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Sent: Tuesday, October 07, 2008 3:45 PM
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Subject: Docket No. 080159-TP
Attachments: Docket No. 080159-TP Stipulation 10.07.08.pdf

Electronic Filing

a. Person responsible for this electronic filing:

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- b. Docket No. 080159-TP – In re: Joint Petition of Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc. to initiate rulemaking to reflect the changed telecommunications market
- c. Document being filed on behalf of Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc., Competitive Carriers of the South, Inc. (CompSouth) and Sprint Nextel
- d. There are a total of 8 pages.
- e. The document attached for electronic filing is a Stipulation between Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc, CompSouth and Sprint Nextel

(See attached file: Docket No. 080159-TP Stipulation 10.07.08)

Thank you for your assistance in this matter.

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10/7/2008

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

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October 7, 2008

Ms. Ann Cole
Director of Office of Commission Clerk
Public Service Commission
2540 Shurnard Oak Boulevard
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Re: Docket No. 080159-TP – In re: Joint Petition of Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom and Windstream Florida, Inc. to initiate rulemaking to reflect the changed telecommunications market

Dear Ms. Cole:

Attached is a Stipulation entered into on this date by the Petitioners in the above-referenced docket, the Competitive Carriers of the South, Inc. and Sprint Nextel. As noted in the Stipulation, Petitioners hereby request that the Public Service Commission acknowledge the Stipulation entered into by these parties.

Sincerely,

s/Susan F. Clark
Susan F. Clark
Radey, Thomas Yon & Clark, P.A.
Attorney for the Petitioners

Attachment

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition to initiate rulemaking to adopt new rule in Chapter 25-24, F.A.C., amend and repeal Rules in Chapter 25-4, F.A.C., and amend rules in Chapter 25-9, F.A.C., by Verizon Florida LLC, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Embarq Florida, Inc., Quincy Telephone Company d/b/a TDS Telecom, and Windstream Florida, Inc. | DOCKET NO. 080159-TP

Filed: October 7, 2008

STIPULATION

In accordance with the settlement discussions between the following parties, BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Verizon Florida LLC, Embarq Florida, Inc., TDS Telecom/Quincy Telephone, Windstream Florida, Inc., Competitive Carriers of the South and Sprint Nextel Corporation, agreement has been reached as to the following provisions in Docket No. 080159-TP. The parties¹ each agree as follows:

1. Conditions in the telecommunications market have evolved sufficiently to justify the elimination or modification of the Florida Public Service Commission ("PSC" or "Commission") rules at issue in this proceeding as proposed by the Joint ILECs as listed in Attachment A to the Joint Petition, as revised and as enumerated in Attachment I to this Stipulation.

2. Upon execution of this Stipulation, the Joint ILECs will withdraw the market test rule set forth in Attachment A to the ILECs' Joint Petition for Rulemaking filed March 14, 2008 and provide no comment on it in their post workshop comments.

¹ BellSouth Telecommunications, Inc. d/b/a AT&T Florida, Verizon Florida LLC, Embarq Florida, Inc., TDS Telecom/Quincy Telephone, Windstream Florida, Inc. are hereinafter collectively referred to as the "Joint ILECs." Competitive Carriers of the South and Sprint Nextel Corporation are hereinafter collectively referred to as the "Competitive Carriers."

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FPSC-COMMISSION CLERK

The Joint ILECs will request that the existing rules listed in Attachment I be repealed or (in the case of Rule 25-4.083, F.A.C.) modified. The Competitive Carriers acknowledge that because of changes to the marketplace they support the proposed repeal or modification of these rules.

3. None of the proposed rule changes are intended to have any impact on the current service quality measures ("SQM") and the associated self-effectuating enforcement mechanisms ("SEEMs") to which ILECs may currently be subject. Joint ILECs will ensure that the changes to the rules do not affect the current SQM/SEEMS plans to which the respective ILECs are subject. The Parties will request that the Commission include in any Notice of Rulemaking in this docket, the following language:

None of the rule amendments or repeals are intended to impact in any way wholesale service or the SEEM (Self-Effectuating Enforcement Mechanism) plan, the SEEM metrics or payments, or the type of data that must be collected and analyzed for purposes of the SEEM plan.

4. If a complaint is filed pursuant to Section 364.3381, Florida Statutes, the affected ILEC will file its relevant cost support information, if any, upon request of the Commission or in accordance with the rules of discovery.

5. Rule 25-4.083, Florida Administrative Code, regarding a preferred carrier ("PIC") freeze, should be modified to be consistent with the federal rules regarding preferred carrier freezes.

WHEREFORE, the above-referenced parties request that the Stipulation set forth above be acknowledged by the Commission.

Respectfully submitted this 17th day of October, 2008.

/s/ Susan F. Clark

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ATTACHMENT I

The following rules should be repealed unless otherwise noted:

- Rule 25-4.0185, F.A.C., Periodic Reports
- Rule 25-4.0201, F.A.C., Audit Access to Records
- Rule 25-4.023, F.A.C., Report of Interruptions
- Rule 25-4.066, F.A.C., Availability of Service
- Rule 25-4.069, F.A.C., Maintenance of Plant and Equipment
- Rule 25-4.070, F.A.C., Customer Trouble Reports
- Rule 25-4.071, F.A.C., Adequacy of Service
- Rule 25-4.072, F.A.C., Transmission Requirements
- Rule 25-4.073, F.A.C., Answering Time
- Rule 25-4.074, F.A.C., Intercept Service
- Rule 25-4.083, F.A.C., Preferred Carrier Freeze²
- Rule 25-4.085, F.A.C., Service Guarantee Program
- Rule 25-4.107, F.A.C., Information to Customers
- Rule 25-4.108, F.A.C., Initiation of Service
- Rule 25-4.109, F.A.C., Customer Deposits
- Rule 25-4.110, F.A.C., Customer Billing for Local Exchange Telecommunications Companies
- Rule 25-4.112, F.A.C., Termination of Service by Customer
- Rule 25-4.113, F.A.C., Refusal or Discontinuance of Service by Company
- Rule 25-4.115, F.A.C., Directory Assistance
- Rule 25-4.117, F.A.C., 800 Service³
- Rule 25-4.200, F.A.C., Application and Scope
- Rule 25-4.202, F.A.C., Construction
- Rule 25-4.210, F.A.C., Service Evaluation and Investigations
- Rule 25-4.214, F.A.C., Tariff Filings
- Rule 25-9.005, F.A.C., Information to Accompany Filings⁴
- Rule 25-9.020, F.A.C., Front Cover
- Rule 25-9.021, F.A.C., Title Page
- Rule 25-9.022, F.A.C., Table of Contents
- Rule 25-9.023, F.A.C., Description of Territory Served
- Rule 25-9.024, F.A.C., Miscellaneous
- Rule 25-9.025, F.A.C., Technical Terms and Abbreviations
- Rule 25-9.026, F.A.C., Index of Rules and Regulations
- Rule 25-9.027, F.A.C., Rules and Regulations
- Rule 25-9.029, F.A.C., Index of Rate or Exchange Schedules
- Rule 25-9.030, F.A.C., Rate Schedules – General
- Rule 25-9.032, F.A.C., Telephone Utility Exchange Schedules
- Rule 25-9.045, F.A.C., Withdrawal of Tariffs

²This rule should be revised to mirror the FCC's rule.

³Joint ILECs do not object to staff's proposed revisions to this rule.

⁴Joint ILECs agree with staff's proposal to revise Rule 25-9.001, F.A.C., to remove the application of Chapter 25-9, F.A.C., including all Chapter 25-9 rules listed herein, to LECs.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been sent via electronic mail or U.S. Mail this 7th day of October, 2008, upon the following:

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