Marguerite McLean

000121A-TP

From: Martha Johnson [marthaj@fcta.com]
Sent: Thursday, September 03, 2009 4:35 PM
To: Filings@psc.state.fl.us
Subject: Docket No. 000121A - FCTA's Reply Comments on SQM and SEEM Redlines
Attachments: 000121A - FCTA Reply Comments.pdf

A. The person responsible for this electronic filing is:

David A. Konuch
Senior Counsel, Regulatory Law and Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
850-681-1990
850-681-9676
dkonuch@fcta.com

B. The docket title is: **In Re: Docket No. 000121** – Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange Telecommunications companies (BellSouth Track).

C. This document is filed on behalf of the Florida Cable Telecommunications Association, Inc.

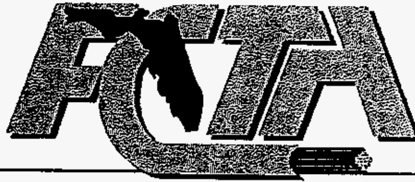
D. This document has a total of 19 pages.

E. Attached is the Florida Cable Telecommunications Association's Reply Comments on SQM and SEEM Redlines.

Thank you,

Martha Johnson
Regulatory Assistant
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
850/681-1990
850/681-9676 (fax)

DOCUMENT NUMBER-DATE
09226 SEP-3 8
FPSC-COMMISSION CLERK



Florida Cable Telecommunications Association

Steve Wilkerson, President

September 3, 2009

VIA ELECTRONIC FILING

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

Re: **Docket No. 000121A** – In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies (BellSouth Track)

Dear Ms. Cole:

Enclosed for electronic filing in the above referenced Docket, please find the Reply Comments of the Florida Cable Telecommunications Association, Inc. on SQM and SEEM Redlines in response to the Commission's August 18, 2009 amended notice.

If you have any questions whatsoever, please do not hesitate to contact me at (850) 681-1990.

Your assistance in this matter is greatly appreciated.

Sincerely,

David A. Konuch
Senior Counsel, Regulatory Law and Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
Phone: 850-681-1990
Fax: 850-681-9676
dkonuch@fcta.com

Enclosures

DOCUMENT NUMBER-DATE
09226 SEP-3 8
FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies (BellSouth Track)

Docket No. 000121A-TP

September 3, 2009

REPLY COMMENTS OF FLORIDA CABLE TELECOMMUNICATIONS ASSOCIATION ON SQM AND SEEM REDLINES

Florida Cable Telecommunications Association, Inc. ("FCTA")[1] hereby submits its reply comments to BellSouth Telecommunications, Inc. d/b/a AT&T Florida's ("AT&T's") Comments and Proposed Revisions to the BellSouth Performance Assessment and Service Quality Measurement Plans pursuant to the Commissions August 18, 2009 amended notice.

INTRODUCTION AND BACKGROUND

In April of 2008, AT&T's attempt to implement a new OSS system resulted in tens of thousands of delayed orders for CLECs, including FCTA members. The OSS failures resulting from the "AT&T OSS Train Wreck of 2008" as it came to be called took months to fix. The "Train Wreck" inconvenienced thousands of customers, delaying their switch to competitive providers. Unable to seamlessly switch customers who had chosen their service, competitors lost goodwill.

Less than six months ago, the Commission Staff recommended that SEEM penalties be doubled to ensure such a catastrophic failure of OSS never occurs again. *See e.g.* Notice of Proposed Agency Action Order Allowing AT&T to Move Forward with the Next 22-State OSS Release, March 23, 2009, at 2. The Commission ultimately chose not to double the SEEM penalties. Instead, it ordered the Staff to audit AT&T's procedures and find out

[1] FCTA represents cable telephony providers throughout the state of Florida who provide, by and large, the only facilities-based mass market telephony competition to Florida's ILECs. FCTA's five

DOCUMENT NUMBER-DATE
09226 SEP-3 8
FPSC-COMMISSION CLERK

what went wrong. The Staff found that:

- "failures were evident in AT&T's planning, organizing, directing, and control [of the OSS software release]," *id.*
- Even after AT&T "took steps" to resolve the problems in the wake of the audit, "there are still many unknowns." *Id.*

The AT&T OSS "Train Wreck of 2008," occurred even with Commission oversight and SEEMS penalties. It would not be hyperbole to rank the "Train Wreck" as among the least successful -- and most damaging to competitors -- software releases since the federal Telecommunications Act of 1996 opened markets to competition. Yet, AT&T now suggests reducing penalties and replacing the SEEM plan with a "commercial agreement" with presumably less Commission oversight. The Commission should reject AT&T's proposal to overhaul SEEMs and SQM.

Cable telephony providers and AT&T operate separate, facilities-based networks. OSS represents one of a few areas where competitors must still rely on AT&T for an input that affects the quality of a competitor's customer experience. The "Train Wreck" shows that, even 10 years after the 1996 Telecommunications Act, catastrophic OSS failures can still occur, and that SEEM and SQM still matter. Apart from the "Train Wreck," AT&T routinely misses important metrics, such as Order Completion Internal (penalties paid for 25 straight months).

This recent history provides no basis exists for removing incentives for AT&T to make its OSS better, or for removing Commission oversight. Instead, the SEEM and SQM plans should be optimized to the benefit of both competitors and AT&T. The priority should

---

largest members include Atlantic Broadband, Bright House Networks, Comcast, Cox, and Mediacom. FCTA fully supports the comments of Comcast Phone of Florida, LLC ("Comcast"), also filed today.

be to strengthening penalties for routinely missed metrics that affect competition, and to ensure there is no repeat of the 2008 OSS failures.

SEEM and SQM should also reflect changes occurring in both technology and regulation. SB 2626 deregulated some of AT&T's and the other ILECs' interactions with retail customers. At the same time, SB 2626 strengthened wholesale measures by clarifying interconnection rights of cable operators and maintaining the Commission's jurisdiction over wholesale relationships between providers. Wholesale provisions and safeguards, such as SEEM and SQM, ensure a level playing field between competitors. They take on added importance, where, as here, the Commission and legislature relies heavily on the marketplace for consumer protection. The Commission should therefore approach SEEM and SQM with the goal of optimizing intercarrier wholesale relations to benefit both the market participants and their customers.

Accordingly, the Commission should:

- Retain oversight of SEEM and SQM rather than permit AT&T to relegate these important issues to a business-to-business commercial agreement.
- Delay consideration of changes to the SEEM and SQM plans until *after* AT&T successfully concludes its next scheduled software release.
- Maintain Tier 2 payments as an added incentive for compliance.
- Reject AT&T's proposal for a cap on service affecting measures.
- Strengthen the most important and routinely missed metrics, and add additional penalties for chronic misses.
- Incorporate important new metrics affecting competition, such as number portability.
- Commission should create a way to measure wholesale provisioning now that certain consumer provisioning metrics have been lessened or done away with as a result of

ILEC deregulation and SB 2626.

- Metrics that may have become irrelevant over the passage of time could be lessened, but only if important metrics are maintained and enhanced, and new metrics added to reflect new ways in which competitors must interact to provision services for customers.
- The Commission should take its time to ensure that SEEM and SQM changes reflect the best possible outcome for subscribers by ensuring that wholesale interactions will occur smoothly. Accordingly, FCTA requests that the Commission seek comment prior to a workshop on issues set forth in Section V of FCTA's comments, to enable the Commission to collect information on various metrics and how they can be optimized for the benefit of providers and their subscribers.

LEGAL ANALYSIS

I. The Commission Should Retain Oversight of SEEM and SQM Rather Than Allowing AT&T to Relegate Such Oversight to Merely a "Commercial Agreement."

Per the latest Commission Local Competition Report, AT&T still possesses more than 1 million access lines more than the five largest FCTA members combined in Florida.[2] SEEM and SQM result from the reality that every line won by a competitor was once an ILEC line, and absent a strong legal regime, ILECs possess strong incentives to delay provisioning or transfer of customers. Recent history shows that AT&T's OSS failures caused inconvenience and upset to competitors and thousands of their customers over a several month period. The SEEM and SQM provisions are not intended to "sunset" after a date certain. Rather, plans like this one are intended to ensure competitive markets

[2] Competition Report at 31 shows AT&T with 2.6 million lines, while all of cable combined had approximately 1.2 million.

remain open and prevent "backsliding." The obvious question becomes, why should metrics *affecting* competition be decreased when they're not being met now?

AT&T's basic argument is that the SEEM and SQM plans are working and, therefore the Commission may dismantle elements of the plans. There are, at least, two problems with AT&T's argument. First, several key metrics are repeatedly and routinely missed, not to mention the 2008 massive OSS failures. Thus, it cannot be said that SEEM is functioning properly across the board. And, second, the plans originated as part of the federal section 271 market-opening process. The purpose of the plans is to prevent backsliding and ensure markets *remain* open. *In the Matter of Application by Bellsouth Corp., for Authorization to Provide In-Region, Interlata Services in Florida and Tennessee,* WC Docket No. 02 – 307, 17 F.C.C.R. 25828, 25924 (rel. December 19, 2002) (noting importance of ongoing monitoring by state commission to deter backsliding). Scrapping a plan designed to ensure that a market stays open based on the rationale that the market *is* open is a circular and meaningless argument that the Commission should reject.

II. The Commission Should Retain Existing Measures and Enhance Penalties for Chronic Failures Because the Status Quo Is Not Working.

Cable telephony providers engineered their facilities-based networks to minimize reliance on any inputs from ILECs. This enables cable to provide the best possible service to by controlling the customer experience end-to-end. Yet, areas remain where cable cannot control the customer experience by controlling its own facilities. SEEMS and SQM represent one such area (Preferred Carrier Freeze is another). On those issues, cable relies on the Commission for intervention and oversight through the regulatory process to maintain a level competitive playing field.

Prior to the 2008 failures ILEC OSS systems had worked relatively well for several years. But the 2008 failures directly inconvenienced cable's customers, even though cable

operated its own networks with minimal interaction with the ILECs. Worse still, the problems took months to fix, and because the problems were on AT&T's end, cable had to rely on AT&T to fix it, which led to frustration for cable telephony providers and their customers. Rather than lessening penalties, the Commission should be considering how to incent better performance, because under the current set of incentives, massive problems occurred.

Given AT&T's recent track record, no justification exists for lessening SEEM penalties or relegating them to mere commercial agreements with limited Commission oversight. AT&T highlights a handful of metrics it claims never have been missed, such as late payment penalties, as evidence that SEEM and SQM should be overhauled. (See AT&T July 10, 2009 Comments at 5). But that obscures the fact that many critical metrics, such as Order Completion Internal, are always missed. AT&T missed this important competition affecting metric for 25 straight months.

The recent track record and failures also shows that metrics frequently met should not be lessened. Nor should Tier II penalties be removed. Although the Tier II penalties are designed to provide added incentive to cure OSS deficiencies, the current penalties even with Tier II did not provide sufficient incentive to avoid the 2008 massive OSS failures.[3] Similarly, no justification exists for placing a cap on total penalties paid, as that would reduce incentives to perform. Rather, the plans should be updated and strengthened to reflect today's business environment.

---

[3] For the same reason, the Commission should delay any consideration of updates to the plans until after AT&T's next software release this fall to ensure there is no repeat of 2008's missteps.

III. The Commission Should Strengthen and Enhance Specific Measures that Affect Competition

For many important measures, AT&T's performance is lacking currently. The Commission should take steps to strengthen measures that AT&T routinely fails to meet. This includes the following specific intervals.

A. Order Completion Interval (P-4). The FL PSC should revisit SEEMS payments to ensure proper financial penalty is applied to incent AT&T to correct deficiencies concerning Order Completion Interval (P-4). FCTA member Comcast reports that for this interval, AT&T has 25 months of consecutive liquidated damages as reported in the July 2009 PARIS Transmitted Payment Report. That AT&T has failed to meet this interval even once in over two years shows that the penalty provides inadequate incentive for AT&T to correct its lingering performance problems in this area.

B. Service Order Accuracy – Resale (P-11). In another example, Service Order Accuracy – Resale (P-11) which is where Comcast's LNP orders fit, has experienced 12 consecutive months of performance failure. Once again, this is an instance where AT&T has not been sufficiently incented with an escalating liquidated damage amount to correct the performance deficiency. This particular and recent example occurred between May of 2008 and May of 2009 as reported in the May 2009 PARIS Transmitted Payment Report.

In addition to the fact that AT&T has been unable to meet the current 95% benchmark standard currently adopted for this metric, AT&T now requests via its recent proposal replace the Commission-monitored SQM and SEEMS plans with a commercial agreement by allowing AT&T to "change the calculation" for this metric. No legal or policy basis exists for reducing this important standard. Indeed, that AT&T frequently misses this standard instead presents evidence that the standard should be strengthened rather than weakened.

IV. Other Standards Should Be Increased to Reflect Improvements in Processes and Technology

Just like microprocessors became faster each year, in theory OSS should improve over time as a result of experience and technical advances. Improvements in systems, technology and processes over the past 10 years warrant increasing the benchmark standards in key performance areas affecting competition, and by doing so, will further incent AT&T to deliver quality and timely service to its customers as a wholesale provider.

A. **Percent Flow Through Service Request (O-3).** AT&T's commercial agreement proposal for SQM and SEEMs proposes to change the benchmark standard for Percent Flow Through Service Request (O-3) – standalone LNP Orders, to a weaker standard. This is a critical metric for cable telephony providers, which provide the highest LNP order related volume with AT&T in Florida among all competitive providers. In this regard, AT&T proposes to change the 95% flow through benchmark standard to 90% claiming that "90% benchmark represents excellent performance level". Here is an example of a crucial competitive metric – number portability, which governs how quickly a particular customer can switch to a new provider.

AT&T routinely meets this metric (99 percent completion), yet seeks to lower the standard to 90 percent. Lowering the standard for this competitively sensitive metric makes no sense. To lower the standard would enable AT&T to slow roll transfers on nine percent of customers seeking to switch – inconveniencing thousands of customers at the expense of competitors.

Instead, AT&T should be required to increase the benchmark standard to 99% which AT&T has shown it is capable of meeting consistency been greater than the 95% benchmark as measured from August 2008 through May 2009. In fact, in only one month during that time did AT&T's flow through performance drop below 99% (October 2008 was

97.61%). In this example, AT&T simply cannot justify its proposal to reduce the current 95% standard.

C. FOC Timelines

AT&T's commercial agreement proposes to leave unchanged the current benchmark standard for the FOC Timeliness metric (O-9) for both Partial Mech/LNP, as well as Interconnection trunks. The benchmark standard for Partial Mech/LNP is 95% within "X", and the standard for Interconnection trunks is 95% within 5 days. However, upon review of AT&T's recent actual performance, there would seem to be reasonable justification to increase the benchmark standard for Partial Mech/LNP from 95% within "X" to 97% within "X" given that from October 2008 through May of 2009 the actual performance in each month was greater than 98%. In addition, FCTA advocates that it is also reasonable to increase the benchmark for FOC Timeliness on interconnection trunks from 95% within 5 days, to 99% within 2 days because from the period of August 2008 through May 2009, AT&T's actual performance was 100% in 7 out of 10 sample months trended.

D. New Metric for LNP Disconnects

FCTA proposes instituting a new metric that would measure the number of incomplete disconnects for non-specific LNP type orders that result from AT&T's application of the 10 digit trigger which causes the customer to be unable to receive calls from AT&T's serving wire center after the port is completed by the new Service Provider. FCTA members and other competitive telephone providers have experienced problems with AT&T's back-end process breakdown resulting in CLECs jointly submitting a Change Request GCUF08-22A via AT&T's CUF process.

The back-end process breakdown in AT&T's systems for these non-specific LNP order types also causes other problems such as no receipt or delayed receipt of Service Order Confirmations (SOCs), delayed completion of 911 record updates in the database for

PSAP access, delayed processing of directory listings changes, as well as delays in receiving Billing Completion Notices (BCNs) which cause the customer to receive a double bill from both AT&T and the new Service Provider until the problem has been corrected.

This double-billing creates obvious frustration for customers, leading to a loss of customer goodwill. In addition, the breakdown of the back-end systems process within AT&T requires competitors to open trouble tickets with AT&T to resolve the problems. Among FCTA members, Comcast spends monthly between 60 and 80 hours escalating the problem to AT&T to remove their switch translations. Other competitive providers spend similar amounts of time addressing this problem. There seems to be little incentive for AT&T to pursue the process breakdown. Therefore, FCTA advocates a new metric that will capture AT&T's back-end systems process breakdown and make it subject to escalating SEEMS payments until such time as the process breakdown has been addressed by AT&T.

V. REQUEST FOR INCLUSION OF OSS ISSUES AT WORKSHOP

In lieu of a redlined version of the plan FCTA has some general recommendations that may be best researched and vetted in a collaborative setting with Commission leadership. FCTA requests that the Commission seek comment on these issues in advance of a workshop so that parties may present their views. The industry has changed significantly since SQM and SEEMS were originally developed. A short list would include: changes to regulation at the Federal level, incumbents petitioning for lighter regulation due to changes in their market share, the rise of facilities-based competition from cable telephony providers, over-the-top-voice applications appear almost daily, search companies are purchasing number pools, several CLECs that entered business post 1996 have since consolidated or gone out of business. All of these changes warrant a look at these plans to determine if they reflect the marketplace of 2009 or the marketplace of 1999. FCTA

believes these developments warrant reflection by all parties regarding the state of the market today and a committed, concerted effort by the industry and the Commission to update these plans.

A. Ordering Measures

The Commission should also evaluate all of the Flow Through measures. For instance, what, if any, investment has occurred since these plans were instituted to improve Flow Through? Since there are fewer competitors today than there were when the plans were initiated would it serve the public to raise the bar on Flow Through measures to reflect the investment and the diminished usage that invested capacity must serve? Should not these interfaces be more robust as a result of industry change? Similarly, the Commission should consider consider Fully Mechanized, Partially Mechanized, and Non-Mechanized measures. The Commission should consider whether there is any reason why *all* orders cannot be mechanized, given that AT&T has had many years to automate this process.

What about standards generally? Should it still take four days to reject an order? Isn't that an overly generous time frame to say no? Why should it take five days to say yes? Isn't yes or no a decision based upon the same assessment? After being so generous in defining time frames the plans are even more generous by allowing fully 10% of those decisions to take even longer. In FCTA's view that is a windfall error rate after taking a full business week to mull things over.

In other measures the disaggregation levels are expressed in hours. For example, O-9 Firm Order Completion Timeliness, in some instances it takes hours longer to say yes (FOC) versus no (Reject). Is there difference in work content that warrants such divergence? The Commission should consider whether any factual basis exists for the time difference between FOC and reject.

B. Call Center Responsiveness

Another area of inquiry would be the response times at call centers. These measures reflect a parity metric with the incumbent's retail consumer call centers. Is that still valid today? When these measures were developed were there retail performance metrics in place? Are those still in effect today? Is there a metric in those retail plans for call center response that a competitor might use to assess parity? If not, should there be some other more pure measure? Should this be a benchmark? As incumbents make resource allocation decisions, is poorer retail center response for telephone acceptable risk if those resources are reallocated to centers responding to services that generate higher profit margins? Perhaps the levels of abandoned calls should be the benchmark or at least analyzed to determine if there is reason to take a closer look.

C. Provisioning Measures

Another interesting item is that the held order measure P-1 does not include disconnects. The lack of a measurement for disconnects at the wholesale level directly affects customers. How many billing complaints are generated because disconnected services are still being billed? How many new inward services are rejected, or placed into jeopardy, or subsequently held due to a lack of facilities? How many customer troubles are being generated because disconnects are not being administered and cross wiring remains in distribution frames without any service purpose? What capacity utilization tax is being paid for facilities that are not providing any service? Introducing a disconnect measure to P-1 would enable providers to monitor and respond to these concerns.

An additional anomaly appears in several measures where listing orders are excluded yet there appears to be absolutely no rationale for inclusion of listing orders in the universe being addressed in the metric. Why include an order class that should never be

part of the measured universe as an exclusion? Isn't that redundant? Is it efficient use of resources? This exclusion is present in P2-A which analyzes dispatched orders. When does a business dispatch to provide a listing?

While discussing P2-A, it should be mentioned that this measure too is overly generous. It provides a full two business days to relay an observation made during the provisioning process. In today's environment of hand-held devices linked to servers why wouldn't this observation be relayed immediately at the same speed that packets flow from one device to another? What purpose is served by waiting two days to inform a competitor that the request they made for their customer was not going to be fulfilled two days ago? Is there no need for two way flow through? Perhaps this is already happening. Perhaps it would be useful to analyze performance to this metric and adjust it for today's operating environment making the response something that occurs in minutes and not days.

For the Provisioning metrics in general there are several that reflect the measurement of Interconnection Trunks in parity with Retail Trunks. This would appear to be an outdated comparison. In today's business environment, incumbents report losses of retail land lines. While most of this goes to their own wireless subsidiaries through cord cutting, some of it is going to over the top voice applications, some of it to traditional wireline CLECs and some to cable telephony providers. One would think that the over built capacity on the incumbent network would not be growing retail trunks at all. In fact the inverse should be true and that capacity being reallocated to serve wholesale and wireless requirements. Therefore the metric should be changed to reflect that reality and all provisioning measures for Interconnection Trunks should be changed to a benchmark standard.

Similarly the LNP measures reflect a retail comparison to POTS. How is such measurement relevant in today's market? Would Winback port-ins be a more effective

comparison? The work content is exactly the same as port outs only inverted. This would more clearly reflect that an incumbent is doing for itself what it does for its competitors.

As a general rule, all of the provisioning measures should be analyzed based upon recent trends and results. On those that use parity, is that parity comparison relevant to today's market? For the others that utilize benchmarks, should the benchmarks be improved to reflect the investments made over the last decade so customers get to enjoy what they have been paying to enjoy?

D. Maintenance and Repair Measures.

Each of these measures contains exclusions for CPE or CLEC equipment causes. How are the rates of closure to these exclusions monitored? Are they reviewed for accuracy? Have they ever been reviewed for accuracy? If there is no regular audit path for such exclusion it creates an opportunity for subjective exclusions rather than objective exclusions. These can be created by misinterpretations of demarcation points, misunderstanding of electrical characteristics of CPE or CLEC provided equipment, and simply through ineffective trouble analysis. To prevent such occurrences there should be a requirement to close these trouble tickets to the originating entity, the Wholesale customer who opened the ticket. That would reflect parity with retail process. By permitting the incumbent to close out the trouble tickets without some communication of acceptance of the determination by the customer all the maintenance measures becomes suspect.

This process can become particularly egregious when one considers its impact in relation to M&R-4 (PRT). When trouble tickets are closed to the CPE exclusion and then reopened by the CLEC because there is still a trouble condition, it may once again be closed to the same disposition code. This will result in additional repeat trouble tickets, a prolonged outage for the customer, service dissatisfaction that leads to potential customer

churn, and higher costs for the CLEC and the incumbent. Administration of the application of the CPE/CLEC equipment exclusion should require communication with the CLEC prior to its application by the incumbent.

E. Billing Measures

B-5 [BUDT] – It would be valuable to review current performance trends regarding delivery of usage data to determine if it is time to improve on this benchmark measurement.

B-10 [BEC] – Other incumbents are held to a more stringent standard regarding response to billing claims. Providing 40 business days creates significant pain to competitors. By providing 40 business days competitors can be subject to interest charges for two billing cycles. The compounding effect provides additional injury. There is very little justification for an incumbent to be shedding employees that could be reallocated to improve response time in this area. The standard should be brought down to less than a month and should be measured in calendar days since the incumbents payment expectation is in calendar days not business days.

F. Change Management.

The Commission should analyze these measures to determine if benchmark improvement is warranted concerning the Change Management process.

G. E911/DA Metrics.

FCTA supports CompSouth's request that a metric for E911/DA be added. If a number is ported, but the 911 database is not updated at the same time, the telephony provider cannot fully service that customer. That would occur, for instance, if the customer changes providers and moves to a new address, and AT&T does not update the E911 database with the new address. Should the customer call 911 during a transition period when AT&T has not yet updated the 911 database, the customer's old address will show up

on the first responder's caller ID, which could lead to dispatch delays. It is FCTA's understanding that AT&T owns the 911 administrator that services Florida. Therefore, updating this database is fully within AT&T's control. Adding a metric for E911/DA will aid public safety in addition to consumer satisfaction. Competitors cannot update the database without AT&T's involvement. Accordingly, the Commission should create a new metric for E911/DA.

Respectfully submitted this 3rd day of September, 2009.

David A. Konuch
Sr. Counsel, Regulatory Law & Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue, Suite 100
Tallahassee, FL 32303
Tel: 850/681-1990
Fax: 850/681-9676

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via Electronic Mail the 3rd day of September, 2009 to the following:

AT&T/AT&T Florida
E. Edenfield/ R. Culppeper
c/o Mr. Gregory Follensbee
150 South Monroe Street, Suite 400
Tallahassee, FL 32301-1561
Phone: 850-577-5555
FAX: 577-5536
Email: greg.follensbee@att.com

Akerman Law Firm
Beth Keating/Matt Feil
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
Phone: 850-425-1614
FAX: 222-0103
Email: matt.feil@akerman.com

Cbeyond Communications, LLC
Charles E. (Gene) Watkins
320 Interstate North Parkway, Suite 30
Atlanta, GA 30339
Phone: 678-370-2174
FAX: 978-424-2500
Email: gene.watkins@cbeyond.net

ALLTEL Communications, Inc. (Ausley)
Jeffrey Wahlen
c/o Ausley Law Firm
P.O. Box 391
Tallahassee, FL 32302
Phone: 850-425-5471
FAX: 222-7952

Network Telephone Corporation
Margaret Ring
3300 North Pace Blvd.
Pensacola, FL 32505-5148
Phone: 850-465-1748
FAX: 850-432-0218
Email: mhring@cavtel.com

New South Communications, Corp.
Vicki Gordon Kaufman
c/o Moyle Law Firm
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@moylelaw.com

Covad Communications Company
Ms. Katherine K. Mudge
7000 N. MoPac Expressway, Floor 2
Austin, TX 78731
Phone: 512-514-6380
FAX: 512-514-6520
Email: kmudge@covad.com

DeltaCom, Inc.
D. Anthony Mastando
7037 Old Madison Pike
Huntsville, AL 35806
Phone: 256-382-3856
FAX: 256-382-3936
Email: tony.mastando@deltacom.com

Keefe Law Firm
Vicki Gordon Kaufman
The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@kagmlaw.com

NuVox Communications, Inc.
Susan J. Berlin
Two North Main Street
Greenville, SC 29601-2153
Phone: 864-331-7323
FAX: (864) 331-1236

Rutledge Law Firm
K. Hoffman/J. Ellis
P.O. Box 551
Tallahassee, FL 32302-0551
Phone: 850-681-6788
FAX: 681-6515

MediaOne Florida Telecommunications
c/o Laura L. Gallagher, P.A.
101 E. College Ave., Suite 302
Tallahassee, FL 32301
Phone: 850-224-2211
FAX: 561-6311

Birch of the South, Inc.
Mr. Chris Bunce
2300 Main Street, Suite 600
Kansas City, MO 64108-2415
Phone: (816) 300-3000
FAX: (816) 300-3350
Email: cbunce@birch.com

Cleartel Communications
Randall P. Muench/Jamie Villanueva
12124 High Tech Avenue, Suite 100
Orlando, FL 32817-8374
Phone: 561-454-5041
FAX: 877-612-3027
Email: jvillanueva@cleartel.com

Comcast Southern Division
Richard Wolf
600 Galleria Parkway, Suite 1100
Atlanta, GA 30339
Phone: 678-385-5178
FAX: 678-385-5101
Email: richard_wolfe@cable.comcast.com

Competitive Carriers of the South, Inc.
Matthew J. Feil
c/o Akerman Law Firm
106 East College Avenue, Suite 1200
Tallahassee, FL 32301
Phone: 850-224-9634
FAX: 222-0103

Email: sberlin@nuvox.com

Pennington Law Firm Peter M. Dunbar/Howard E. Adams
Post Office Box 10095
Tallahassee, FL 32302-2095
Phone: 850-222-3533
FAX: 222-2126
Email: Gene@penningtonlaw.com

Sprint Nextel
Douglas C. Nelson
233 Peachtree Street, N. E., Suite 220
Atlanta, GA 30303
Phone: 404-649-8983
FAX: 404-649-8980
Email: douglas.c.nelson@sprint.com

Time Warner Telecom of Florida, L.P.
Carolyn Ridley, VP Regulatory Affairs
555 Church Street, Suite. 2300
Nashville, TN 37219
Phone: 615-376-6404
FAX: 615-376-6405
Email: Carolyn.Ridley@twtelecom.com

Verizon Dulaney O'Roark
5055 N. Point Parkway
Alpharetta, GA 30022
Phone: 678-259-1449
FAX: 678-259-1589
Email: de.oroark@verizon.com

Email: matt.feil@akerman.com

Competitive Carriers of the South, Inc.
Vicki Gordon Kaufman
c/o Keefe Law Firm, The Perkins House
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788
Email: vkaufman@kagmlaw.com

Florida Competitive Carriers Assoc.
c/o Moyle Law Firm
Vicki Gordon Kaufman
118 North Gadsden Street
Tallahassee, FL 32301
Phone: 850-681-3828
FAX: 681-8788

Florida Public Telecommunications Association, Inc.
Mr. Bruce W. Renard
9432 Baymeadows Road, Suite 140
Jacksonville, FL 32256-7988
Phone: (904) 425-6050
FAX: (904) 425-6010
Email: brenard@fpta.com

David A. Konuch