

Ruth Nettles

000121A-TP

**From:** Nancy M. Samry [nmsamry@aol.com]  
**Sent:** Wednesday, September 02, 2009 2:23 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket No. 000121A-TP Comments to the Florida Public Service Commission on proposed revisions to AT&T's (formerly known as BellSouth) Performance Assessment Plan  
**Attachments:** Ltr to FPSC Performance Assessment Plan 9-2-09.pdf

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09148 SEP-28

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**SENT VIA E-MAIL**

**Date:** September 2, 2009

**Attention:**

Office of Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

**Issue:** Comments to the Florida Public Service Commission on proposed revisions to AT&T's (formerly known as BellSouth) Performance Assessment Plan filed with the Commission on July 10, 2009, in Docket No. 000121A-TP and/or presented in the conference call held July 29, 2009.

**Comments:**

I have been requested by STS to give its position regarding the above-stated issue.

BellSouth in **EXHIBIT A, (Docket NO. 000121-TP)** states: "BellSouth Service Quality Measurement Plan (SQM)" describes in detail the measurements produced to evaluate the quality of service delivered to BellSouth's wholesale customers. The SQM was developed to respond to the requirements of the Communications Act of 1996 section 251 which required BellSouth to provide non-discriminatory access to Competitive Local Exchange Carriers (CLEC). The reports produced by the SQM provide regulators, CLECs and BellSouth the information necessary to monitor the delivery of non-discriminatory access." <sup>1</sup>

Further BellSouth states:

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<sup>1</sup> BellSouth Service Quality Measurement Plan (SQM), Florida Performance Metrics, Measurement Descriptions Version 5.01, Effective Date: april 19, 2008.

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“The SQM and the reports flowing from it must change to reflect the dynamic requirements of the industry. New measurements are added as new products, systems, and processes stabilize. The measurements will be changed to reflect the dynamic changes described above and to correct errors, respond to 3<sup>rd</sup> Party audits, Orders of the FPSC, FCC and the appropriate Courts of Law.”<sup>2</sup>

AT&T in November 2009 will institute its 22-State OSS alignment. Immediately prior to that “alignment” AT&T seeks to revise its current SQM/SEEM plan. STS strongly urges the FPSC to deny any such revision.

In November 2009, AT&T intends to replace LENS (Local Exchange Navigation System) in AT&T’s Southeast Region with LEX (Local Service Request Exchange), the GUI interface that supports LSR ordering. LEX does not provide for the same edits and or first level validations as LENS which this Commission compelled AT&T to do in docket number 980119TP in order that the CLEC’s ordering systems become comparable to BellSouth Retail Navigation System (RNS). Additionally, the LEX OSS System violates 47 C.F.R. §51.313(a)(b) and (c)<sup>3</sup>.

STS Telecom disagrees with AT&T’s proposed language to remove Tier II payments and vehemently opposes AT&T’s offer of a business to business commercial agreement for the Tier I payments, because the commercial agreements are not truly bargained-for agreements entered in good faith between equals but rather contracts of adhesion in which the monopolistic AT&T dictates all material terms. Therefore in order to protect the CLECs and the public, STS Telecom believes that the FPSC should remain as the State Agency for the necessary oversight. STS believes that the removal of such oversight would be in violation of the State’s 271 duties and FPSC vested authority, per section 364.01(3), Florida Statutes, to provide regulatory oversight necessary to ensure effective competition in the telecommunications industry. STS Telecom disagrees with the removal and/or changes to the measures that AT&T misses on an on-going basis.

Further, there is a need for SQM/SEEM for all “**commingled arrangements**” with ASR (Access Service Requests) to be included as a level of disaggregation in the performance measurements, based on the CLEC Community’s request on the “Priority List” submitted to the Florida Staff and AT&T on or about May 23, 2009, and agreed upon in the FL Workshop on May 15<sup>th</sup> 2008. The CLEC community believes that volume now supports AT&T addressing the “commingled arrangements” with electronic ordering.

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<sup>2</sup> BellSouth Service Quality Measurement Plan (SQM), Florida Performance Metrics, Measurement Descriptions Version 5.01, Effective Date: april 19, 2008.

<sup>3</sup> 47 C.F.R. §51.313 **Just, reasonable and non-discriminatory terms and conditions for the provision of unbundled network elements.** (a) The terms and conditions pursuant to which an incumbent LEC provides access to unbundled network elements shall be offered equally to all requesting carriers. (b) Where applicable, the terms and conditions pursuant to which an incumbent LEC offers to provide access to unbundled network elements, including but not limited to, the time within which the incumbent LEC provisions such access to unbundled network, shall, at a minimum, be no less favorable to the requesting carrier than the terms and conditions under which the incumbent LEC provides such elements to itself. (c) An incumbent LEC must provide a carrier purchasing access to unbundled network elements with the pre-ordering, ordering, provisioning, maintenance and repair, and billing functions of the incumbent LEC’s operations support systems.

Although we believe the SQM/SEEM plan should remain as it currently exists with an additional implementation for commingled arrangements, at a minimum these payments should not be modified until such time as the new OSS Systems are fully operational and without problems.

Further, the FPSC should maintain the open docket (000121A-TP) and enter "show cause" order(s) for AT&T's future failures, as well as take whatever action it feels necessary to address any future misconduct by AT&T.

Finally, STS Telecom is concerned with AT&T's overly aggressive time line for these changes. The FPSC and the CLEC Community should have fair and reasonable time to fully understand and evaluate any proposed changes by AT&T. It is quite suspect that AT&T intends to eliminate these payments to the CLEC and the State of Florida, without proposing what it believes the substitute remedies or payments should be. Before any determination is made all facts and proposals should be on the table, because as history indicates, one cannot rely of AT&T to take the right action.

Very truly yours,

s/Alan C. Gold

ALAN C. GOLD

cc: STS Telecom