

**STATE OF MICHIGAN
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION**

Ameritech Michigan’s submission on performance	)	
measurements, benchmarks, and reporting in	)	Case No. U-11830
compliance with the October 2, 1998 Order in	)	
MPSC Case No. U-11654.	)	

**REPORT OF AT&T MICHIGAN
ON THE 2018 PERFORMANCE MEASURES
AND REMEDY PLAN COLLABORATIVE REVIEW**

Michigan Bell Telephone Company d/b/a AT&T Michigan (“AT&T Michigan”) hereby submits the following report on results of the Performance Measure Six Month Review Process that was held in 2020.

I. Preliminaries

On May 27, 1999, the Commission issued an order adopting an initial set of performance measures and benchmarks to be used in reviewing AT&T Michigan’s obligation to provide nondiscriminatory access to its facilities and services. The Commission has modified these measures numerous times, most recently in a July 24, 2018 Order. A collaborative group of interested parties meet regularly to review the performance measures and remedy plan (§ 5.3). The July 24, 2018 Order approved the two-year extension of the Performance Measures and Remedy Plan approved in the September 23, 2016 Order. Competitive Local Exchange Carriers (“CLECs”) and AT&T Michigan implemented the two-year extension via amendments to interconnection agreements (“ICAs”) as requested by the CLECs (“2018 Amendment”). Pursuant to § 6.6 of the Remedy Plan, as amended by the 2018 Amendment, the Remedy Plan automatically ceases on December 31, 2020, unless the parties agree to extend the Plan via an amendment to their Interconnection Agreement or successor Agreement.

II. Collaborative Discussions And Agreed Upon Steps Forward

Pursuant to §§ 5.3 and 6.6 of the Remedy Plan, AT&T convened the collaborative to review and propose modifications to the performance measures based upon actual experience and to address the expiration of the Remedy Plan. The collaborative review was held on August 6, 2020 via teleconference. Representatives for the following companies involved in the Remedy Plan participated in the call: AT&T, Comcast, CenturyLink, Fusion/Birch/Broadvox, Granite, Bulls Eye, Illinois Telephone, and TDS Metro. Representatives of the State Commission Staffs for Illinois, Indiana, Michigan, and Ohio also attended the call. During this conference call, the AT&T and the CLEC participants reached consensus that the current Performance Measures continue without change and that the current Remedy Plan be extended, without change, for two years, ending December 31, 2022. Pursuant to §6.6 of the Remedy Plan, that extension must be effectuated via amendments to the interconnection agreements that incorporate the Remedy Plan.

AT&T committed to prepare an appropriate amendment and to provide notice to all CLECs via Accessible Letter. The Accessible Letter and template amendment were shared with the collaborative participants in draft form on August 6, 2020. No CLEC provided any comment on, or changes to, the drafts. The Accessible Letter was distributed in final form on August 31, 2020. *See*, Exhibit 1. The template amendment, as referenced in the Accessible Letter, is available from AT&T upon request. *See*, Exhibit 2.

III. Implementation

For CLECs with the current Remedy Plan included by reference in their interconnection agreement, remedy payments will continue uninterrupted if the CLEC requests the amendment by November 30, 2020 and returns the signed amendment by December 31, 2020. For CLECs that do not return the signed amendment by December 31, 2020, remedies will be suspended

until the first full data month following full execution of the amendment per § 5.3 of the Remedy Plan. For example, if a CLEC signs and returns the Amendment on January 15, 2021, remedies are effective with February 2021 performance data which will be reported in March 2021 with remedies due being payable in April 2021.

IV. Conclusion

AT&T Michigan and the CLEC participants of the collaborative review have reached consensus to continue the current performance measures and remedy plan, without change, for two (2) years ending December 31, 2022. The parties will take action, pursuant to § 6.6 of the current remedy plan, to effectuate the agreed-to extension.

Dated: September 4, 2020

Respectfully submitted,

AT&T Michigan

By: _____
One of Its Attorneys

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PROOF OF SERVICE

STATE OF ILLINOIS	)	
	)	ss
COUNTY OF COOK	)	

Mark Ortlieb, first being duly sworn, deposes and says that he is employed at AT&T Michigan, and that on the 4th day of September 2020, he caused copies of the following documents to be served via U.S. Mail and/or electronic mail upon the parties listed on the service list:

**REPORT OF AT&T MICHIGAN
ON THE 2018 PERFORMANCE MEASURES
AND REMEDY PLAN COLLABORATIVE REVIEW**

Mark Ortlieb

Subscribed and sworn to before me this
4th day of September 2020

Aletha J. Blackmon
Notary Public, Cook County, Illinois
My Commission Expires: April 23, 2022
Acting in the County of Cook, Illinois

SERVICE LIST
MPSC Case No. U-11830

<u>Administrative Law Judge</u> Sharon Feldman feldmans@michigan.gov	<u>Michigan Public Service Commission</u> Wendy Thelen thelenw@michigan.gov Ryan McAnany mcananyr@michigan.gov
<u>Assistant Attorney General</u> Michael Moody moodym2@michigan.gov	<u>Covad Communications</u> Albert Ernst aernst@dykema.com
<u>Clark Hill</u> Leland R. Rosier lrosier@clarkhill.com Roderick Coy rcoy@clarkhill.com	<u>McLeodUSA, Inc. (PAETEC)</u> William A. Haas William.Haas@PAETEC.com
<u>Verizon North, Inc.</u> Deborah L. Kuhn deborah.kuhn@verizon.com	<u>Cavalier</u> Michael S. Ashton MAshton@fraserlawfirm.com
<u>Comcast</u> Michael S. Ashton MAshton@fraserlawfirm.com	<u>Time Warner</u> Michael S. Ashton MAshton@fraserlawfirm.com
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<u>TDS Metrocom, LLC</u> Peter Healy peter.healy@onecommunications.com Rod Cox rcox@tdsmetro.com	<u>Climax CMC</u> Gary L. Field glfield@glfieldlaw.com
<u>Loomis, Ewert, Parsley, Davis & Gotting</u> Michael G. Oliva mgoliva@loomislaw.com	



Accessible

Date: **August 31, 2020** Number: **CLECAM20-066**
Effective Date: **NA** Category: **All**
Subject: **(BUSINESS PROCESSES) Extension Amendment - Performance Measurements Remedy Plan - AT&T Midwest Region**
Related Letters: **CLECAM20-047** Attachment: **NA**
States Impacted: **Illinois, Indiana, Michigan, Ohio and Wisconsin**
Issuing ILECS: **AT&T Illinois, AT&T Indiana, AT&T Michigan, AT&T Ohio and AT&T Wisconsin (collectively referred to for purposes of this Accessible Letter as "AT&T Midwest Region")**
Response Deadline: **December 31, 2020** Contact: **Negotiations Request m41654@att.com**
Conference Call/Meeting: **NA**

AT&T Midwest Region hereby provides notice of the AT&T Midwest Remedy Plan ("The Plan") 2-Year Extension Amendment. This Amendment is available for Interconnection Agreements ("ICAs") that have incorporated The Plan. (The Plan itself can be found at CLEC Online, <https://clec.att.com/clec>, on the *Public PM Documents* page of the Performance Measures section.)

In accordance with the relevant terms and conditions for your state¹, AT&T Midwest Region's obligation for liquidated damages pursuant to The Plan will automatically cease on December 31, 2020 unless it is extended via amendment. CLECs with ICAs that have The Plan incorporated are advised to contact the Negotiations Request mailbox listed above to obtain the Extension Amendment if they choose to have The Plan continue.

In order for a CLEC to continue to receive remedies prescribed in The Plan without interruption, the CLEC must request the 2-Year Extension Amendment by November 30, 2020, and sign and return the executed amendment by December 31, 2020. Effective January 1, 2021, remedies will not be paid to CLECs who have not returned an executed Extension Amendment by December 31, 2020. For example, if a CLEC signs and returns the Amendment on January 15, 2021, remedies are effective with February 2021 performance data which will be reported in March 2021 with remedies due being payable in April 2021.

¹ See Section 6.5 of The Plan in Ohio, Wisconsin, and Indiana, and Section 6.6 of The Plan in Illinois and Michigan.

AT&T may modify or cancel the information in this Accessible Letter. If AT&T does so, carriers will be notified via a subsequent Accessible Letter. AT&T shall incur no liability as a result of such modification or cancellation.

**AMENDMENT TO
INTERCONNECTION AGREEMENT
BY AND BETWEEN
<<TXTATTILECDBA>>
AND
<<TXTCXRLEGAL>>**

This Amendment amends the Interconnection Agreement by and between <<txtATTILECDBA>> ("AT&T <<LBOXSTATES>>") **If the AT&T ILEC name in the underlying agreement differs from the name under which the ILEC is now operating, insert the AT&T ILEC former name. Example: (previously referred to as "Indiana Bell" or "SBC Indiana")** and <<txtCXRLegal>> ("CLEC"). AT&T <<LBOXSTATES>> and CLEC are hereinafter referred to collectively as the "Parties" and individually as a "Party". This Amendment applies in AT&T <<LBOXSTATES>>'s service territory in the State(s) of <<LBOXSTATES>>.

WITNESSETH:

WHEREAS, AT&T <<LBOXSTATES>> and CLEC are Parties to an Interconnection Agreement under Sections 251 and 252 of the Telecommunications Act of 1996, as amended (the "Act"), as executed by the last Party on <<txtLastPartySignedDate>> (the "Agreement"); and

WHEREAS, AT&T <<LBOXSTATES>>, members of the CLEC community and representatives of the state Commission staffs for Illinois, Indiana, Michigan, Ohio and Wisconsin recently participated in a collaborative to determine whether to modify the current Commission approved and ordered Performance Measures and Remedies Plan (the "Plan") for the States of Illinois, Indiana, Michigan, Ohio and Wisconsin ("Collaborative Review"); and

WHEREAS, that Collaborative Review resulted in agreement by the Parties to extend the term of the Plan, without changes.

NOW, THEREFORE, in consideration of the promises and mutual agreements set forth herein, the Parties agree to amend the Agreement as follows:

1. The term of the Plan shall be extended for two (2) years ending December 31, 2022.
2. Conflict between this Amendment and the Agreement. This Amendment shall be deemed to revise the terms and conditions of the Agreement only to the extent necessary to give effect to the purpose of this Amendment, which is to extend the term of the Plan. In the event of a conflict between the terms and conditions of this Amendment and the terms and conditions of the Agreement, this Amendment shall govern, *provided, however*, that the fact that a term or condition appears in this Amendment but not in the Agreement, or in the Agreement but not in this Amendment, shall not be interpreted as, or deemed grounds for finding, a conflict.
3. Scope of Amendment. This Amendment shall amend, modify and revise the Agreement only to the extent set forth expressly in paragraph 1 of this Amendment. All other terms and conditions of the Agreement remain in full force and effect for the duration of the term of the Agreement, including but not limited to termination rights of the Parties. Nothing in this Amendment shall be deemed to extend or otherwise modify the term of the Agreement, or to affect the rights of the Parties to exercise any right of termination under the Agreement.

USE THE APPROPRIATE EFFECTIVE DATE LANGUAGE FOR THE STATE AND DELETE WHAT IS NOT APPLICABLE **For Illinois, Indiana and Michigan:** This Amendment shall be filed with and is subject to approval by the state Commission and shall become effective ten (10) days following approval by such Commission. **For Ohio:** Based on the Public Utilities Commission of Ohio Rules, the Amendment is effective upon filing and is deemed approved by operation of law on the 91st day after filing. **For Wisconsin:** Pursuant to Wisconsin Statute § 196.40, this Amendment shall become effective ten (10) calendar days after the mailing date of the final order approving this Amendment ("Effective Date"). **The following section applies to all states and should not be deleted:** However, for all states, the Amendment shall be implemented as of January 1, 2021 or the date it is fully executed, whichever is later. For example, if a CLEC signs and returns the Amendment on January 15, 2021, remedies are effective with February 2021 performance data which will be reported in March 2021 with remedies due being payable in April 2021.