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February 11, 2009

Mr. Jeff Derouen  
Executive Director  
Public Service Commission  
211 Sower Boulevard  
P. O. Box 615  
Frankfort, KY 40602

Re: Investigation Concerning the Propriety of InterLATA Services by BellSouth Telecommunications, Inc. Pursuant to the Telecommunications Act of 1996  
PSC 2001-00105

Petition of BellSouth Telecommunications, Inc. for the Establishment of a New Performance Plan  
PSC 2004-00391

Dear Mr. Derouen:

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 or 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,<sup>1</sup> BellSouth Telecommunications, Inc. d/b/a AT&T Kentucky ("AT&T Kentucky") hereby declares the outage a Force Majeure Event that prevented AT&T Kentucky from meeting the

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<sup>1</sup> SEEM 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.

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performance standards associated with the RI and FOCT measures on the following dates:<sup>2</sup>

- 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 the outage had on the above-mentioned ordering measures on a regional basis. 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.

The attached certificate of service certifies that this filing was filed electronically today and a copy of the Read1st document has been served by email on parties of record. Parties of record can access the information at the Commission's Electronic Filing Center located at <http://psc.ky.gov/efs/efsmain.aspx>.

Please let me know if you have any questions.

Sincerely,



Mary K. Keyer  
General Counsel/Kentucky

Enclosures

cc: Parties of Record


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<sup>2</sup> Because 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.

## CERTIFICATION

I hereby certify that the electronic version of this filing made with the Commission this 11th day of February 2009 is a true and accurate copy of the documents filed herewith in paper form on February 11, 2009, and the electronic version of the filing has been transmitted to the Commission. A copy of the Read1st document has been served electronically on all parties of record.

  
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Mary K. Keyer

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