

Ruth Nettles

From: Scobie, Teresa A (TERRY) [terry.scobie@verizon.com]
Sent: Wednesday, March 11, 2009 1:49 PM
To: Filings@psc.state.fl.us
Cc: Adam Teitzman; Cecilia Bradley; Charles Beck; David Christian; De O'Roark; Demetria Clark; Elek, Robert (BOB); J. R. Kelly; Kampert, Deborah B (DEBBY); Lee Eng Tan; Michael Twomey
Subject: Docket No. 080278-TL - Verizon Florida LLC's Response to Motion to Convene Scheduling Conference
Attachments: 080278 VZ FL Response to OPC Mot to Convene Sched Conf 3-11-09.pdf



The attached filing is submitted in Docket No. 080278-TL on behalf of Verizon Florida LLC by

Dulaney L. O'Roark III
P. O. Box 110, MC FLTC0007
Tampa, Florida 33601
(678) 259-1449
de.oroark@verizon.com

The attached document consists of a total of 4 pages - cover letter (1 page), Response (2 pages), and Certificate of Service (1 page).

Terry Scobie
Legal Secretary II
Verizon Legal Department
8800 E. Adamo Drive - MC FLTC0007
Tampa, Florida 33619-3526
813-483-2610 (tel)
813-204-8870 (fax)
terry.scobie@verizon.com

3/11/2009

DOCUMENT NUMBER-DATE

02133 MAR 11 8

FPSC-COMMISSION CLERK

Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department



5055 North Point Parkway
Alpharetta, Georgia 30022

Phone 678-259-1449
Fax 678-259-1589
de.oroark@verizon.com

March 11, 2009 – **VIA ELECTRONIC MAIL**

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 080278-TL
Joint Petition for show cause proceedings against Verizon Florida LLC for
apparent violation of Rule 24-4.070, F.A.C., service availability, and impose fines,
by the Office of the Attorney General, Citizens of the State of Florida, and AARP

Dear Ms. Cole:

Enclosed for filing in the above-referenced matter is Verizon Florida LLC's Response to Motion to Convene Scheduling Conference. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (678) 259-1449.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

tas

Enclosures

DOCUMENT NUMBER-DATE

02133 MAR 11 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition for show cause proceedings) Docket No. 080278-TL
against Verizon Florida LLC for apparent violation of) Filed: March 11, 2009
Rule 24-4.070, F.A.C., service availability, and)
impose fines, by the Office of the Attorney General,)
Citizens of the State of Florida, and AARP)
_____)

**VERIZON FLORIDA LLC'S RESPONSE
TO MOTION TO CONVENE SCHEDULING CONFERENCE**

Verizon Florida LLC ("Verizon") does not oppose the motion filed by the Office of Public Counsel ("OPC") to convene a scheduling conference. The parties disagree sharply about how this case should be structured: OPC and Staff simply want more time to conduct discovery and prepare pre-filed testimony, while Verizon has requested that the case be bifurcated so the Commission may address potentially dispositive jurisdictional issues before (if necessary) it reaches the merits. As explained in Verizon's Motion to Modify Order Establishing Procedure, Bifurcate Proceeding and Suspend Discovery Not Related to Jurisdictional Issues, bifurcation makes sense here because the Commission should determine whether it has jurisdiction over this dispute before taking evidence on the underlying claims, and because addressing jurisdiction first will save the Commission and parties a good deal of time and effort. Verizon has no objection to discussing its motion and the issues raised by the other parties at a scheduling conference if the Prehearing Officer would find it helpful to hear from the parties before deciding how to proceed.

DOCUMENT NUMBER-DATE

02133 MAR 11 8

FPSC-COMMISSION CLERK ,

Respectfully submitted on March 11, 2009.

By: s/ Dulaney L. O'Roark III
Dulaney L. O'Roark III
P. O. Box 110, 37th Floor
MC FLTC0007
Tampa, Florida 33601-0110
678-259-1449 (telephone)
813-204-8870 (facsimile)

Attorney for Verizon Florida LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on

March 11, 2009 to:

Adam Teitzman, Staff Counsel
Lee Eng Tan, Staff Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
ateitzma@psc.state.fl.us
ltan@psc.state.fl.us

Bill McCollum/Cecilia Bradley
Office of Attorney General
The Capitol – PL01
Tallahassee, FL 32399-1050
cecilia_bradley@myfloridalegal.com

J. R. Kelly
Patricia Christensen
Charles Beck
Office of Public Counsel
c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, FL 32399-1400
kelly.jr@leg.state.fl.us
beck.charles@leg.state.fl.us

Michael B. Twomey
AARP
P. O. Box 5256
Tallahassee, FL 32314-5256
miketwomey@talstar.com

s/ Dulaney L. O’Roark III