

Marguerite McLean

110071-TP

From: WOODS, VICKIE (Legal) [vf1979@att.com]
Sent: Wednesday, March 23, 2011 4:35 PM
To: Filings@psc.state.fl.us
Subject: 110071-TP AT&T Florida's Notice of Filing
Importance: High
Attachments: Document.pdf

A. Vickie Woods

BellSouth Telecommunications, Inc. d/b/a AT&T Florida

150 South Monroe Street

Suite 400

Tallahassee, Florida 32301

(305) 347-5560

vf1979@att.com

B. Docket No.: 110071-TP: Emergency Complaint of Express Phone Service, Inc. against

BellSouth Telecommunications, Inc. d/b/a AT&T Florida Regarding Interpretation of the Parties'

Interconnection Agreement

C. BellSouth Telecommunications, Inc. d/b/a AT&T Florida

on behalf of Tracy W. Hatch

D. 6 pages total (includes letter, certificate of service and pleading)

E. BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Notice of Filing

.pdf

<<Document.pdf>>

DOCUMENT NUMBER DATE

01939 MAR 23 =

FPSC-COMMISSION CLERK



Tracy W. Hatch
General Attorney

AT&T Florida
150 South Monroe Street
Suite 400
Tallahassee, FL 32301

T: (850) 577-5508
thatch@att.com

March 23, 2011

Ann Cole, Commission Clerk
Office of the Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No.: 110071-TP: Emergency Complaint of Express Phone Service, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida Regarding Interpretation of the Parties' Interconnection Agreement

Dear Ms. Cole:

Enclosed is BellSouth Telecommunications, Inc. d/b/a AT&T Florida's Notice of Filing, which we ask that you file in the captioned docket.

A copy of this letter is enclosed. Please mark it to indicate that the original was filed and return the copy to me. Copies have been served to the parties shown on the attached Certificate of Service.

Sincerely,



Tracy W. Hatch

cc: All Parties of Record
Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

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CERTIFICATE OF SERVICE
Docket No. 110071-TP

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via

First Class U.S. Mail this 23rd day of March, 2011 to the following:

Theresa Tan
Staff Counsel
Florida Public Service
Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ltan@psc.state.fl.us

Express Phone Service
Mr. Tom Armstrong
1803 West Fairfield Drive, Unit 1
Pensacola, FL 32501-1040
Tel. No.: (850) 291-6415
Fax No.: (850) 308-1151
tom@dei.gccoxmail.com

Keefe Law Firm
Vicki Gordon Kaufman
118 North Gadsden Street
Tallahassee, FL 32301
Tel. No.: 850-681-3828
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Mark Foster
707 West Tenth Street
Austin, Texas 78701
Tel. No. (512) 708-8700
Fax No. (512) 697-0058
mark@mfoosterlaw.com



Tracy W. Hatch

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Emergency Complaint of Express)
Phone Service, Inc. against BellSouth)
Telecommunications, Inc. d/b/a AT&T)
Florida Regarding Interpretation of the)
Parties' Interconnection Agreement)
_____)

Docket No. 110071-TP

Filed: March 23, 2011

AT&T FLORIDA'S NOTICE OF FILING

BellSouth Telecommunications, Inc. d/b/a AT&T Florida ("AT&T Florida") hereby files the attached correspondence in the above referenced docket.

Respectfully submitted this 23rd day of March, 2011.



E. Earl Edenfield, Jr.
Tracy W. Hatch
Manuel A. Gurdian
AT&T Florida
c/o Gregory R. Follensbee
150 South Monroe Street
Suite 400
Tallahassee, FL 32301
Tel. No. (305) 347-5558
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ATTORNEYS FOR BELL SOUTH
TELECOMMUNICATIONS, INC., d/b/a
AT&T FLORIDA

DOCUMENT NO. DATE

01939-11 3/23/11
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Tracy W. Hatch
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March 23, 2011

VIA E-MAIL AND U.S. MAIL

Ms. Ann Cole
Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 323099

Re: Docket No. 110071-TP - In re: Emergency Complaint of Express Phone Service, Inc. against BellSouth Telecommunications, Inc. d/b/a AT&T Florida Regarding Interpretation of the Parties' Interconnection Agreement

Dear Ms. Cole:

This letter is in response to the letter filed yesterday, March 22, 2011 in the above referenced docket by Express Phone Services, Inc. ("Express Phone"). The letter from Express Phone, while ostensibly a cover letter conveying a suggested customer notification letter, is a blatant attempt to blame AT&T Florida for the plight of Express Phone and its affect on its customers.¹ Any disruption of service to Express Phone's customers is solely the result of Express Phone's long and continuing refusal to abide by the clear and unambiguous terms of its interconnection agreement with AT&T Florida and to timely pay its bills for service.

Contrary to Express Phone's assertions, AT&T Florida has never refused to work with Express Phone regarding its failure to pay its bill. AT&T Florida has worked with Express Phone for weeks to forestall suspension and disconnection of service to Express Phone. However, as noted by Express Phone, no agreement has been reached. Express Phone is either unable or unwilling to pay its past due bills in full as required by the clear and unambiguous terms of the parties' interconnection agreement. Without payment, AT&T Florida simply can not continue to let the substantial and increasing amounts due go unpaid.

Express Phone complains that it has not had enough time to provide adequate notice to its customers of the impending service disruption but Express Phone has been or should have been aware of the potential for disruption when it began refusing to pay its bills. Express Phone had actual notice of the potential for disruption when it received AT&T Florida's request for payment of past due amounts on February 23, 2011. Express Phone's fate is in its own hands and its failure to plan for adequate notice to its customers is its sole responsibility.

¹ Express Phone's attempt to level blame on AT&T Florida for its situation it akin to jumping out of an airplane fully aware that you don't have a parachute and then blaming the pilot of the plane when it turns out badly for the jumper.

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AT&T Florida further objects to the text of the draft customer notice provided with its letter. The customer notice letter continues Express Phone's blame game by trying to besmirch AT&T Florida for Express Phone's own failures to honor its obligations under its interconnection agreement and ultimately to its customers. Accordingly, AT&T Florida suggests that the customer notice letter be limited to simply notifying customers of the impending service disruption consistent with the letter utilized in prior proceedings of this nature such as Docket No. 100021-TP. A suggested letter is attached.

Sincerely,

A handwritten signature in black ink, appearing to read 'TW Hatch for', written in a cursive style.

Tracy W. Hatch

cc: All Parties of Record
Jerry D. Hendrix
Gregory R. Follensbee
E. Earl Edenfield, Jr.

DRAFT

Dear Customer,

In accordance with the rules of the Florida Public Service Commission, this letter it to notify you that your local telephone service from Express Phone will not be available after _____. This is the result of a billing dispute between Express Phone and its wholesale supplier. You may wish to select another carrier as your local telephone company before _____.

You may have a choice of different telephone service providers. If you do not complete the process of changing service to another provider before _____, your service from Express Phone is subject to termination and, after that date, it could be difficult to keep your same telephone number with a new provider. There are a number of other local providers in your area, and a list can be found in your local telephone directory. The services and offers from these providers will vary and a service transfer fee may apply.

If you have any questions about this letter, you may contact an Express Phone customer service representative at _____ or call the Florida Public Service Commission at 1-800-342-3552.