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June 11, 2009

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

filed electronically in docket office on 06/11/09  
Docket No. 09-00083

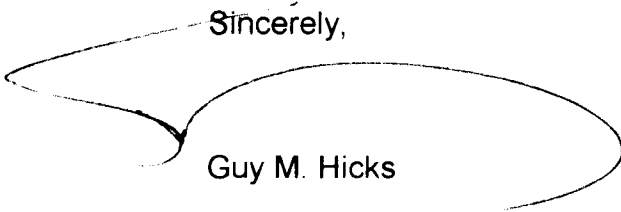
RE: *Petition Requesting Relief from Paying Fines Associated with Reposting  
SQM Performance Data*

Dear Chairman Roberson:

BellSouth Telecommunications, Inc. d/b/a AT&T Tennessee is hereby submitting to the Tennessee Regulatory Authority the original plus four paper copies and one electronic copy of the attached Petition Requesting Relief from Paying Fines Associated with Reposting SQM Performance Data.

Thank you for your attention to this matter.

Sincerely,



Guy M. Hicks

Enclosures

cc Counsel for parties of record in Docket 04-00150

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
Nashville, Tennessee

In Re: *Petition Requesting Relief from Paying Fines Associated with  
Reposting SQM Performance Data*

Docket No. \_\_\_\_\_

PETITION REQUESTING RELIEF FROM PAYING FINES ASSOCIATED  
WITH REPOSTING SQM PERFORMANCE DATA

INTRODUCTION

AT&T recently discovered a mistake in certain performance data that has been posted as required by the SEEM plan. Specifically, an error in the coding that is used to post information caused certain activity to be posted under Resale results when it should have been posted under UNE results. Fortunately, the coding used to post information is different from the coding used to calculate SEEMS remedies, and the coding used to calculate SEEMS remedies was correct at all times. Accordingly, all SEEM remedy obligations and SEEM liability calculations were correctly processed at all times, and all CLECs have received the appropriate payments under the SEEM Plan.

The SEEM Plan, however, requires AT&T to repost the corrected data.<sup>1</sup> Absent the relief AT&T Tennessee is seeking in this Petition, this reposting would result in AT&T Tennessee paying a fine of approximately \$35,200 (and in AT&T paying fines totaling approximately \$316,800 in its nine-state Southeast region)<sup>2</sup> AT&T Tennessee respectfully submits that under the circumstances (which

<sup>1</sup> See Appendix D of the SQM Plan and Appendix F of the SEEM Plan

<sup>2</sup> See Section 2.6 of the SEEM Plan

include no harm to CLECs and self-reporting by AT&T), a fine of this magnitude is unduly punitive, excessive, and inconsistent with the purposes of the reposting obligations. Anticipating situations like this, the SEEM Plan allows AT&T Tennessee to “petition the [Authority] to consider relief based upon other circumstances.”<sup>3</sup>

AT&T Tennessee, therefore, respectfully requests that the Tennessee Regulatory Authority (“Authority”) enter an Order relieving AT&T Tennessee of any obligation to pay the aforementioned reposting fine.<sup>4</sup>

### **DISCUSSION**

The Service Order Accuracy (“SOA”) reposting obligation relates to coding changes made to correct the “bucketing” of local number portability (“LNP”) transactions from Resale to UNE. Specifically, LNP activity for SOA was mapped to the Resale disaggregation results in the SQM performance reports when the transactions should have been mapped to the UNE disaggregation results. Changes were properly made to the coding used to calculate SEEM remedies, but a corresponding correction was not contemporaneously made to the SQM code. While validating performance data for March 2009, AT&T identified a reposting obligation related to this data reporting issue. There are no additional SEEM remedy obligations as SEEM liability calculations, which rely on a different code set, were correctly processed at all times. In accordance with Appendix D,

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<sup>3</sup> See Section 4.5.3 of the SEEM Plan.

<sup>4</sup> AT&T intends to pay the reposting fine in accordance with the time frame set forth in Section 2.6 of the SEEM Plan. If the Authority grants AT&T’s petition and that grant is after AT&T has processed payment, AT&T will recover the fine by offsetting the fine amount against future Title II liabilities.

SQM Performance data will be reposted for a maximum of three months in arrears from the data month of detection, March 2009.

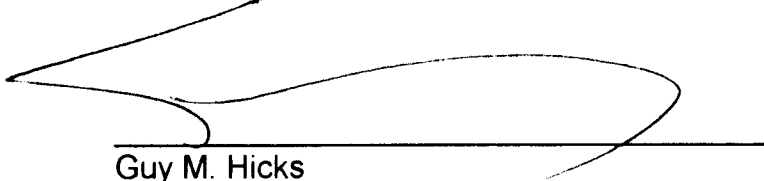
The SOA reposting, without Authority relief, will result in fines far exceeding the significance of the administrative error, as AT&T has timely paid remedies to CLECs. The purpose of the reposting obligation is to encourage AT&T to correctly report data relied upon to calculate SEEM payments. In this case where SEEM remedy payments were unaffected by the error and where AT&T has properly self-reported and arranged for the necessary coding corrections, payment of a fine exceeding a quarter of a million dollars in the Southeast region seems inconsistent with the intent of the plan. Moreover, payment of this fine to the Authority and other state Commissions comprising AT&T's Southeast region will in no way benefit AT&T's wholesale customers. Under these circumstances the reposting fine would be unduly punitive and inconsistent with the intent of the reposting obligation. Accordingly, AT&T Tennessee respectfully requests that the Authority relieve AT&T Tennessee of any obligation to pay a reposting fine in connection with the SOA data reporting error.

**CONCLUSION**

AT&T respectfully requests the Authority grant this petition.

Respectfully submitted,

BELLSOUTH TELECOMMUNICATIONS, INC.  
dba AT&T TENNESSEE

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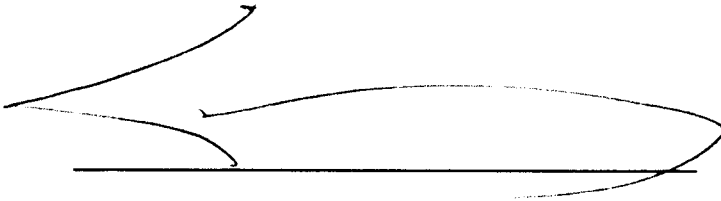
Guy M. Hicks  
Joelle Phillips  
333 Commerce Street, Suite 2101  
Nashville, Tennessee 37201-3300  
615) 214-6301

## CERTIFICATE OF SERVICE

I hereby certify that on June 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  
Bradley Arant Boult Cummings  
P. O. Box 198062  
Nashville, TN 37219-8062  
[hwalker@boultcummings.com](mailto:hwalker@boultcummings.com)

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4. While validating performance data for March 2009, AT&T identified a reposting obligation related to the data reporting issue described in AT&T Tennessee's Petition.

5. As a result of a coding error, LNP activity for Service Order Accuracy (SOA)<sup>1</sup> was mapped to the Resale disaggregation results in the SQM performance reports when the transactions should have been mapped to the UNE disaggregation results.

6. The coding used to post SQM performance results is different from the coding used to calculate SEEM remedies, and the coding used to calculate SEEM remedies was correct at all times.

7. All SEEM remedy obligations and SEEM liability calculations were correctly processed at all times, and all CLECs have received the appropriate payments under the SEEM Plan.

7. AT&T has arranged for the necessary coding corrections to address the error that occurred.

8. There are no additional SEEM remedy obligations as SEEM liability calculations, which rely on a different code set, were correctly processed at all times.

9. Absent the relief AT&T is seeking in its Petition, the reposting addressed in AT&T Tennessee's Petition would result in AT&T paying a fine

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<sup>1</sup>In general, SOA measures the accuracy and completeness of CLEC requests for service by comparing the CLEC's Local Service Request (LSR) to the completed service order after provisioning has been accomplished.



of approximately \$35,200 in Tennessee (and fines of approximately \$316,800 in AT&T's nine-state Southeast region).

  
\_\_\_\_\_  
AFFIANT

Sworn to and subscribed before me this 9<sup>th</sup> day of June, 2009.

  
\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: **COLLEEN B. LEWIS**  
**Notary Public, Gwinnett County, Georgia**  
~~My Commission Expires January 12, 2011~~