

Ruth Nettles

From: Lee, Juanita [nl0860@att.com]
Sent: Thursday, February 14, 2008 2:15 PM
To: Filings@psc.state.fl.us
Cc: Woods, Vickie; Randa, Johna A; Follensbee, Greg; Holland, Robyn P; Bixler, Micheale; Slaughter, Brenda ; Culpepper, Robert
Subject: Dkt. No. 000121A-TP AT&T's Florida Letter Re: SEEM Payment
Attachments: 000121A-TP SEEM Payment.pdf

<<000121A-TP SEEM Payment.pdf>>

- A. Nita Lee
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- B. Docket No. 000121A-TP: Investigation into the Establishment of Operations Support Systems Permanent Incumbent Local Exchange Telecommunications Companies.
- C. AT&T on behalf of Robert A. Culpepper
- D. Six (6) pages total in PDF format.
- E. AT&T's Florida's Letter - Re: SEEM Payment

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DOCUMENT NUMBER-DATE

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February 14, 2008

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.

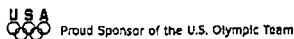
Sincerely,

Robert A. Culpepper

Enclosures

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

#704438



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FPSC-COMMISSION CLERK



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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."¹ 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.²

Specifically, on several dates in December 2007, Freedom Communications submitted large quantities of LSRs.³ 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.

¹ 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).

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

³ Specifically, December 16th 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.

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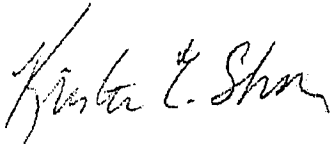
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Freedom Communications has an obligation to submit orders as outlined in AT&T's ordering guidelines.⁴ Freedom Communications' failure to follow such guidelines placed an extraordinary demand on AT&T's ability to process such orders within the applicable 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

⁴ 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/lec/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 14th of February, 2008 to the following:

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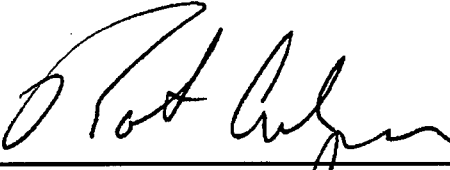
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Robert A. Culpepper

(+) Signed Protective Agreement