



AT&T Kentucky  
601 W. Chestnut Street  
Room 407  
Louisville, KY 40203

T: 502.582.8219  
F: 502.582.1573  
mary.keyer@att.com

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

---

<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.

Mr. Jeff Derouen  
February 11, 2009  
Page 2

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

729593

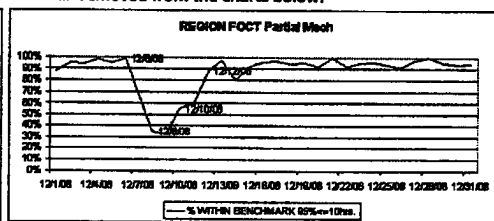
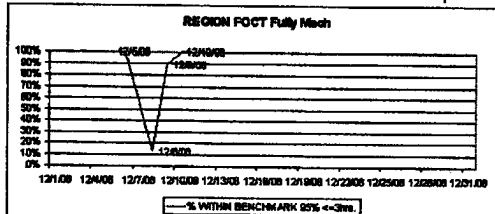
---

<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.

## 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%
<b>TOTAL</b>	<b>411020</b>	<b>17333</b>	<b>95.78%</b>	<b>TOTAL</b>	<b>28907</b>	<b>3991</b>	<b>86.19%</b>

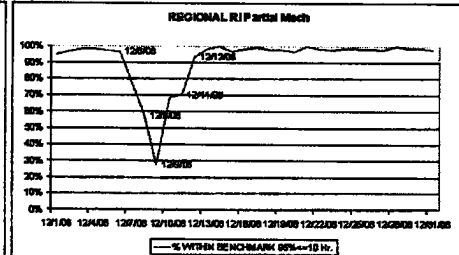
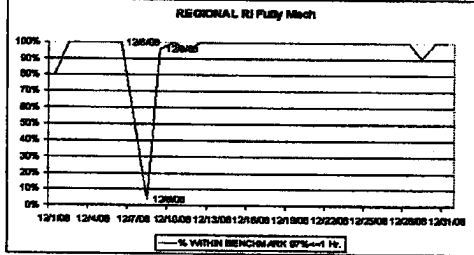
For illustrative purposes dates where there were no FOC Responses have been removed from the charts below.



## Nine-State Southeast Region 0-8 [RI]: Reject Interval

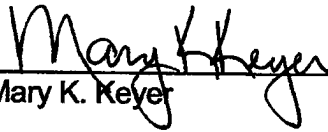
RI-REGIONAL FULLY MECHANIZED				RI-REGIONAL PARTIALLY MECHANIZED			
DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 97% <= 1 Hr.	DATE	TOTAL RI RESPONSES	RESPONSE BENCHMARK MISSED	% WITHIN BENCHMARK 95% <= 10 Hr.
12/1/08	4086	815	80.05%	12/1/08	2134	104	95.13%
12/2/08	3292	4	99.88%	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%
<b>TOTAL</b>	<b>82546</b>	<b>5184</b>	<b>93.72%</b>	<b>TOTAL</b>	<b>24254</b>	<b>2466</b>	<b>89.83%</b>

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



## 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.

  
\_\_\_\_\_  
Mary K. Keyer

**COMBINED SERVICE LIST – PSC 2001-105 AND 2004-00391**

Honorable William R. Atkinson  
Sprint Communications Company L.P.  
Southeast Division  
233 Peachtree Street, N.E.  
Suite 2200  
Atlanta, GA 30303  
[bill.atkinson@sprint.com](mailto:bill.atkinson@sprint.com)

Honorable Jonathon N. Amlung  
1000 Republic Building  
429 W. Muhammad Ali Blvd.  
Louisville, KY 40202-2347  
[Jonathon@amlung.com](mailto:Jonathon@amlung.com)

Honorable Donna McNulty  
MCI WorldCom  
6 Concourse Parkway, Suite 3200  
Atlanta, GA 30328  
[donna.mculty@mci.com](mailto:donna.mculty@mci.com)

Tony Mastando  
ITC^ DeltaCom Communications, Inc.  
7037 Old Madison Pike, Suite 400  
Huntsville, AL 35806  
[tony.mastando@itcdeltacom.com](mailto:tony.mastando@itcdeltacom.com)

David Eppsteiner  
AT&T Communications of the  
South Central States  
1230 Peachtree Street  
4th Floor, Room 4W26  
Atlanta, GA 30309  
[eppsteiner@att.com](mailto:eppsteiner@att.com)

Honorable C. Kent Hatfield  
Honorable Douglas F. Brent  
Stoll, Keenon & Park, LLP  
2650 AEGON Center  
400 West Market Street  
Louisville, KY 40202  
[Kent.hatfield@skofirm.com](mailto:Kent.hatfield@skofirm.com)  
[douglas.brent@skofirm.com](mailto:douglas.brent@skofirm.com)

Honorable Dennis G. Howard II  
Assistant Attorney General  
Office of the Attorney General  
Utility & Rate Intervention Division  
1024 Capital Center Drive, Suite 200  
Frankfort, KY 40601-8204  
[dennis.howard@ag.ky.gov](mailto:dennis.howard@ag.ky.gov)

Honorable John N. Hughes  
124 West Todd Street  
Frankfort, KY 40601  
[inhughes@fewpb.net](mailto:inhughes@fewpb.net)

Honorable Eric N. Ison  
Hon. Quint McTyeire  
Greenebaum Doll & McDonald PLLC  
3300 National City Tower  
101 South Fifth Street  
Louisville, KY 40202-3197  
[eli@gdm.com](mailto:eli@gdm.com)  
[hnm@gdm.com](mailto:hnm@gdm.com)

Honorable Wanda G. Montano  
Mr. Bryan Antley  
US LEC of North Carolina, LLC  
Morrocroft III  
6801 Morrison Blvd.  
Charlotte, NC 28211  
[wmontano@uslec.com](mailto:wmontano@uslec.com)  
[bantley@uslec.com](mailto:bantley@uslec.com)

Honorable John E. Selent  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202  
[john.selent@dinslaw.com](mailto:john.selent@dinslaw.com)

Honorable Katherine K. Yunker  
Yunker & Associates  
P. O. Box 21784  
Lexington, KY 40522-1784  
[yunker@desuetude.com](mailto:yunker@desuetude.com)

Liz Thacker  
SouthEast Telephone, Inc.  
106 Power Drive  
P. O. Box 1001  
Pikeville, KY 41502-1001

[Liz.thacker@setel.com](mailto:Liz.thacker@setel.com)

Jim Bellina

Dialog Telecommunications, Inc.

756 Tyvola Road, Suite 100

Charlotte, NC 28217

[jim@calldialog.com](mailto:jim@calldialog.com)

Katherine Mudge

Covad Communications Company

7000 N. Mopac Expressway, 2<sup>nd</sup> Floor

Austin, TX 78731

[kmudge@covad.com](mailto:kmudge@covad.com)

Barbara Brohl

Qwest Communications Services

1801 California Street, 10th Floor

Denver, CO 80202

[Barbara.brohl@qwest.com](mailto:Barbara.brohl@qwest.com)

Mary Campbell

NuVox Communications

2 North Main Street

Greenville, SC 29601

[mcampbell@nuvox.com](mailto:mcampbell@nuvox.com)

Susan Berlin, Esq.

NuVox Communications

2 North Main Street

Greenville, SC 29601

[SBerlin@nuvox.com](mailto:SBerlin@nuvox.com)

Mr. Andrew O. Isar

Miller Isar, Inc.

ASCENT (Assoc. of Communications  
Enterprises)

7901 Skansie Avenue, Suite 240

Gig Harbor, WA 98335

[aisar@millerisar.com](mailto:aisar@millerisar.com)