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February 11, 2009

filed electronically 2/11/09

Hon. Eddie Roberson, Chairman
c/o Sharla Dillon
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37238

Dear Chairman Roberson:

Consistent with the correspondence and the Accessible Letter sent to the CLECs on or about December 11, 2008, this is to notify the Authority that an unforeseeable water main break that occurred outside of AT&T's data center in St. Louis, Missouri resulted in flooding that caused a power outage in the data center ("the outage"). The outage occurred on December 6, 2008, and impacted AT&T's retail and wholesale operations throughout its 22-state region. The outage, which could not have been anticipated nor prevented by AT&T, interfered with AT&T's ability to process orders which are handled in the St. Louis data center. As it relates to performance that is measured by the SQM/SEEM Plan, the outage prevented AT&T from meeting the performance standards associated with two ordering metrics – specifically the ordering measures known as Reject Interval ("RI") and Firm Order Confirmation Timeliness ("FOCT").

Accordingly, pursuant to Section 4.5.2 of the SEEM Plan,¹ BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee ("AT&T Tennessee") hereby declares the outage a *Force Majeure* Event that prevented AT&T Tennessee from meeting the performance standards associated with the RI and FOCT measures on the following dates:²

¹SEEM Plan, Section 4.5.2 provides in relevant part that AT&T "shall not be obligated to pay Tier-1 or Tier-2 Enforcement Mechanisms (SEEM payments) for non-compliance with a performance measurement if such non-compliance was the result of any *Force Majeure* Event that either directly or indirectly prevented, restricted, or interfered with performance as measured by the SQM/SEEM Plan." Section 4.5.2 specifically identifies a flood as a *Force Majeure* Event.

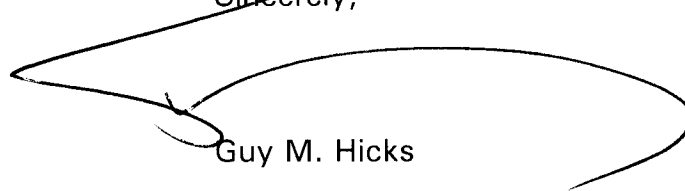
²Because of AT&T's restoration and recovery efforts, the outage impacted AT&T's performance for a limited duration. Accordingly, the requirements of SEEM Sections 4.5.2.4 and 4.5.2.5 are not applicable.

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- FOCT Fully Mechanized – December 8 and 9, 2008
- FOCT Partially Mechanized – December 8, 9, 10, 11, and 12, 2008
- RI Fully Mechanized – December 8, 2008
- RI Partially Mechanized – December 8, 9, 10, and 11, 2008

Enclosed with this filing are two documents which demonstrate the impact – on a nine-state southeast regional basis – the outage had on the above-mentioned ordering measures. Because the *Force Majeure* Event prevented AT&T from meeting the performance standards associated with these measures on the dates identified herein, AT&T will not make any SEEM payments associated with such measures on the dates identified herein.

Sincerely,

A handwritten signature in black ink, appearing to read "Guy M. Hicks", with a large, sweeping loop extending to the right.

Enclosures

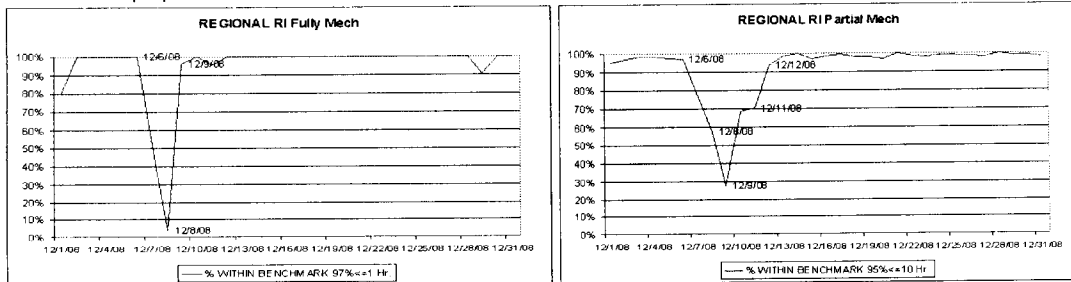
cc: Counsel for parties of record in Docket 04-00150
Robert Culpepper

Nine-State Southeast Region

0-8 [RI]: Reject Interval

RI-REGIONAL FULLY MECHANIZED				RI-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 97%≤1 Hr.	DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95%≤10 Hr.
12/1/08	4086	815	80.05%	12/1/08	2134	104	95.13%
12/2/08	3292	4	99.88%	12/2/08	949	28	97.05%
12/3/08	3813	1	99.97%	12/3/08	1044	12	98.85%
12/4/08	3807	0	100.00%	12/4/08	1076	12	98.88%
12/5/08	3091	4	99.87%	12/5/08	1115	26	97.67%
12/6/08	958	0	100.00%	12/6/08	133	4	96.99%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	3832	3681	3.94%	12/8/08	221	93	57.92%
12/9/08	4250	156	96.33%	12/9/08	1743	1261	27.65%
12/10/08	3508	0	100.00%	12/10/08	1162	365	68.59%
12/11/08	3512	170	95.16%	12/11/08	1061	312	70.59%
12/12/08	2918	0	100.00%	12/12/08	882	56	93.65%
12/13/08	1289	0	100.00%	12/13/08	156	2	98.72%
12/14/08	330	0	100.00%	12/14/08	9	0	100.00%
12/15/08	3941	0	100.00%	12/15/08	1340	40	97.01%
12/16/08	3344	1	99.97%	12/16/08	1172	13	98.89%
12/17/08	3960	0	100.00%	12/17/08	960	6	99.38%
12/18/08	3827	1	99.97%	12/18/08	909	14	98.46%
12/19/08	3377	1	99.97%	12/19/08	1058	18	98.30%
12/20/08	1052	0	100.00%	12/20/08	277	8	97.11%
12/21/08	172	0	100.00%	12/21/08	26	0	100.00%
12/22/08	3827	1	99.97%	12/22/08	1391	18	98.71%
12/23/08	3172	2	99.94%	12/23/08	969	15	98.45%
12/24/08	2499	0	100.00%	12/24/08	1001	10	99.00%
12/25/08	426	0	100.00%	12/25/08	0	0	0.00%
12/26/08	2601	1	99.96%	12/26/08	783	11	98.60%
12/27/08	831	0	100.00%	12/27/08	99	2	97.98%
12/28/08	235	0	100.00%	12/28/08	3	0	100.00%
12/29/08	3753	346	90.78%	12/29/08	981	10	98.98%
12/30/08	3950	0	100.00%	12/30/08	725	7	99.03%
12/31/08	2893	0	100.00%	12/31/08	875	19	97.83%
TOTAL	82546	5184	93.72%	TOTAL	24254	2466	89.83%

For illustrative purposes dates where there were no RI Responses have been removed from the charts below.

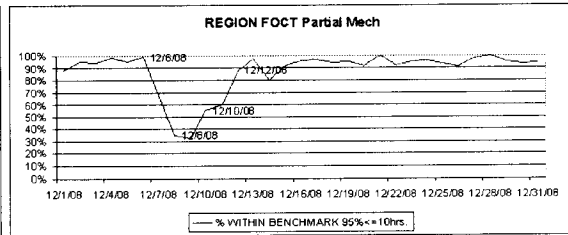
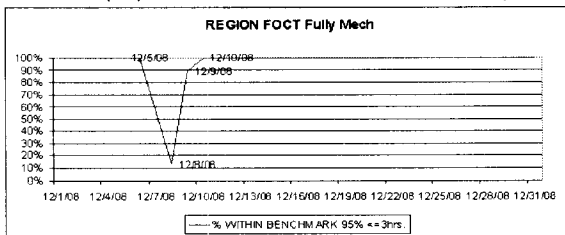


Nine-State Southeast Region

0-9 [FOCT]: Firm Order Confirmation Timeliness

FOCT-REGIONAL FULLY MECHANIZED				FOCT-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=3hrs.	DATE	TOTAL FOCT RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <=10hrs.
12/1/08	22304	12	99.95%	12/1/08	1335	164	87.72%
12/2/08	21594	23	99.89%	12/2/08	1861	93	95.00%
12/3/08	19280	15	99.92%	12/3/08	1380	82	94.06%
12/4/08	18127	12	99.93%	12/4/08	1927	38	98.03%
12/5/08	15953	14	99.91%	12/5/08	1377	62	95.50%
12/6/08	3634	1	99.97%	12/6/08	327	4	98.78%
12/7/08	0	0	0.00%	12/7/08	0	0	0.00%
12/8/08	16815	14633	12.98%	12/8/08	158	103	34.81%
12/9/08	23324	2478	89.38%	12/9/08	1669	1136	31.94%
12/10/08	16916	10	99.94%	12/10/08	1761	795	54.86%
12/11/08	16919	9	99.95%	12/11/08	1331	524	60.63%
12/12/08	14105	14	99.90%	12/12/08	1227	150	87.78%
12/13/08	5018	4	99.92%	12/13/08	381	10	97.38%
12/14/08	961	0	100.00%	12/14/08	5	1	80.00%
12/15/08	21171	13	99.94%	12/15/08	1200	98	91.83%
12/16/08	17860	12	99.93%	12/16/08	1522	66	95.66%
12/17/08	18335	15	99.92%	12/17/08	1190	39	96.72%
12/18/08	17927	14	99.92%	12/18/08	1186	75	93.68%
12/19/08	14411	4	99.97%	12/19/08	1100	58	94.73%
12/20/08	4050	3	99.93%	12/20/08	490	38	92.24%
12/21/08	688	0	100.00%	12/21/08	20	0	100.00%
12/22/08	21148	6	99.97%	12/22/08	972	80	91.77%
12/23/08	16597	11	99.93%	12/23/08	1120	63	94.38%
12/24/08	10883	6	99.94%	12/24/08	1095	45	95.89%
12/25/08	1435	0	100.00%	12/25/08	6	0	0.00%
12/26/08	10725	5	99.95%	12/26/08	603	54	91.04%
12/27/08	3348	1	99.97%	12/27/08	199	6	96.98%
12/28/08	671	0	100.00%	12/28/08	8	0	100.00%
12/29/08	20346	7	99.97%	12/29/08	815	36	95.58%
12/30/08	19808	7	99.96%	12/30/08	1117	75	93.29%
12/31/08	16667	4	99.98%	12/31/08	1525	96	93.70%
TOTAL	411020	17333	95.78%	TOTAL	28907	3991	86.19%

For illustrative purposes dates where there were no FOC Responses have been removed from the charts below.

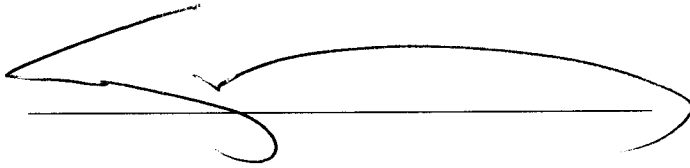


CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2009, a copy of the foregoing document was served on the following, via hand delivery, facsimile, overnight, electronic mail or US Mail, addressed as follows:

- ☐ Hand
- ☐ Mail
- ☐ Facsimile
- ☐ Overnight
- ☒ Electronic

Henry Walker, Esquire
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Nashville, TN 37219-8062
hwalker@boultcummings.com

A handwritten signature in black ink, appearing to be "H. Walker", written over a horizontal line.