT&T Florida's business decisions when consistent failures occur.

11. As a final matter, during the collaborative discussions in December, Comcast Phone felt that the statisticians began to break new ground on how to treat small sample sizes. Since the primary rationale for not addressing all products in benchmark

measurements is that there is a problem with small sample sizes, Comcast Phone is optimistic that the statisticians may be able to create a breakthrough in that regard so the Plans can become more simplified than anyone had imagined at the outset of this proceeding by creating a plan of benchmarks rather than complicated parity comparisons. Comcast Phone looks forward to continuing work in this important area.

III. TIER 2 REVISIONS

12. It has been Comcast Phone's position that the Tier 2 payments are very much a matter between the Commission and AT&T Florida because any Tier 2 payments are made directly to the State of Florida and not to the CLECs. However, in considering any changes to the status quo, the Commission should be mindful of the role that Tier 2 payments play in helping to identify and correct problems with AT&T Florida's OSS that impacts all CLECs and which thus have more widespread consumer impacts than Tier 1 failures.

13. At its heart, situations that would lead to Tier 2 payments reflect a serious, systematic problem with AT&T Florida's systems, especially if they continue to occur over multiple months. While a Tier 1 payment addresses a problem that impacts an individual carrier, a Tier 2 payment is based upon a problem that impacts multiple CLECs. For example, the Commission's records reflect that AT&T Florida has failed the LNP Disconnect Timeliness (Non-Trigger) Unscheduled Hours (P-13) continuously since March 2006 and Service Order Accuracy – Resale (P-11) for seventeen consecutive months. These types of across-the-board failures adversely impact countless customers.

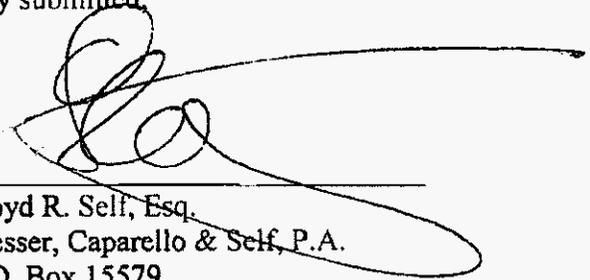
14. Since Tier 2 payments were designed to address poor service levels delivered to the aggregate CLEC market, Comcast Phone recommends that Tier 2 also be

refashioned in a manner similar to that proposed for the Tier 1 payments in order to enhance the negative incentives for continuing, wide scale poor performance failures. Then, if AT&T Florida must make a Tier 2 payment, it is on notice that it must get quickly to the root cause of such breakdowns and resolve them or suffer a more significant penalty in the second month, and yet even more serious penalties in successive months. If escalating payment schedules were established, CLECs may feel more secure when considering acceptance of other statistical changes suggested by AT&T.

IV. CONCLUSION

While the discussions in the workshops and filed comments in this review process have been very useful and productive, Comcast Phone continues to believe that it would be premature to make any changes to the Plans until the new OSS system has stabilized and all Phase II OSS applications have been implemented. If the Commission determines that it should proceed to consider revisions to the Plans, Comcast Phone recommends that the attached Tier 1 escalation payments be approved and that a similar such escalation schedule be adopted for the Tier 2 payments.

Respectfully submitted,



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Table 1: Fee Schedule for Tier 1 Per Transaction Fee Determination

Performance Measure	Month 1	Month 2	Month 3	Month 4	Month 5	Month 6	
OSS/Pre-Ordering	\$10	\$15	\$30	\$40	\$50	\$60	Formatted: Indent: Left: -3.05", Right: 0.23" Deleted: \$20 ... [1]
Ordering	\$20	\$25	\$60	\$80	\$100	\$120	Deleted: \$30 ... [2]
Service Order Accuracy	\$20	\$20	\$60	\$80	\$100	\$120	Deleted: \$20 ... [3]
Flow Through	\$40	\$45	\$80	\$160	\$200	\$240	Deleted: \$50 ... [4]
Provisioning - Resale	\$40	\$50	\$120	\$160	\$150	\$240	Deleted: \$70 ... [5]
Provisioning - UNE	\$115	\$130	\$345	\$460	\$575	\$690	Deleted: \$145 ... [6]
Maintenance and Repair - Resale	\$40	\$50	\$120	\$160	\$150	\$240	Deleted: \$70 ... [7]
Maintenance and Repair - UNE	\$115	\$130	\$345	\$460	\$575	\$690	Deleted: \$145 ... [8]
LNP	\$115	\$190	\$345	\$460	\$575	\$690	Deleted: \$385 ... [9]
Billing - BIA (see Note 1)	2%	2%	6%	8%	10%	12%	Deleted: 2% ... [10]
Billing - BIT	\$7	\$7	\$21	\$28	\$35	\$42	Deleted: \$7 ... [11]
Billing - BUDT (see Note 2)	\$0.05	\$0.05	\$0.15	\$0.20	\$0.25	\$0.30	Deleted: \$0.05
Billing - BEC (see note 3)	\$0.07	\$0.07	\$0.21	\$0.28	\$0.35	\$0.42	Deleted: \$0.05 ... [12]
IC Trunks (Trunk Group Performance)	\$25	\$30	\$75	\$100	\$125	\$160	Formatted: Indent: Left: -0.07" Deleted: \$0.07 ... [13]
Collocation	\$3,165	\$3,165	\$3,165	\$3,165	\$3,165	\$3,165	Deleted: \$45 ... [14]

Note 1: Reflects percent interest to be paid on adjusted amounts.

Note 2: Amount paid per 1000 usage records.

Note 3: Amount paid per dispute.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served on the following parties by Electronic Mail this 15th day of January, 2010.

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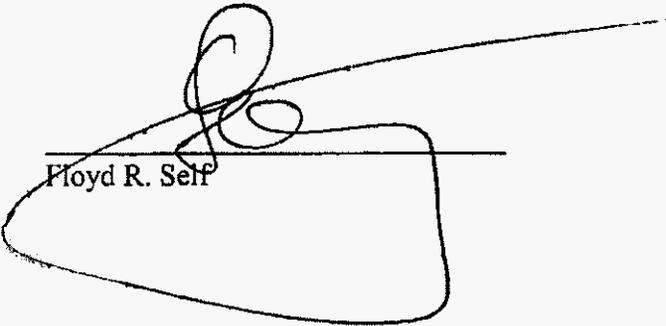
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