

Ruth Nettles

000121A-TP

From: Martha Johnson [marthaj@fcta.com]
Sent: Friday, March 05, 2010 4:20 PM
To: Filings@psc.state.fl.us
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Subject: Docket No. 000121A - FCTA's Letter to Staff re: Workshop Process
Attachments: Docket 000121A - FCTA's Letter to Staff re Workshop Process.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact David Konuch at the number below. Thank you.

A. The person responsible for this electronic filing is:

David A. Konuch
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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. (AT&T FLORIDA TRACK)

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

D. This document has a total of 4 pages.

E. Description of document: Letter to Staff re: workshop process.

Thank you,

Martha Johnson
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support the CompSouth-AT&T proposed agreement, and indeed, not even all of the CompSouth members have agreed to sign on.

The proposed CompSouth-AT&T agreement as described to us represents a step backward from the progress already made at the workshops. The gap between what was described to us on the call and what FCTA would consider a fair outcome is too big to breach without the Commission weighing in. Moreover, we are concerned that further postponing the workshop process to allow less than all of the parties to complete negotiations on an agreement that is not accessible by all of the parties will undermine the open process conducted by Staff to date.

FCTA members built their own communications networks to minimize inputs needed from AT&T to provide service to customers. FCTA's goal in this docket is to ensure that AT&T remains subject to *sufficient* incentive(s) to comply with its wholesale obligations for the few items that FCTA members still need from AT&T to provide facilities based telephony services. These include, among other things, number portability and firm order confirmation requests. Yet, as noted in workshop, AT&T repeatedly fails important metrics -- including missing some for 25 straight months. FCTA members would prefer compliance with the metrics over payment of fines by AT&T. Yet, if the fines are set too low, it becomes easier for AT&T to pay the fines rather than provide the performance. Unfortunately, the proposed CompSouth-AT&T agreement in principle does not correct this deficiency.

When it enacted limited deregulation last year, the Florida legislature carefully maintained this Commission's jurisdiction over AT&T and the other ILECs' wholesale and interconnection obligations and even strengthened them in some instances. The Commission should not permit a handful of parties to negotiate in private and drive this process while other important stakeholders are left on the sidelines with incomplete information and no meaningful opportunity to provide input. Instead, the Commission should resume its oversight role on these issues through the workshop process.

Accordingly, FCTA hereby requests that the Commission staff re-start the collaborative workshop process. FCTA proposes the following:

- The Staff should reconvene a workshop for as soon as one can be noticed under the APA. The parties should resume from a starting point of:
 - 1) All issues that have been resolved through the workshop process to date. Those decision points would be documented in a matrix, so that all of the hard work done by all of the parties within the workshop process thus far would not be lost.
 - 2) The Commission staff should then resume its evaluation starting with the Comcast proposal filed January 15, 2010, and have all parties state whether they agree with that approach, and explain why or why not.

We appreciate the hard work staff has put in concerning this project and look forward to hearing how you would like the parties to proceed.

Sincerely,



David A. Konuch

Senior Counsel for Regulatory Law & Technology

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following parties by Electronic Mail this 5th day of March, 2010:

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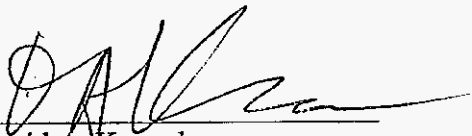
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