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COMMISSION
CLERK

July 9, 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 Responses to the Staff's data request in the referenced docket. Pursuant to Section 364.183(3), Florida Statutes, and Rule 25-22.006, Florida Administrative Code, AT&T Florida hereby makes a claim of confidentiality for data provided in response to item no. 2. Accordingly, please find attached an envelope containing one copy of the confidential information highlighted and two redacted copies as required by Rule 25-22.006(5). A redacted copy of the filing has been provided to the Staff. If you have any questions, please do not hesitate to contact me (850) 577-5508.

Sincerely,

Tracy W. Hatch

Enclosures

- COM
- APA
- ECR
- GCL
- RAD
- SSC
- ADM
- OPC
- CLK *Pena*

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

- CLAIM OF CONFIDENTIALITY
- NOTICE OF INTENT
- REQUEST FOR CONFIDENTIALITY
- FILED BY OPC

FOR DN 05657-10, WHICH IS IN LOCKED STORAGE. YOU MUST BE AUTHORIZED TO VIEW THIS DN. - CLK

DOCUMENT NUMBER-DATE

05656 JUL -9 0

FPSC-COMMISSION CLERK

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 9th day of July, 2010 to the following:

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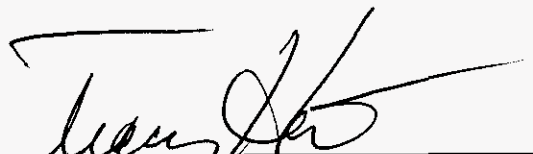
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Tracy W. Hatch

(+) 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 parties of record in the docket either signed the settlement agreement, or have agreed not to oppose 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.

AT&T Response
Docket 000121A
June 30, 2010 Data Request
Based on AT&T/CompSouth Settlement Agreement

		<u>April-09</u>	<u>May-09</u>	<u>June-09</u>	<u>July-09</u>	<u>August-09</u>	<u>September-09</u>	<u>October-09</u>	<u>November-09</u>	<u>December-09</u>	<u>January-10</u>	<u>February-10</u>	<u>March-10</u>	<u>TOTAL</u>
	Original Payment	\$92,527.62	\$60,203.00	\$93,580.12	\$84,527.69	\$80,441.27	\$85,778.50	\$81,050.93	\$68,925.71	\$54,386.02	\$28,329.31	\$28,068.18	\$51,427.76	\$809,246.11
Update 06/18/10 Filing - See footnote 1.	20% Increase months 3 - 6	\$106,901.12	\$67,883.17	\$107,595.12	\$95,681.19	\$92,451.27	\$96,269.17	\$92,743.93	\$80,271.04	\$64,142.52	\$30,044.15	\$30,140.51	\$56,045.26	\$920,168.45
1(a)	25% Increase months 3 - 6	\$109,658.25	\$69,803.21	\$111,098.87	\$98,469.56	\$92,818.36	\$98,891.84	\$94,617.18	\$83,107.38	\$61,144.15	\$30,472.85	\$30,658.60	\$57,199.64	\$937,939.87
1(b)	10% Increase months 1 - 2 20% Increase months 3 - 6	\$108,553.95	\$69,992.75	\$109,922.04	\$98,447.44	\$93,317.69	\$98,650.09	\$94,228.01	\$81,412.37	\$62,479.44	\$31,902.05	\$31,820.68	\$58,862.42	\$839,588.93
1(b)(i) #1	20% Increase months 1 - 2 20% Increase months 3 - 6	\$110,875.78	\$72,102.33	\$112,248.95	\$101,213.69	\$96,292.43	\$101,031.00	\$96,552.09	\$82,553.70	\$65,166.35	\$33,759.96	\$33,500.85	\$61,679.59	\$966,976.74
1(b)(i) #2	25% Increase months 1 - 2 20% Increase months 3 - 6	\$112,036.70	\$73,157.12	\$113,412.41	\$102,596.82	\$97,779.81	\$102,221.46	\$97,714.14	\$83,124.37	\$66,509.81	\$34,688.92	\$34,340.93	\$63,088.17	\$980,670.65
1(c)	10% Increase months 1 - 6	\$101,701.70	\$66,152.67	\$102,914.54	\$92,870.69	\$88,366.85	\$93,404.75	\$88,801.51	\$75,739.71	\$59,776.19	\$31,044.64	\$30,784.51	\$56,553.67	\$888,111.43
1(c)(i)	20% Increase months 1 - 6	Same as scenario above for 1(b)(i) #1												

Footnotes:

- AT&T 06/18/10 data request response did not include SEEM Tier I payments for the Billing and Collocation metrics since these were stipulated to not increase. This update includes SEEM Tier I payments made for those metrics.
- For all above scenarios, the Fee Schedule for SEEM remedies were not increased for the Billing and Collocation metrics as agreement was reached by all parties in the collaborative workshops to keep these "as is".
- The above scenarios do not include SEEM Tier I remedies for the three additional metrics for UNE EELs SQM Level of Disaggregation which AT&T has agreed with STS to include in the AT&T/CompSouth settlement agreement. Employing the agreement for 20% increase for consecutive months 3 through 6, AT&T estimates these metrics would incur additional Tier I remedy obligations as determined by the 3-month analysis summarized below.

<u>December-09</u>	<u>January-10</u>	<u>February-10</u>
\$1,380.00	\$2,023.34	\$1,650.00

REQUEST:

Please provide the total number of CLECs over the past 12 months that received remedies for a performance measure that failed more than six consecutive months.

RESPONSE:

For the period May 2009 to April 2010, there were 24 CLECs that received remedies for a performance measure that failed more than six consecutive months.

State of Florida



Public Service Commission

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Re: Acknowledgement of Confidential Filing in Docket No. 000121A-TP

This will acknowledge receipt by the Florida Public Service Commission, Office of Commission Clerk, of a CONFIDENTIAL DOCUMENT filed on, July 9, 2010 in the above-referenced docket.

Document Number 000121A-TP has been assigned to this filing, which will be maintained in locked storage.

If you have any questions regarding this document, please contact Kim Peña, Records Management Assistant, at (850) 413-6393.