

REQUEST FOR CHANGE TO AGENDA CONFERENCE
HAND DELIVER

Date of Request: 7/2/02 Date of Agenda Conference: 9/7/02 Item No. 13

Docket No.: 960786B-TL & 981834-TP Brief Title: Consideration fo BellSouth's entry into interLATA services

Requested by: Staff Other AT&T

Please attach a copy of the written documentation filed (if other) _____ (Name)

STAFF's Recommendation to Executive Suite (IF OTHER) Approve Request Deny Request

ACTION REQUESTED [see APM 2.11 and SOP 1607]

- Defer Item to Agenda Scheduled Date: 07/23/02
- Change Order of Item or Take Up at Time Certain
- Withdraw Item
- Late Filed Recommendation (must be filed no later than 3:00 p.m. on the date approved for late filing) A copy of the front page of the recommendation must be provided to CCA by 12 noon on the regular filing date for use as a place-holder during agenda preparation.
- Add Item to Published Agenda [see Section 120.525(2), F.S.] - Issue an ADDENDUM and give Legal NOTICE
- Add Emergency Item to Published Agenda [see Section 120.525 (3), F.S.] - Issue an ADDENDUM and Give Fair NOTICE

Concise explanation, justification or comments (attach additional sheet if necessary):

On July 2, 2002, AT&T filed a request to defer Item 13 from the July 9, 2002, Agenda Conference. In its request, AT&T states that it has not had the opportunity to review the confidential document upon which staff bases its recommendation, and states that this document would not be available for viewing until July 2.

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OTH

Although staff does not believe that it is imperative that AT&T review this document or that any harm would result were to Commission to proceed, staff recommends that AT&T's request for deferral of Item 13 be granted because it would provide AT&T sufficient opportunity to review the referenced confidential document prior to the Commission's consideration of this item. Further, deferral will not otherwise be detrimental to the processing of this case.

Signature (OPR Staff): [Signature] Initials (OPR Division Director or Designee): [Initials]

Signature (Legal Staff): [Signature] Initials (Legal Division Director or Designee): [Initials]

EXECUTIVE DIRECTOR:

Recommendation to the Chairman's Office Approve Request Deny Request

Initials: MAB Date: 7/2/02

Comments:

CHAIRMAN'S OFFICE:

Approve Request Deny Request

Initials: 9C Date: 7/2/02

Executive Suite will send the original to the Division of Commission Clerk and Administrative Services and return a copy to the requesting staff after the Chairman's Office takes action on this request. Requesting staff should distribute copies to the Division Directors (OPR & OCR) and Attorney assigned to the docket.

LAW OFFICES
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July 2, 2002



BY HAND DELIVERY

The Honorable Lila A. Jaber
Chairman
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 23599

RE: Request for Deferral of Items Nos. 12 (Docket No. 00121A-TP) and 13 (Dockets Nos. 960786B-TL and 981384-TP from the July 9, 2002 Agenda Conference

Dear Chairman Jaber;

This letter is to request a deferral of two related items, Nos. 12 and 13, currently scheduled for consideration on the Commission's July 9, 2002 Agenda Conference at least until the following agenda conference currently scheduled for July 23, 2002. While the Staff's recommendations for each Item are made in different dockets, these recommendations all deal with the Commission's ongoing review of BellSouth's OSS systems and performance, in particular, KPMG Consulting's exceptions related to BellSouth's flow through performance and to BellSouth's change control process. The change control exceptions are integrally related. In Docket No. 00121A-TP, Item 12, the Staff addresses Exception 136 related to BellSouth's flow through performance and Exceptions 123 and 157 regarding defects in releases that are part of BellSouth's change control process. In Dockets Nos. 960786B-TL and 981384-TP, Item 13, the Staff recommends adoption of a BellSouth proposed plan to address KPMG Consulting Exception 88 regarding prioritization of ALEC requests in the change control process. Exceptions 123, 157 and 88 all deal with problems in BellSouth's change control process and should be addressed together.

Several reasons support AT&T's request for deferral. The Commission has scheduled a workshop to allow KPMG Consulting to address questions regarding the draft Final OSS Test Report, filed June 21, 2002. It is more than a minor "cart-before-the-horse" problem to address

solutions to KPMG Consulting's exceptions before the Commission has heard the answers to the questions posed by the ALECs. AT&T submits that the Commission should not consider the Staff's recommendations in Items 12 or 13 until after the Final OSS Test Report workshop. Deferring the consideration of Items 12 and 13 until after the Commission has had an opportunity to digest the information that will be derived from the workshop will certainly lead to a better more informed decision by the Commission.

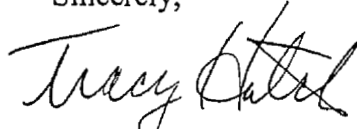
In addition, in Docket Nos. 960786B-TL and 981384-TP, Item 13, the Staff recommends adoption of a BellSouth proposed "50/50 plan" to address KPMG Consulting Exception 88. The Staff's recommendation is premised on BellSouth's *End-to-End Process Flow, Draft Version 2.1*. This document, which is an attachment to the Staff Recommendation, is designated as proprietary to BellSouth and is not available from the Commission. As soon as AT&T obtained a copy of the Staff recommendation on June 28, 2002, AT&T attempted to secure a copy of this document from BellSouth. BellSouth has informed AT&T that it will not provide a copy to AT&T, if at all, until after Tuesday July 2, 2002. It would be patently unfair for the Commission to consider any matter premised on a confidential document that is not available to the parties prior to the Commission's consideration of the matter. Even, if BellSouth provides the document, the impending July 4th holiday precludes AT&T a meaningful opportunity to review the document and be prepared to respond at the Agenda conference. Moreover, since January 30, 2002 there has been a counter-proposal by the ALECs to BellSouth's 50/50 proposal. BellSouth and the ALECs reached impasse on the two plans in a workshop requested and attended by members of the GA PSC Staff as a part of that Commission's Performance Measures Review Process on May 2, 2002. The ALECs and BellSouth are preparing position papers to be filed with the Georgia PSC this Friday, July 5, 2002. The Commission should have the benefit of all competing proposals addressing KPMG Exception 88 before it makes any decision on BellSouth's proposal. For these reasons, at the very least Item 13 should be deferred until the document upon which the Staff's recommendation is premised is supplied to the parties with a meaningful opportunity to review and comment to the Commission and until the ALEC proposal can be evaluated by the Staff and presented to the Commission along with BellSouth's proposal.

Finally, AT&T's subject matter experts that are needed to address each of these items are unavailable for the July 9 Agenda Conference. They are currently scheduled to be in meetings with the FCC and the Department of Justice on that date. The issues addressed in both Items 12 and 13 are complex and require the input of special expertise. In order to allow AT&T to adequately address each of staff's recommendations at the Agenda Conference, AT&T requires the presence of its experts. Without its experts in attendance, AT&T will be at a significant disadvantage in presenting the information needed by the Commission to make an informed decision. Further, BellSouth will not be prejudiced by any reasonably short deferral of these items.

The Honorable Lila A. Jaber
July 2, 2002.
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For the foregoing reasons, AT&T respectfully requests that the Commission defer Item 12 and Item 13 from the July 9, 2002, Agenda Conference. If you have any questions or need any additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Hatch", written in a cursive style.

Tracy W. Hatch

cc: The Honorable J. Terry Deason -
The Honorable Braulio L. Baez
The Honorable Michael A. Palecki
The Honorable Rudolph Bradley
Dr. Mary A. Bane
Mr. Walter D'Haeseleer
Beth Keating, Esq.
Jason Fudge, Esq.
Ms. Lisa Harvey