

Diamond Williams

000121A-TP

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Sent: Monday, May 10, 2010 4:54 PM
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Subject: Electronic Filing - Docket No. 000121A
Attachments: 20100510165237892.pdf

Attached is an electronic filing for the docket referenced below. If you have any questions, please contact either Matt Feil or Nicki Garcia at the numbers below. Thank you.

Person Responsible for Filing:

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Docket No. and Name: Docket No. 000121A - Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (AT&T Florida Track)

Filed on behalf of: CompSouth

Total Number of Pages: 4

Description of Documents: CompSouth Reply Comments to FCTA and STS Comments.

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03921 MAY 10 2010

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May 10, 2010

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

Re: Docket 000121A -- Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (AT&T FLORIDA TRACK)

Dear Ms. Cole:

In accordance with the April 30 Notice of the Commission staff for reply comments to the Saturn Telecommunication Services ("STS") and Florida Cable Telecommunications Association ("FCTA") submittals of April 23 and April 26, the members of the Competitive Carriers of the South, Inc., ("CompSouth") who entered into the Settlement Agreement with BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T") hereby make the following reply comments.

Contrary to FCTA's suggestion, there was no nefarious conduct whatsoever on the part of CompSouth or any of CompSouth's members in reaching a settlement with AT&T, and we take exception to any allegation or innuendo to the contrary. In November 2009, a group of CompSouth carriers reached out to AT&T to gauge AT&T's interest in settlement. From there, a framework for possible settlement was discussed and basic, high-level deal points of interest to CompSouth and AT&T began to take shape and were negotiated in good faith. These talks were between parties; staff did not participate. The CompSouth negotiating team then noticed calls with FCTA, Comcast and STS for February 26 and March 5. At that time, details of a settlement had not been worked out, and deal points were not immutable: No agreement had

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been signed. CompSouth reached out to FCTA and STS through these calls to solicit input and interest in the potential settlement. On the first call, CompSouth discussed the negotiated deal points (including all of those which later ended up in the Settlement Agreement) and attempted to answer Cable's questions, some of which could not be answered since details were not worked out. STS did not participate in the first call. FCTA members notified CompSouth by email on the morning of the second call scheduled for March 5 to refuse participation and reject interest in settlement. On the second call, STS stated that it opposed settlement. The final terms of the Settlement Agreement were negotiated by AT&T and the CompSouth negotiating team over the course of the following weeks and the Settlement Agreement was filed on March 22, 2010.

In its comments, STS requested reconciliation of "the change of law" language in the SQM and SEEM plans to the "stay-out" of the Settlement Agreement. The parties to the Settlement Agreement believed that plan stability was important. Therefore, they agreed that neither Party would seek non-administrative changes for a period of four years from the date of Commission approval, notwithstanding changes in law during that period. If the Commission decides to make a change to the plans or implement a change of law without the parties' agreement, section I (D) of the Settlement Agreement would apply.

CompSouth is aware that on even date herewith, AT&T is filing reply comments of its own to the STS and FCTA submittals. The CompSouth signatories are not required under the Settlement Agreement to support or agree with AT&T's advocacy in support of the Settlement Agreement, and, therefore will not comment on AT&T's reply comments. The CompSouth signatories support the Settlement Agreement as a reasonable compromise of all of the issues in this matter.

Your assistance is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Matthew Feil

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by E-mail this 10th day of May, 2010:

| | |
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