

**Ruth Nettles**

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**From:** Slaughter, Brenda [bs3843@att.com]  
**Sent:** Tuesday, February 10, 2009 3:54 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Culpepper, Robert; Woods, Vickie; Holland, Robyn P; Eure, Micale; Smith, Debbie N.  
**Subject:** Docket 000121A-TP Force Majeure Event  
**Importance:** High  
**Attachments:** 000121A-TP Force Majeure.pdf

- A. Brenda Slaughter  
Legal Secretary to Robert A. Culpepper, John T. Tyler and Dorian Denburg  
BellSouth Telecommunications, Inc. d/b/a AT&T Florida  
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[brenda.slaughter@att.com](mailto:brenda.slaughter@att.com)
- B. Docket No. 000121A-TP: In Re: Investigation into the Establishment of Operations Support Systems Permanent Incumbent Local Exchange Telecommunications Companies.
- C. BellSouth Telecommunications, Inc.  
on behalf of Robert A. Culpepper
- D. 6 pages total in PDF format (includes letter, enclosure and certificate of service)
- E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Force Majeure Event

<<000121A-TP Force Majeure.pdf>>

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2/10/2009

DOCUMENT NUMBER-DATE

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February 10, 2009

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

**Re: Docket No. 000121A-TP**

Dear Ms. Cole:

As previously noted in the correspondence and Accessible Letter filed in this docket on December 11, 2008, an unforeseeable water main break that occurred outside of AT&T's data center in St. Louis, Missouri resulted in flooding that caused a power outage in the data center ("the outage"). The outage occurred on December 6, 2008, and impacted AT&T's retail and wholesale operations throughout its 22-state region. The outage, which could not have been anticipated or prevented by AT&T, interfered with AT&T's ability to process orders which are handled in the St. Louis data center. As it relates to performance that is measured by the SQM/SEEM Plan, the outage prevented AT&T from meeting the performance standards associated with two ordering metrics – specifically the ordering measures known as Reject Interval ("RI") and Firm Order Confirmation Timeliness ("FOCT").

Accordingly, pursuant to Section 4.5.2 of the SEEM Plan,<sup>1</sup> BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") hereby declares the outage a Force Majeure Event that prevented AT&T Florida from meeting the performance standards associated with the RI and FOCT measures on the following dates:<sup>2</sup>

- FOCT Fully Mechanized – December 8 and 9, 2008
- FOCT Partially Mechanized – December 8, 9, 10, 11, and 12, 2008
- RI Fully Mechanized – December 8, 2008
- RI Partially Mechanized – December 8, 9, 10, and 11, 2008

<sup>1</sup> SEEM Plan, Section 4.5.2 provides in relevant part that AT&T "shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms (SEEM payments) for non-compliance with a performance measurement if such non-compliance was the result of any Force Majeure Event that either directly or indirectly prevented, restricted, or interfered with performance as measured by the SQM/SEEM Plan." Section 4.5.2 specifically identifies a flood as a Force Majeure Event.

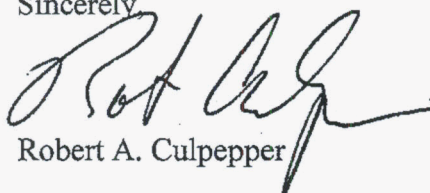
<sup>2</sup> Because of AT&T's restoration and recovery efforts, the outage impacted AT&T's performance for a limited duration. Accordingly, the requirements of SEEM Sections 4.5.2.4 and 4.5.2.5 are not applicable.

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Enclosed with this filing are two documents which demonstrate the impact the outage had on the above-mentioned ordering measures on a regional basis. Because the Force Majeure Event prevented AT&T from meeting the performance standards associated with these measures on the dates identified herein, AT&T will not make any SEEM payments associated with such measures on the dates identified herein.

Sincerely,



Robert A. Culpepper

Enclosures

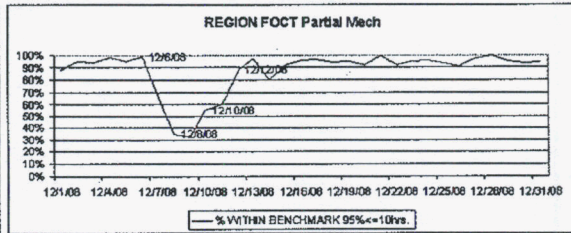
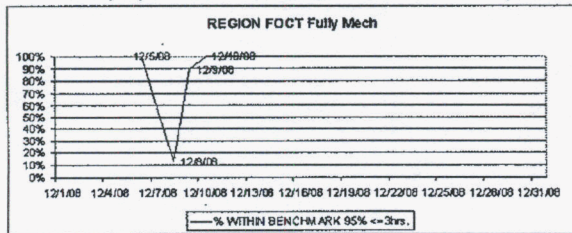
cc: All parties of record  
Jerry D. Hendrix

729333

## Nine-State Southeast Region 0-9 [FOCT]: Firm Order Confirmation Timeliness

FOCT-REGIONAL FULLY MECHANIZED				FOCT-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=3hrs.	DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=10hrs.
12/1/08	22304	12	99.95%	12/1/08	1335	164	87.72%
12/2/08	21594	23	99.89%	12/2/08	1861	93	95.00%
12/3/08	19280	15	99.92%	12/3/08	1380	82	94.06%
12/4/08	18127	12	99.93%	12/4/08	1927	38	98.03%
12/5/08	15953	14	99.91%	12/5/08	1377	62	95.50%
12/6/08	3634	1	99.97%	12/6/08	327	4	98.78%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	16815	14633	12.98%	12/8/08	158	103	34.81%
12/9/08	23324	2478	89.38%	12/9/08	1669	1136	31.94%
12/10/08	16916	10	99.94%	12/10/08	1761	795	54.86%
12/11/08	16919	9	99.95%	12/11/08	1331	524	60.63%
12/12/08	14105	14	99.90%	12/12/08	1227	150	87.78%
12/13/08	5018	4	99.92%	12/13/08	381	10	97.38%
12/14/08	961	0	100.00%	12/14/08	5	1	80.00%
12/15/08	21171	13	99.94%	12/15/08	1200	98	91.83%
12/16/08	17860	12	99.93%	12/16/08	1522	66	95.66%
12/17/08	18335	15	99.92%	12/17/08	1190	39	96.72%
12/18/08	17927	14	99.92%	12/18/08	1186	75	93.68%
12/19/08	14411	4	99.97%	12/19/08	1100	58	94.73%
12/20/08	4050	3	99.93%	12/20/08	490	38	92.24%
12/21/08	688	0	100.00%	12/21/08	20	0	100.00%
12/22/08	21148	6	99.97%	12/22/08	972	80	91.77%
12/23/08	16597	11	99.93%	12/23/08	1120	63	94.38%
12/24/08	10883	6	99.94%	12/24/08	1095	45	95.89%
12/25/08	1435	0	100.00%	12/25/08	6	0	0.00%
12/26/08	10725	5	99.95%	12/26/08	603	54	91.04%
12/27/08	3348	1	99.97%	12/27/08	199	6	96.98%
12/28/08	671	0	100.00%	12/28/08	8	0	100.00%
12/29/08	20346	7	99.97%	12/29/08	815	36	95.58%
12/30/08	19808	7	99.96%	12/30/08	1117	75	93.29%
12/31/08	16667	4	99.98%	12/31/08	1525	96	93.70%
<b>TOTAL</b>	<b>411020</b>	<b>17333</b>	<b>95.78%</b>	<b>TOTAL</b>	<b>28907</b>	<b>3991</b>	<b>86.19%</b>

For illustrative purposes dates where there were no FOC Responses have been removed from the charts below.



DOCUMENT NUMBER-DATE

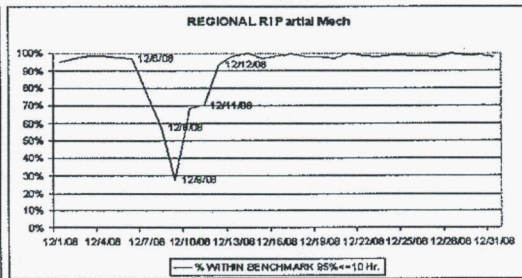
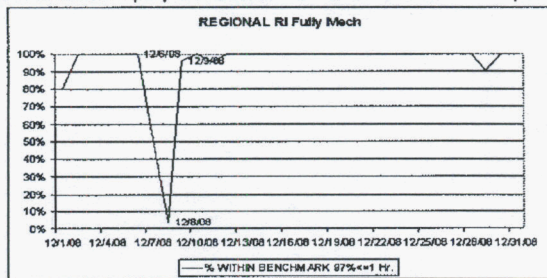
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## Nine-State Southeast Region 0-8 [RI]: Reject Interval

RI-REGIONAL FULLY MECHANIZED				RI-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 97% <= 1 Hr.	DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <= 10 Hr.
12/1/08	4086	815	80.05%	12/1/08	2134	104	95.13%
12/2/08	3292	4	99.88%	12/2/08	949	28	97.05%
12/3/08	3813	1	99.97%	12/3/08	1044	12	98.85%
12/4/08	3807	0	100.00%	12/4/08	1076	12	98.88%
12/5/08	3091	4	99.87%	12/5/08	1115	26	97.67%
12/6/08	958	0	100.00%	12/6/08	133	4	96.99%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	3832	3681	3.94%	12/8/08	221	93	57.92%
12/9/08	4250	156	96.33%	12/9/08	1743	1261	27.65%
12/10/08	3508	0	100.00%	12/10/08	1162	365	68.59%
12/11/08	3512	170	95.16%	12/11/08	1061	312	70.59%
12/12/08	2918	0	100.00%	12/12/08	882	56	93.65%
12/13/08	1289	0	100.00%	12/13/08	156	2	98.72%
12/14/08	330	0	100.00%	12/14/08	9	0	100.00%
12/15/08	3941	0	100.00%	12/15/08	1340	40	97.01%
12/16/08	3344	1	99.97%	12/16/08	1172	13	98.89%
12/17/08	3960	0	100.00%	12/17/08	960	6	99.38%
12/18/08	3827	1	99.97%	12/18/08	909	14	98.46%
12/19/08	3377	1	99.97%	12/19/08	1058	18	98.30%
12/20/08	1052	0	100.00%	12/20/08	277	8	97.11%
12/21/08	172	0	100.00%	12/21/08	26	0	100.00%
12/22/08	3827	1	99.97%	12/22/08	1391	18	98.71%
12/23/08	3172	2	99.94%	12/23/08	969	15	98.45%
12/24/08	2499	0	100.00%	12/24/08	1001	10	99.00%
12/25/08	426	0	100.00%	12/25/08	0	0	0.00%
12/26/08	2601	1	99.96%	12/26/08	783	11	98.60%
12/27/08	831	0	100.00%	12/27/08	99	2	97.98%
12/28/08	235	0	100.00%	12/28/08	3	0	100.00%
12/29/08	3753	346	90.78%	12/29/08	981	10	98.98%
12/30/08	3950	0	100.00%	12/30/08	725	7	99.03%
12/31/08	2893	0	100.00%	12/31/08	875	19	97.83%
<b>TOTAL</b>	<b>82546</b>	<b>5184</b>	<b>93.72%</b>	<b>TOTAL</b>	<b>24254</b>	<b>2466</b>	<b>89.83%</b>

For illustrative purposes dates where there were no RI Responses have been removed from the charts below.



**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 the 10th day of February, 2009 to the following:

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Robert A. Culpepper

**(+) Signed Protective Agreement**