AT&T South Carolina
1600 Williams Street
Suite 5200
Columbia, SC 29201

T: 803.401-2900
F: 803.254.1731
patrick.turner.1@att.com
www.att.com

June 9, 2009

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: Application of BellSouth Telecommunications, Inc. to Provide In-Region InterLATA Services Pursuant to Section 271 of the Telecommunications Act of 1996
Docket No. 2001-209-C

Dear Mr. Terreni:

Enclosed for filing is AT&T South Carolina's Petition for Waiver of SEEM Plan Fine and a supporting Affidavit.

By copy of this letter, I am serving all parties of record with a copy of this pleading as indicated on the attached Certificate of Service.

Sincerely,

Patrick Turner

Patrick W. Turner

PWT/nml
Enclosure
cc: All Parties of Record
737045

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

In Re:	)	
	)	
Application of BellSouth	)	
Telecommunications, Inc. to Provide In-	)	
Region InterLATA Services Pursuant to	)	Docket No. 2001-209-C
Section 271 of the Telecommunications Act	)	
of 1996	)	

AT&T SOUTH CAROLINA'S PETITION FOR WAIVER OF SEEM PLAN FINE

BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T") recently discovered a mistake in certain performance data that has been posted as required by the SQM plan. Specifically, an error in the coding that is used to post information caused certain activity for the Service Order Accuracy ("SOA") measurement to be posted under Resale results when it should have been posted under UNE results. Fortunately, 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. 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 SQM Plan, however, requires AT&T to repost the corrected data.[1] Absent the relief AT&T is seeking in this Petition, this reporting would result in AT&T South Carolina paying a fine of approximately $35,200 in South Carolina (and in AT&T paying fines of approximately $316,800 in its nine-state Southeast region).[2] AT&T respectfully submits that under the circumstances (which include no harm to CLECs and self-reporting by AT&T), a fine of this

---

1 See Appendix D of the SQM Plan and Appendix F of the SEEM Plan.
2 See Section 2.6 of the SEEM Plan.

magnitude is punitive, excessive and inconsistent with the purposes of the reposting obligation. Anticipating situations like this, the SEEM Plan allows AT&T to "petition the Commission to consider relief based upon other circumstances."[3]

AT&T, therefore, respectfully requests that the Public Service Commission of South Carolina ("Commission") enter an Order relieving AT&T of any obligation to pay the aforementioned reposting fine.[4] Exhibit A to this Petition is the Affidavit of Ronald M. Pate that supports the facts set forth herein.

DISCUSSION

The 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 Service Order Accuracy (SOA)[5] 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, SQM Performance data will be reposted for a maximum of three months in arrears from the data month of detection, March 2009.

---

[3] See Section 4.5.3 of the SEEM Plan.

[4] 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 Commission 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 Tier II liabilities.

[5] 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.

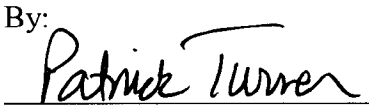
Without Commission relief, the SOA reposting will result in fines far exceeding the significance of the administrative error, as AT&T has timely paid remedies to CLECs. The purpose of the reposting obligation is to encourage AT&T to correctly report data relied upon to calculate SEEM payments. In this 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 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 respectfully requests that the Commission relieve AT&T of any obligation to pay a reposting fine in connection with the SOA data reporting error.

CONCLUSION

AT&T respectfully requests the Commission grant this Petition.

Respectfully submitted, this 9th day of June 2009.

By:



Patrick W. Turner
1600 Williams Street, Suite 5200
Columbia, South Carolina 29201
(803) 401-2900 (telephone)
(803) 254-1731 (facsimile)

ATTORNEY FOR BELLSOUTH TELECOMMUNICATIONS, INC., D/B/A/ AT&T SOUTH CAROLINA

736944

EXHIBIT A

AFFIDAVIT

STATE OF GEORGIA)
)
COUNTY OF FULTON)

Before me, the undersigned authority, duly commissioned and qualified in and for the State and County aforesaid personally came and appeared Ronald M. Pate who, being by me first duly sworn, deposed and said that:

1. I, Ronald M. Pate, am employed by AT&T Operations, Inc. as a Director – Network Regulatory.

2. I am submitting this affidavit in support of Petition for Waiver of SEEM Plan Fine ("Petition") AT&T South Carolina filed with the Public Service Commission of South Carolina ("Commission") on or about June 9, 2009.

3. I am familiar with the SEEM Plan and the SQM Plan, and I have personal knowledge of the facts set forth herein.

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

5. As a result of a coding error, LNP activity for Service Order Accuracy (SOA)[1] 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.

---

[1] 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.

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.

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

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

10. Absent the relief AT&T is seeking in its Petition, the reposting addressed in AT&T South Carolina's Petition would result in AT&T paying a fine of approximately $35,200 in South Carolina (and fines of approximately $316,800 in AT&T's nine-state Southeast region).

AFFIANT

Sworn to and subscribed before me this 9th day of June, 2009.

NOTARY PUBLIC

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

[SEAL]

STATE OF SOUTH CAROLINA)
) CERTIFICATE OF SERVICE
COUNTY OF RICHLAND)

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T") and that she has caused AT&T South Carolina's Petition for Waiver of SEEM Plan Fine and a Supporting Affidavit in Docket No. 2001-209-C to be served upon the following on June 9, 2009:

Florence P. Belser, Esquire
General Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201
(Electronic Mail)

F. David Butler, Esquire
Senior Counsel
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Joseph Melchers
Chief Counsel
S.C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Jocelyn G. Boyd, Esquire
Staff Attorney
S. C. Public Service Commission
Post Office Box 11649
Columbia, South Carolina 29211
(PSC Staff)
(Electronic Mail)

Russell B. Shetterly, Esquire
P. O. Box 8207
Columbia, South Carolina 29202
(Knology of Charleston and Knology of
South Carolina, Inc.)
(Electronic Mail)

John F. Beach, Esquire
John J. Pringle, Jr., Esquire
Ellis Lawhorne & Sims, P.A.
Post Office Box 2285
Columbia, South Carolina 29202
(Resort Hospitality Services, Inc., NuVox Communications, Inc., AIN and Momentum Business Solutions, Inc.)
(Electronic Mail)

Marsha A. Ward, Esquire
MCI WorldCom, Inc.
Law and Public Policy
6 Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
(MCI)
(Electronic Mail)

Frank R. Ellerbe, Esquire
Bonnie D. Shealy, Esquire
Robinson, McFadden & Moore, P.C.
1901 Main Street, Suite 1200
Post Office Box 944
Columbia, South Carolina 29202
(SCCTA)
(Electronic Mail)

Genevieve Morelli
Kelley, Drye & Warren, LLP
1200 19th Street, N.W.
Washington, D.C. 20036
(KMC Telecom III, Inc.)
(Electronic Mail)

William R. Atkinson
Director – State Regulatory Affairs
233 Peachtree Street, N.E.
Suite 2200
Atlanta, GA 30303
(Sprint/Nextel)
(Electronic Mail)

Cheryl Sweitzer
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0303-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

Jack Derrick
EMBARQ
14111 Capital Boulevard
Mailstop NCWKFR0313-3192
Wake Forest, North Carolina 27587
(Sprint/United Telephone)
(Electronic Mail)

M. Zel Gilbert, Esquire
Director-External Affairs - Sprint
1122 Lady Street, Suite 1050
Columbia, South Carolina 29201
(Sprint/United Telephone Company)
(Electronic Mail)

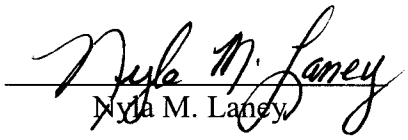
Bonnie D. Shealy, Esquire
Robinson McFadden & Moore, P.C.
1901 Main Street, Suite 1200
P. O. Box 944
Columbia, South Carolina 29202
(US LEC)
(Electronic Mail)

Andrew O. Isar
Director – State Affairs
7901 Skansie Avenue, Suite 240
Gig Harbor, WA 98335
(ASCENT)
(Electronic Mail)

Anthony Mastando
ITC^DeltaCom/BTI
7037 Old Madison Pike
Suite 400
Huntsville, Alabama 35806
(Electronic Mail)

Tami Azorsky, Esquire
McKenna & Cuneo, LLP
1900 K Street, N.W.
Washington, DC 20006
(AT&T)
(Electronic Mail)

Robert E. Tyson, Esquire
Sowell Gray Stepp & Laffitte, LLC
1310 Gadsden Street
Columbia, South Carolina 29211
(CompSouth)
(Electronic Mail)



Nyla M. Laney

DM5 # 401224