

Diamond Williams

000121A-TP

From: Martha Johnson [marthaj@fcta.com]
Sent: Wednesday, August 11, 2010 5:11 PM
To: Filings@psc.state.fl.us
Cc: David Konuch; Adam Teitzman; Carolyn Ridley; gene.watkins@cbeyond.net; D. Anthony Mastando; de.oroark@one.verizon.com; Douglas Nelson; gdiamond@covad.com; Jerry Hallenstein; Katherine Mudge; Beth Keating; Lisa Harvey; matt.feil@akerman.com; Robert Culpepper; Susan Berlin; Tracy Hatch; Vicki Kaufman; Greg Follensbee; maryrose.sirianni@att.com; Pauline Evans
Subject: Docket No. 000121A - FCTA's Letter to PSC Staff re: SEEM Consensus
Attachments: 000121 - FCTA's Letter to Staff re SEEM Consensus.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
Senior Counsel, Regulatory Law and Technology
Florida Cable Telecommunications Association
246 E. 6th Avenue
Tallahassee, FL 32303
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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 2 pages.

E. Description of document: FCTA's Letter to PSC Staff re: SEEM Consensus.

Thank you,

Martha Johnson
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Florida Cable Telecommunications Association

Steve Wilkerson, President

VIA ELECTRONIC AND FIRST CLASS MAIL

August 11, 2010

Lisa Harvey, Assistant Director
Jerry Hallenstein, Government Analyst II
Pauline Evans, Counsel
Florida Public Service Commission
2450 Shumard Oak Blvd
Tallahassee, FL 32399-0850

RE: Docket No. 00121A-TP

Dear Ms. Harvey, Mr. Hallenstein, and Ms. Evans,

The Staff recently filed its recommendation in this docket, which reported, among other things, the consensus FCTA reached with AT&T concerning the contents of the SEEM and SQM plans. In its review of Staff's recommendation, FCTA noted phrasing and conclusive statements that, while perhaps wholly unintentional, might benefit from clarification and/or further explanation. FCTA represents cable operators only in Florida but, because it is likely that Commissions and parties in other states will examine what was done in Florida when formulating changes, if any, elsewhere, we offer these brief comments in the spirit of collaboration that has colored this process.

FCTA's Joint Filing with AT&T Represents Consensus on What the Commission Should Approve in the Revised SEEM and SQM Plans. It is Not A "Settlement Agreement." As you know, FCTA and its member companies had been seeking to restart the workshop process in this docket, and had sent several letters to Staff to this effect, the last one dated May 7, 2010. Staff then scheduled a meeting, which took place on July 19, 2010, with all parties to this docket present, with the goal of narrowing the outstanding issues to enable all parties to reach consensus. With the Staff's assistance, AT&T and FCTA were able to narrow the issues, and indeed, reached consensus on changes to the SEEM and SQM plans several weeks later. However, it would be incorrect to refer to this consensus document between AT&T and FCTA as a "settlement agreement." Rather, at the Staff's suggestion, FCTA engaged in fruitful discussions, which resulted in consensus and a joint filing on SEEM and SQM plans that Staff could recommend, and which Staff will continue to monitor.

FCTA's Consensus Document Reflects Operations in Florida, and Not Other States. AT&T and FCTA reached consensus on the terms of the SQM and SEEM plans in Florida. The Staff's Recommendation references an agreement between CompSouth and

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AT&T that would, ostensibly, bind both of those parties in other states. It may be that cable operators and cable associations in other states do not object to the terms of the consensus reached in Florida. However, FCTA has no ability to forge a consensus on behalf of operators in states other than Florida. Therefore, FCTA wishes to clarify for the record that there was no agreement or consensus between FCTA and AT&T that the terms of their consensus should apply in any other states.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Konuch', with a long horizontal flourish extending to the right.

David A. Konuch

Senior Counsel for Regulatory Law & Technology