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September 3, 2009

Office of the Commission Clerk  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

RE: Saturn Telecommunication Services, Inc., a Florida corporation v. BellSouth  
Telecommunications, Inc. a Florida corporation d/b/a AT&T

To Whom It May Concern:

Attached for filing, please find the following documents:

1. Verified Emergency Petition For Injunctive Relief and Request For Stay of  
CLEC OSS-Related Releases;
2. Affidavit of Ronald Curry;
3. Affidavit of Caryn Diaz;
4. Affidavit of Cesar Lugo

We thank you for your kind assistance.

Very truly yours,

*s/ Alan C. Gold*

ALAN C. GOLD

cc: Robert Culpepper, Esquire (via e-mail)  
Kip Edenfield, Esquire(via e-mail)  
CT Systems Corp, as Registered Agent for AT&T Florida (via US mail)

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

SATURN TELECOMMUNICATION  
SERVICES INC., a Florida  
corporation,

Petitioner,

v.

BELLSOUTH  
TELECOMMUNICATIONS, INC., a  
Florida corporation,  
d/b/a AT&T

Respondent.

Docket No. \_\_\_\_\_

Filed: September \_\_\_\_\_, 2009

**VERIFIED EMERGENCY PETITION FOR INJUNCTIVE RELIEF  
AND REQUEST FOR STAY OF AT&T's CLEC OSS-RELATED RELEASES**

Petition, SATURN TELECOMMUNICATION SERVICES, INC. ("STS"), by and through its undersigned Counsel, pursuant to Rule 25-22.030, Florida Administrative Code, hereby files this Verified Emergency Petition for Injunctive Relief and Request For Stay of AT&T's CLEC OSS-Related Releases until such time as AT&T's OSS-Related releases complies with the prior orders of this Honorable Commission, and in support thereof states as follows.

**I. PARTIES AND STS' COUNSEL**

1. STS is a Competitive Local Exchange Carrier ("CLEC") and Interexchange Carrier ("IXC") certified by the Florida Public Service Commission ("FPSC"), to provide telecommunications services in Florida.
2. STS has its office at 12399 SW 53<sup>rd</sup> Street, Cooper City, Florida 33330, and its telephone number is 954-252-1000.

3. AT&T is an incumbent local exchange carrier (“ILEC”) certified by the FPSC to provide local exchange services in Florida. AT&T is an ILEC defined in §251(h)(1) of the Communications Act of 1934, as amended by the Telecommunications Act of 1996 (hereinafter, “the Act”), and is a local exchange telecommunications company defined by §364.02(6), Florida Statutes. AT&T is also a Bell Operating Company (“BOC”) and an interexchange carrier certified by the FPSC to provide long distance services based upon §271 of the Act.
4. According to the official records of the Florida Secretary of State, AT&T has its principle office at 675 Peachtree Street, NE, Suite 4500, Atlanta, Georgia 30375; and its Registered Agent for Florida, CT Corporation System, is at 1200 Pine Island Road, Plantation, Florida.

## **II. JURISDICTION**

5. The Commission has jurisdiction with respect to the claims asserted in this Petition under Chapter 120 and 364, Florida Statutes, and Chapters 25-22 and 28-106, Florida Administrative Code.
6. The Commission also has jurisdiction under the Federal Act under 47 U.S.C. § 251(d) (3) (conferring authority to State commissions to enforce any regulation, order or policy that is consistent with the requirements of Section 251) with respect to matters raised in this Petition.

## **III. VIOLATION OF AN ORDER OF THE FLORIDA PUBLIC SERVICE COMMISSION.**

7. On July 22, 1998, the Florida Public Service Commission (“FPSC”) issued Order No. PSC-98-1001-FOF-TP in Docket No. 980119-TP, “Final Order on Complaint”, In re: *Complaint of Supra Telecommunications & Information Systems against BellSouth*

*Telecommunications, Inc. for violation of the Telecommunications Act of 1996; petition for resolution of disputes as to implementation and interpretation of interconnection, resale and collocation agreements; and petition for emergency relief. ("Final Order")*

8. The Final Order provided the following:

**VII. RELIEF**

....

5. BellSouth shall modify the ALEC ordering systems so that the systems provide the same online edit checking capability to Supra that BellSouth's retail ordering systems provide.

....

9. The online edit checking capabilities were necessary in order to bring the CLEC's ordering procedures in parity with BellSouth's retail ordering procedures, and to eliminate an unfair competitive advantage employed by BellSouth in the ordering process. The edit checking capabilities inform a CLEC of errors in the order while the order is being processed, and allows a CLEC to have a customer on the telephone line while placing and completing an order. Thus this edit checking capability allows the CLEC to immediately give the customer the date for the new service, and avoid delays and other errors. For example under the edit checking capabilities of the current LENS system, if a field was filled in incorrectly or a required field left blank, the system will not allow the CLEC to process the order, but rather inform the CLEC of the error, allow the CLEC to properly fill in the order and continue processing the order. In LEX, the system does not advise the CLEC of the error during the ordering phase, but the order will be rejected or clarified after the order is completed, thus causing delays, eroding

consumer confidence in the CLEC, and unfairly giving BellSouth (AT&T) an unfair competitive advantage.

10. Pursuant to the FPSC's Final Order in the Supra case, BellSouth was compelled to modify LENS to incorporate certain "pre-order edits" so that orders could flow through the system without errors (error free), in a similar manner to what BellSouth provided for itself, in its Retail Navigation System (RNS)<sup>1</sup>.
11. The Final Order of this Commission requiring BellSouth to provide the "online edit checking capability" was affirmed by this Commission in Order No. PSC-03-1178-PAA-TP issued October 21, 2003 and in Order No. PSC-04-1146-FOF-TP issued November 18 2004, in the same docket as the Final Order. These two orders found that BellSouth had complied with this Commission's 1998 order on the "online edit checking capability" in LENS.
12. Recently, Respondent AT&T notified the CLEC community through their "Accessible Letter SN91087078 and CHANGE MANAGEMENT CR 2493"<sup>2</sup> (Attached as Composite Exhibit "A") that it intended to change its Operation Support Systems (OSS) from the current systems as were provided for by BellSouth<sup>3</sup> to those Operational Support Systems used by the 13 AT&T state region. This change is referred to by AT&T as the 22 State

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<sup>1</sup> In DOCKET NO. 980119 – TP; ORDER NO. PSC – 98 – 1001 – FOF – TP; Witness Hamilton asserted that LENS does not provide prompts for USOC codes, features details, or service and customer information requirements, not does it have the capability to allow Supra to supplement an order once it has been submitted via LENS...He stated that BellSouth's customer service representatives with access to all customer information and its order systems provide prompts for all "critical information" such as USOC codes.

<sup>2</sup> Accessible Letter stated: On June 22, 2008, AT&T Southeast Region will retire the Local Exchange Navigation System (LENS) Graphical User Interface (GUI). The ordering functionality currently provided for by LENS will be replaced by the Local Service Request Exchange (LEX) GUI, and the pre-ordering functionality will be replaced by the Verigate GUI, which are systems currently used by the AT&T 13-state region.

<sup>3</sup> Currently referred to as the AT&T Southeastern region.

OSS Alignment. Part of this Alignment is the retirement of the Local Exchange Navigation System (“LENS”) to Local Service Request Exchange (LEX) and Verigate GUI.

13. The AT&T 22-State OSS Alignment LENS will be retired and replaced by LEX for pre-ordering and ordering of §251(c)(3) elements starting in November 2009. LEX and Verigate do not have the same pre-order edits as LENS. According to the affidavits of Mr. Ron Curry and Ms. Caryn Diaz,<sup>4</sup> on August 5, 2009 during the CMP (Change Management Process) meeting, AT&T presented to the CLEC community a LEX overview for the Southeast Region November 2009 Release.
14. At the August 5<sup>th</sup> 2009 meeting, STS asked the following question: “Does LEX allow for the same pre-order edits as LENS?” AT&T answered “No”, and explained; “LEX provides for the initial edits that required fields and forms are populated and basic field edits checks.” Further according to AT&T, “No additional field level edits and/or validations will be done prior to issuance.”—meaning that if an error occurs, then the order will flow through and then be rejected and electronically sent back to the CLEC.<sup>5</sup>
15. As in the Supra case in 1998, this was the same position of BellSouth through its witness: “Witness Stacy further asserted that if an order containing an error is submitted through LENS or EDI, an error code is attached to the order and electronically sent back to the ALEC”<sup>6</sup>.

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<sup>4</sup> See attached affidavits of Curry and Diaz.

<sup>5</sup> See Exhibit “1” attached to affidavit of Curry

<sup>6</sup> ODER NO. PSC – 98 – 1001 – FOF –TP, pg. 21 3. Insufficient Ordering Capabilities response of BellSouth witness Stacey.

16. According to the affidavit of Mr. Cesar Lugo<sup>7</sup> AT&T's RNS does not allow an error on an order to flow through its system and then be electronically rejected. The RNS prompts corrections thereby saving time during the conversion and ordering process.
17. According to Curry and Diaz there are as many as 25 edits within LENS that will no longer be provided for in LEX<sup>8</sup>. These pre-order errors in LENS will not allow the CLEC to move to the next page/screen until the pre-order error is corrected.
18. As a result, Petitioner will be irreparably harmed by erosion of customer confidence, inability to efficiently add, convert and service its customers on Petitioner's network, and loss of customers to Respondent. Because of the lack of edits in LEX, it is highly unlikely for a CLEC to process an order through the system in a timely manner without errors. If Petitioner wanted to take an order from an end user over the phone in LEX as Petitioner does today in LENS, it would be impossible to do so timely and efficiently and expect the customer to wait while the order taker works through the errors back and forth in LEX. Also, if an order is submitted with errors the system rejects the order back so the order does not reach a representative from AT&T. During this time, the person ordering cannot cancel an order and start over. This could cause internal provisioning problems. The only option of removing the order from the pending queue is to delete it at which time you will lose the entire order history. Given the history of AT&T's inability to correctly invoice services without error, it would not be in a CLEC's best interest to delete the history of any order that may be subject to billable charges. Processing orders in LEX will increase order errors, increase charges to the CLEC for supplemental orders as well as delay service to the end user. The use of LEX OSS will affect the CLEC's

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<sup>7</sup> See affidavit of Lugo.

<sup>8</sup> See affidavit of Curry and Diaz.

ability to satisfy and thus retain an end user's telecommunication's services after conversion to a CLEC from AT&T or another CLEC. The implementation of LEX as proposed by AT&T is a giant step backwards for CLECs and their customers, and designed by AT&T to give its retail division an unfair competitive advantage over the CLECs.

19. The FPSC determined in July 22, 1998, the following:<sup>9</sup>

“We believe the same interaction and edit checking capability must take place when an ALEC is working an order as when BellSouth's retail ordering systems interact with BellSouth's FUEL and Solar databases to check the accuracy of BellSouth orders. Based upon the evidence, it does not appear that this interaction currently takes place in a manner that gives Supra adequate online edit checking ability”.

20. The Final Order is not just relevant with regards to Supra but is an Order that BellSouth had to comply with for all CLECs<sup>10</sup>, since the relief granted compels Respondent to modify its ordering systems that effect all CLECs, not just Supra.

21. AT&T in their 22 State OSS Alignment seeks to disregard the mandate of the FPSC and “backslide” into the performance structure to which this Commission found to be unacceptable over ten years ago in July 1998. Given all the advancements in technology over the last decade, it is unbelievable that in 2009, AT&T intends to revert to an ordering process for CLECs that was not in parity with the BOC's own retail ordering system in 1998.

22. The fact that AT&T still utilizes the edit checking capabilities in the ordering system for its own retail customers demonstrates the desirability as well as the viability of having the same capabilities in the ordering systems utilized by CLECs.

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<sup>9</sup> See ORDER NO. PSC – 98 -1001 –FOF – TP, at pg. 22.

<sup>10</sup> CLECs and ALECS are the same, in 1998 the FPSC referred to CLECs and Alternative Local Exchange Carriers.



#### IV. REQUEST FOR EMERGENCY INJUNCTIVE RELIEF

23. The FPSC requires that all contracts and services shall be fair, just, reasonable, and sufficient, and the service rendered to any person by any telecommunications company shall be rendered and performed in a prompt, expeditious, and efficient manner. See §364.03(1). The telecommunications facilities furnished by a telecommunications company shall be kept in good condition and repair; and its service shall be adequate, sufficient, and efficient. See id. Every telecommunications company shall, upon reasonable notice, furnish to all persons who may apply therefore and be reasonably entitled thereto suitable and proper telecommunications facilities and connections for telecommunications services and furnish telecommunications services as demanded upon terms to be approved by the commission.
24. Respondent has announced the implementation of an OSS system which clearly violates the FPSC's Final Order, and will continue to violate said Order for as long as LEX continues to lack adequate edit checking capabilities. The OSS Release currently scheduled for November 2009, will cause substantial and irreparable damage to Petitioner, all other CLECs operating in Florida and the consumer. The only entity which will profit from this release and its devastating effect on the CLEC ordering process, is AT&T retail.
25. The FPSC has the power to seek relief in the circuit court in the form of temporary or permanent injunctions, restraining orders or other appropriate orders where the FPSC finds that an entity within its jurisdiction has violated or is in violation of a Commission Order and the FPSC finds that said violation impairs the operations or service of any

entity over which it has jurisdiction. See Rule 25-22.030 Injunctions, Florida Administrative Code. See also §§ 364.015 and 364.285(2), Florida Statutes.

26. Furthermore, whenever the FPSC finds, on its own motion or upon complaint, that repairs or improvements to, or changes in, any telecommunications facility ought reasonably to be made, in order to promote the convenience of the public or in order to secure adequate service or facilities for basic local telecommunications services consistent with the requirements set by the FPSC, the FPSC must make and serve an order directing that such repairs, improvements, changes, additions, or extensions be made in the manner specified in the order. See §364.15, Florida Statutes.

27. The FPSC is also empowered to impose penalties on Respondent for violation of its orders. See §364.285(1), Florida Statutes.

**WHEREFORE**, based on the stated intentions of AT&T in their 22 State OSS Alignment not to incorporate pre-ordering edits, in violation of the Final Order On Complaint, Petitioner requests:

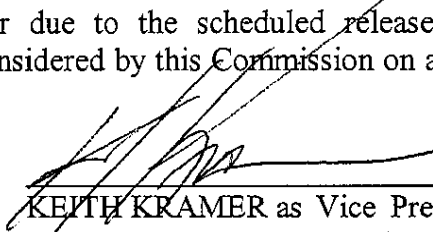
- a. An order that this Commission restrain AT&T from implementing the AT&T 22-State OSS Alignment in November 2009, and/or file an action in circuit court for an injunction, until such time as AT&T can demonstrate through an independent third party testing that they have provided pre-order edits substantially equal to what they provide to themselves in their retail order system "RNS";
- b. An order that this Commission issue a stay of the implementation of the AT&T 22-State OSS Alignment in November 2009 with respect to release in Florida, and/or file an action in circuit court for a stay;

- c. An order assessing penalties against Respondent pursuant to §364.03, Florida Statutes;
- d. An order requiring that AT&T make its LENS OSS with its edit checking capabilities available to STS and other CLECS until any new OSS replacement system contains the same capabilities..
- e. An order for attorney's fees if applicable, costs and for such further relief as the Commission deems just and appropriate.

s/ Alan C. Gold  
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James L. Parado (Florida Bar No. 580910)  
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**VERIFICATION TO EMERGENCY PETITION FOR INJUNCTIVE RELIEF  
AND REQUEST FOR STAY OF CLEC OSS-RELATED RELEASES**

I have read the foregoing Verified Emergency Petition For Injunctive Relief and Request For Stay of CLEC OSS-Related Releases and the facts contained herein are true and correct based upon my personal knowledge. Moreover due to the scheduled release of LEX in November 2009, it is necessary the Petition be considered by this Commission on an emergency basis.

  
\_\_\_\_\_  
KEITH KRAMER as Vice President, Legal  
& Regulatory, Saturn Telecommunication  
Services, Inc.

State of Florida                    }  
  } § §  
County of Broward                }

BEFORE ME the undersigned authority personally appeared on this 2<sup>ND</sup> day of SEPTEMBER 2009, Keith Kramer as Vice President, Legal & Regulatory, Saturn Telecommunication Services, Inc., who is personally known to me or has produced \_\_\_\_\_ as identification, and who after being duly sworn, deposes and states that he has read the foregoing Verified Emergency Petition For Injunctive Relief and Request For Stay of CLEC OSS-Related Releases, and states that the facts contained therein are true and correct and based upon his personal knowledge.

  
\_\_\_\_\_  
NOTARY PUBLIC - STATE OF FLORIDA

Print Name:

Commission No.:

Expiration:



## CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on September 2, 2009, I electronically filed the foregoing document with the Florida Public Service Commission. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified on the attached Service List in the manner specified, either via email transmission or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/ Alan C. Gold

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