State of Florida

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: July 13, 2018

TO: Carlotta S. Stauffer, Commission Clerk, Office of Commission Clerk

FROM: Samantha Cibula , Office of the General Counsel SMC.

RE: Docket No. 20080159-TP

Please file the attached materials in the docket file listed above.

Thank you.

Attachment

Cindy Miller

From: Gail Marie Perry [cwacouncil@earthlink.net]
Sent: Friday, October 03, 2008 4:52 PM
To: Cindy Miller; cwacouncil@earthlink.net
Subject: CWA Comments Docket No. 080159-TP
Importance: High
Attachments: CWA+Comments 1 .doc

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COMMUNICATIONS WORKERS of AMERICA

COUNCIL OF FLORIDA

PO BOX 1766
Pompano Beach, Florida 33061

Comments Re: Docket No. 080159-TP

The Communications Workers of America have been on the forefront of communications policy for well over 50 years in our country. The Communications Workers of America Council of Florida has been active as an organization since 1972 in the great state of Florida. Our major focus since 1982 has been on the cutting edge of technology and the policy for the good of all citizens. We watched and participated as the telecommunications industry was taken from monopoly status governed by the Public Service Commission for the protection of the consumer, to what we have today, a call for doing away with the majority of PSC consumer affecting oversight and the belittling of service quality. It is not enough to say that competition will determine who has good customer service, or, the consumer will move their service to another company. What kind of economic stability in the marketplace is that point of view? We saw what competition did in the beginning to unsuspecting consumers; slamming and cramming, and we worked for 3 years to bring about laws to protect the citizens. Yes, three years before we made major strides to protect the right of the citizens not to be ripped off by rogues in the industry.

We see the slow inaction by the Federal Communications Commission to bring forth a National Communications Policy, afraid to impede competition, allowing our nation to fall behind the rest of the world. Competition was sold to the citizens to lower prices, not do away with quality of service. We are talking about Florida and our national communication infrastructure. The FCC may make major policy decisions but they are very lax about oversight, leaving it up to the states. Are we about to abandon the infrastructure, the backbone that carries our communications to the world?

The Communications Workers of America Council of Florida believes if the objectives are impeding outcome then maybe it is time to lessen the objectives. But, don't throw the baby out with the bath water. Maintenance of the backbone is vital, now and for the future of communications. Not asking for data to prove that the backbone is being maintained, that billing is correct, that there is no degradation of customer service, is not what was promised to the citizens and consumers. Citizens and consumers in Florida were told competition: would lower prices; not give them less service.

Compromise is in the best interest for all: lessen penalties; maintain oversight.

We gratefully submit this paper and the words we spoke at your workshop and know you will do not just what is good for the industries but what is best for the citizens and consumers of Florida.

In Unity,
Gail Marie Perry
Chair, CWA Council of Florida
954 850 4055
cwacouncil@earthlink.net

Before the
FLORIDA PUBLIC SERVICE COMMISSION
Tallahassee Florida

In the Matter of Joint Petition	)	
To Initiate Rulemaking to Adopt	)	
New Rule in Chapter 25-24, F.A.C.	)	Docket No. 080159-TP
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, Inc., Quincy Telephone	)	
Company d/b/a TDS Telecom,	)	
And Winstream Florida, Inc.	)	

Comments of
Communications Workers of America

Gail Marie Perry
Chair, CWA
Council of Florida
PO BOX 1766
Pompano Beach,
Florida 33061
954 850-4055

October 3, 2008

The Communications Workers of America (CWA) submits these comments in response to the Joint Petition by incumbent local exchange carriers (ILECs) for radical deregulation of basic telephone service. CWA urges the Commission to reject the Joint Petitioners request as harmful to the public interest in universal, affordable, quality telephone service.

CWA represents approximately 20,000 employees in the state of Florida, including almost 15,000 employees at AT&T. Our members have a direct interest in this proceeding as workers in the industry who are committed to providing quality service and as consumers of telephone service.

The Joint Petition consists of two parts. First, the Joint Petitioners propose a radical relaxation of competitive criteria to establish eligibility for streamlined regulation for telecommunications markets and companies. Second, the Joint Petitioners propose to eliminate essential consumer protections applicable to competitive markets or streamlined regulation companies. Taken together, these changes would leave too many Florida consumers with little protection against price increases and deterioration of basic telephone service, and with inadequate information to exercise consumer choice.

The Joint Petitioners argue that there is vibrant competition for basic telephone service throughout the state of Florida, and that this competition will protect consumers from price increases or service decline. In a competitive market, they contend, consumers will vote with their feet if their telephone provider raises prices or lets service deteriorate. Therefore, they reason, regulatory oversight is no longer necessary in a competitive environment. Further, they

note that regulation creates an unfair competitive environment, since incumbent telephone companies bear regulatory costs that do not apply to other carriers in the market.

The Joint Petitioners' argument fails on two counts. First, competition is not thriving in *every* telecommunications market in the state of Florida. Many Florida customers, particularly those in rural markets, do not have alternatives for affordable, basic telephone service. The expansive competitive criteria proposed by the Joint Petitioners would leave these consumers, many of whom live in rural areas of the state, without any protection. Since affordable telephone service is essential for public health, safety, and welfare, the Commission must exercise an abundance of caution before it adopts the radical deregulation of basic telephone service proposed by the Joint Petitioners.

Second, competition alone does not serve to protect consumers. In fact, providers frequently respond to growing competition in local telecommunications markets by directing capital and human resources precisely to those markets where competition is most intense – the market for high-end business and residential customers. At the same time, these same providers neglect customers that generate less revenue and where there is little if any competitive choice. In these markets and for these customers, market forces alone do not provide sufficient discipline over price and service. Further, even in competitive markets, public disclosure and reporting is an important consumer safeguard. Markets function best when consumers have access to comprehensive information about the goods and services they are purchasing, including the quality of service and price of those services.

CWA acknowledges that regulatory requirements that apply only to incumbent carriers put the incumbent carriers at a competitive disadvantage. Regulatory parity, rather than radical deregulation, is the appropriate solution, serving to maintain important consumer protections, while at the same time eliminating opportunities for regulatory arbitrage. Therefore, CWA urges the Commission to reject the Joint Petition, and instead to apply reporting requirements and service standards that serve the public interest to all telecommunications providers. At a minimum, CWA urges the Commission to adopt a much more tailored and economically sound competitive market definition, and to subject all carriers to important service quality and reporting requirements that serve the public interest.

A. The Commission Should Reject the Joint Petitioners' Proposed New Rule for Determination of Streamlined Regulation for Telecommunications Markets and Companies

The Joint Petitioners propose radical and overly expansive criteria to determine whether telecommunications markets and companies should be subject to streamlined regulation. The Joint Petitioners' geographic market definition is too broad, fails to differentiate product markets, definition, and erroneously defines complementary technologies as competitive alternatives.

The Joint Petitioners' proposed market definition is far too broad. The Joint Petitioners propose that "a market may be defined, *at the telecommunications company's option,* as a Metropolitan Statistical Area, an exchange, the company's service territory, or on such other basis as submitted by the telecommunications company." (italics added) (Proposed Rule 25-4.008(1)(a). As an initial matter, the Commission and not the telecommunications company must be the arbiter of the appropriate market definition. Appropriate market definition is central to any

competitive analysis. The Commission must establish the appropriate geographic market based on objective, economic criteria, and not leave that decision to the telecommunications company, which have a clear self-interest that may have nothing to do with standard competition analysis.

The Commission should adopt the U.S. Department of Justice/Federal Trade Commission Horizontal Merger Guidelines "smallest market" principle. Adopting an overly broad geographic market definition such as the entire state or service area would combine areas with widely different competitive conditions, such as rural and urban areas. Allowing streamlined regulation on this basis would pose considerable harm to consumers and competition. For example, a carrier would then be free to raise prices or let service decline for those consumers in the area of the state or service area without competitive options.

The appropriate geographic market should be the telephone exchange area. In a recent case, the Virginia Corporation Commission concluded that "telephone exchange areas...most closely fit the definition of an appropriate geographic market as contained in the DOJ merger guidelines." The Virginia Commission expressly rejected both the state and the MSA as appropriate geographic markets, noting that an "MSA is too large and economically diverse to be an appropriate geographic market area for making a competitiveness determination." (Order on Application, Application of Verizon Virginia Inc. and Verizon South Inc. for a Determination that Retail Services are Competitive and Deregulating and Detariffing of the Same, Case No. PUC-2007-00008, Dec. 14, 2007, page 30, "Virginia Order").

The Joint Petitioners do not propose any product market definition in their proposed rule. This is a glaring omission that would leave many residential consumers without appropriate protection. Federal Communications Commission merger reviews consistently differentiate between mass market residential, small business, and large business markets. The Virginia Corporation Commission similarly found that "the mass market residential and business local telephone services and products are separate product markets … and should be treated separately…We note that several of the states (and Canada) that have deregulated local telephone services to varying extents have treated mass market residential and business services separately in their deregulation frameworks." The Virginia Commission also differentiated the enterprise business market. (Virginia Order, page 30)

The Joint Petitioners propose that the new rule consider a market competitive if there are at least three local service access alternatives present within the market, and that at least two-thirds of households within the market have access to at least three different providers using any local service access alternative. The proposed rule would consider a telecommunications company subject to streamlined regulation if at least two-thirds of its access lines are in markets that have been determined to be competitive, using the same criteria. The Joint Petitioners propose that the Commission define "local service access alternative" as wireline, wireless, broadband, cable or other technology approved by the Commission.

The Commission should not consider wireless, broadband, or cable as "local service" alternatives to basic telephone service. The Commission should only count cable where it has been upgraded to provide telephone service. Wireless and broadband are complements, not

substitutes, to basic telephone service, and thus do not function as effective regulators of price and service, as defined in the DOJ/FTC competition guidelines. Broadband is not available everywhere, costs more than basic telephone service, requires computer ownership, and a high degree of technical knowledge to use as a voice equivalent. Similarly, VoIP is not a substitute for basic local telephone service. VoIP requires a broadband connection, which is not available everywhere, and which costs more than basic phone service. VoIP does not provide E-911 and other capabilities comparable to wireline basic telephone service. Wireless is not a substitute for basic telephone service because it costs significantly more, is not available everywhere, and does not have the same reliability as basic telephone service.

In summary, the Commission should reject the Joint Petitioners proposed new rule for determination of streamlined regulation. In the alternative, the Commission should adopt a market definition that fits the DOJ/FTC competition guidelines. The appropriate geographic market is the local telephone exchange and the product market should differentiate between residential, small business, and enterprise business. The Commission should consider as "local service access alternatives" only those technologies that are economic substitutes to basic telephone service, which would exclude cable, broadband, and wireless.

B. The Commission Should Require *All* Providers of Local Exchange Service to Meet Service Quality Standards and Other Public Reporting Requirements that Serve the Public Interest

The Commission's service quality and other public reporting rules continue to be necessary to serve the pubic interest in affordable, quality, universal telephone service. Even in a competitive environment, public disclosure of service quality and other information is an

important consumer safeguard. Free markets function best when consumers have access to comprehensive information about the goods and services they are purchasing, including the quality of service provided. As the Federal Communications Commission noted, "we believe that even in a robustly competitive environment, public disclosure of quality of service information can be an important way to safeguard consumer interests." (FCC, NPRM, In the Matter of 2000 Biennial Review – Telecommunications Service Quality Reporting Requirements, CC Docket No. 00-229, page 11).

The primary rationale for relaxation of service quality and other standards rests on the erroneous believe that the "invisible" hand of competition will force companies to improve service quality. But in fact, today's competitive environment has not exerted appropriate market discipline to protect the public's need for quality telephone service. Rather, providers have reduced staff and investment in networks serving less lucrative populations and regions.

Telecommunications act as the lifeline between the home, the office, the home-office, and the outside world. If selected companies are allowed to provide inadequate service, public safety goals such as ensuring access to enhanced emergency service and continuing emergency access may be jeopardized. Public safety agencies rely upon the public switched network and even upon basic exchange service to provide public safety services. Conversely, consumers rely on properly working phones to contact public safety answering points. It is absolutely essential that the Commission continue to maintain service quality standards and other essential public reporting requirements.

CWA concurs with the Joint Petitioners that regulation should not advantage some providers over others. Competition must be based on service, price, and innovation, not regulatory arbitrage. Therefore, CWA urges the Commission to apply reporting requirements and service standards that continue to serve the public interest in quality, affordable, universal basic telephone service to all telecommunications providers.

Post-Workshop Comments

1. **Petitioners (ILECs)**

-- "Staff and the parties made substantial progress at the May 14, 2008 workshop by reaching what appeared to be consensus that a number of rules should be revised or eliminated and by laying the groundwork for consideration of the remaining rules."

-- There appeared to be a consensus on 25 rules.

-- Of the remaining 47 rules in Attachments B and C, the Petitioners support almost all of the proposed changes and it appears Comp South does also. OPC, AG and AARP mostly expressed concern about service quality rules.

A. Regulatory symmetry is essential to benefit customers.

B. Service quality rules are not needed in competitive markets. Unregulated companies are free to determine the optimal service quality. Firms have ample incentive to satisfy customer without the regulation. Wireless competition shows how service quality improves to meet customers expectations in an unregulated environment.

AARP and the AG ignored evidence that Florida consumers have an array of choices in local service providers.

C. Further explanation on rules inapplicable in a competitive market.

- 25-4.0201 Audit Access to Records. This rule adds little substance to 364.183. If staff wants to outline in greater detail the audit process, it could be sent in letters initiating an audit or be added to the APM.

- 25-4.023 Report on Interrogatories. List what information the FCC requires.

- 25-4.072 Transmission Requirements. Provide information on forums regarding transmission requirements.

- 25-4.083 Preferred Carrier Freeze. Provides information on the FCC detailed regulation. "Additional state level rule is not needed."

- 25-4.017 Information to Customer. Rule is not needed because Section 364.3382(1) requires the ILEC, when a residential customer initially requests service "to advise each residential customer of the least-cost service available to that customer."

- 25-4.109 Customer Deposits. Customer deposits should be governed by tariffs rather than by rule. Because some of the Petitioners currently collect deposits, they would need to work with staff on a transition plan to move to tariffs.

- 25-4.110 Customer Billing. The FCC rule and 364.604 adequately address customer billing. That competitors have a competitive advantage because they don't have to follow rule.

- 25-4.114 Refunds. Agree to remove this from list of rules in Attachment A.

- 25-4.117 800 Service. FCC rule prohibits billing for toll free numbers, and no state rule is needed.

- 25-4.210 Service Evaluation. If some or all of the service quality rules continue to apply, the rule should remain.

- 25-9.005 Information to Accompany Filings. Okay with keeping rule, but need clarification that subsection (3)(b) does not apply to regulated telecom companies.

III. The Competition Test.

A. The Commission has Authority to Adopt Proposed Competition Test.

Statutes give FPSC authority "to encourage competition through flexible regulatory treatment," to eliminate "unnecessary regulatory restraint."

Instead of new test, the FPSC could add language to each rule in Attachment B to describe circumstances under which the rule would not apply, or the FPSC could "repeal" the rules in certain circumstances.

B. The proposed test is objective and easy to apply. Other states have used similar competition tests. (T. 101-02, 141-143).

C. Clarification regarding proposed test. The test criteria refer only to residential service.

D. Rollback of streamlined regulation -- streamlined regulation should not be subject to rollback if the competition level changes. The FPSC could revise the rule in the highly unlikely event that dramatic changes in the market warranted such a modification.

E. Implementation of the Proposed Rule. As to the 45-day deadline for FPSC decision, petitioner are willing to discuss a provision that could allow a one-time, "reasonable, extension of the 45-day deadline."

IV. Rules Requiring Additional Discussion

25-4.002 Application and Scope. They do not object that the RAF rule applies to business service as well as residential

But theses rules should apply only to residential:

25-4.0185, Periodic Reports; 25-4.022, Complaint-Trouble Reports, 25-4.024, Held Application for Service; 25-4.0665, Lifeline; 25-4.067, Extension of Facilities; 25-4.070, Customer Trouble Reports; 25-4.071, Adequacy of Service; 25-4.073, Answering Time.

25-4.019 Records and Reports. This rule should be deleted because it adds little to 364.18, 364.183 and 364.185. Petitioners would still "make every effort to provide staff with a comfortable area in which to conduct its inspection."

25-4.022 Complaint-Trouble Reports. The requirements of the rule would apply to signed, written complaints and other tracking and retention processes would be used for other complaints received.

25-4.034 Tariffs. They say that if rule is repealed, petitioner "will continue to provide customers with reasonable access to or copies of into regarding their services, including tariffs, it desired." That they have incentive to comply with requests, given competitive pressures.

25-4.046 Incremental Cost Data. Section 364.3381 covers the issue. If an issue arises, it can be handled on a complaint basis.

25-4.067 Extension of Facilities. The rule should not be changed to apply to business customers. That subsections (3) and (4) are more appropriately covered in tariffs.

25-9.001 Application and Scope. Petitioners object to staff's changes. The do not object to eliminating application of Part III to ILECs. But 3 Part II rules (9.028, 9.033, 9.034) do not apply to ILECs, so the rule should be revise to state that only Part I should apply to ILECs or Rules 9.028, 9.033 and 9.034 should be revised to state they do not apply to ILECs. The rules were not implemented under any telecom statutes. Either revise the rule to state only Part I applies to ILECs or Rules 9.028, 9.033 and 9.034 should be revised to state they do not apply to ILECs.

V. Conclusion. They are encouraged by the apparent consensus reached to date on many of the rules in question.

2. Sprint Nextel

-- FPSC should reject the competition test because it bears no relationship to whether a particular rule is obsolete or should be waived for any ILEC.

-- Petitioners admitted during the workshop that they meet the competition test for their entire service areas right now, and thus the test has no practical value.

-- It appears the Petitioners are introducing a competition test merely to legitimize it in preparation for future advocacy, perhaps in more sweeping deregulatory efforts before the FPSC or Florida legislature, by which they will seek to remove many of their services from price cap regulation..

-- Instead, the FPSC should do a rule review under 120.74 to eliminate obsolete rules.

-- Sprint Nextel has no objection to the repeal of most of the rules the ILECs seek. However, Sprint Nextel objects the ILECs' exemption from:

Rule 25-4.046 – Incremental Cost Data
Rule 25-9.005 – Information to Accompany Filings

These two rules implement Section 364.3381 prohibiting cross-subsidization, which remains a major impediment to competition.

-- A prerequisite to declaring a competitive level playing field is the elimination of substantial historic subsidies in the Petitioners' intrastate switches access rates.

-- The Competition Test is Unnecessary. Use Section120.74 instead (biennial review) or Section 120.542(18) on waivers. In order to qualify for a rule waiver, by must show "substantial hardship" or would violate principles of fairness.

-- The Petitioners made no secret of the fact they did not want to discuss specific rules. Quotes Susan Clark:

"We're unsure how fruitful it is to discuss the specific benefits to customers and companies of each proposed rule amendment."

-- The Competition Test is Inadequate. Quotes Dr. Taylor's t4estiomony. He mentions a showing about removing price regulation.

-- Switch access subsidies must be eliminated as a prerequisites to determining sufficient competition exists.

-- Consumers will not be protected. Section 364.3381 on cross-subsidization is not met.

-- Petitioners should seek waiver pursuant to 120.542.

3. Competitive Carriers of the South (Comp South).

-- No substantive relaxation of price floor rules should occur.

-- The adoption of the "screening rule" is unnecessary and inadequate.

-- The "screening rule" does not measure market competition. It does not determine any boundaries of the market, just lets the ILEC define the "market' to make sure the screen is passed. It has nothing to do with geography.

-- It is certainly not the case that business customers have abandoned or intend to abandon land lines for cellular. Mr. Taylor said "the share of businesses that are exclusively wireless is probably pretty small."

-- If the FPSC decides to use a competition test, market segments must be included, and numerous other issues. (Page 10).

-- Agrees that many of the rules are no longer necessary.

-- The screening rule exceeds FPSC authority and is administratively burdensome.

Position on Current Rules

1. Impact on SEEM plan (self- effectuating enforcement mechanism.) They want written and unambiguous assurance changes will have no impact. They want it memorialized in rulemaking order.

2. 25-4.046 Incremental cost Data – Needs assurance. Also in Rule 25-9.005.

3. Should conform 25-4.083 to Federal PIC Freeze Rule.

4. 25-4.117, 800 Service, should be retained. Numbers using 800 are so universally recognized as toll free that eliminating the rule could result in unnecessary confusion.

Conclusion

-- If the FPSC uses the competition test, it must expand the docket to allow for development. Does not recommend.

- If rules to be revised, Commission should do that, instead of competition test.

4. SUNCOM (DMS)

- SUNCOM shares the concerns of large business consumers. "But because SUNCOM engages in extensive rebilling for services and detailed enforcement of service standards, our concerns may extend beyond the norm."

--- Suggests tempering the ILECs' conclusion about competition by recognizing the limits of competition and cautioning the PSC to avoid premature abolition of rules for three reasons:

1. Based upon SUNCOM's experience, emergency technologies have not yet brought effective competition to voice communications.

2. There will likely be little change to competitiveness within the last mile of the data communications market for business consumers.

Large consumers rely upon industry practices and infrastructure that may be reduced or eliminated with abolition of rules.

Mobile phones as Competitive Substitutes – Mobile phones are not yet viewed as a substitute, thus are not competition for local land-lines in the governments sector. Mobile phones are widely treated as compliments rather than substitutes in Florida government for landline.

VoIP as a Competitive Substitute – "Because a ubiquitous VoIP public network does not exist, VoIP customers must pay to use the traditional Public Switched Telephone Network for most VoIP calls. So the VoIP benefit of free long distance is very limited. The extensive capital investment, maintenance and depreciation of VoIP assets render VoIP an exceptionally expensive way to obtain other marginal features not now provided by traditional business phones. VoIP is not now a cost effective substitute for land-line phones.

Cable is not now a viable option for Florida government data communications due to bandwidth, availability and quality of service limitations.

Large consumer reliance upon PSC rules – Without industry-wide requirements for service quality, availability and data collection, vendors will reduce or eliminate the associated resources. Examples include: 25-4.0185, Periodic Reports; 25-4.0201, Audit Access to Records; 25-4.023, Report of Interruptions; 25-6.066 Availability of services.

The natural monopoly over the last mile of wired data communications will at best become an oligopoly and virtually none of the promise of emerging competition in voice communications has been realized among SUNCOM's customers. Widespread premature abolition of rules in anticipation of competition will likely cause disruptions and harm to consumers.

5. Office of Public Counsel, Office of Attorney General, and AARP

Large LECs must ring their service up to the standards by Windstream before the FPSC proceeds with this rulemaking.

Large LECs are not providing quality of service contemplated by FPSC rules.

They support the repeal of the rules specifically identified by staff.

The FPSC should not proceed with rulemaking other than to repeal obsolete rules.

6. tw telecom of florida

Concurs in comments of Competitive Carriers of the South and adopt and incorporate those comments a comments of tw telecom of florida.

7. Florida Cable Telecommunications Association (FCTA)

The current regulatory regime has enabled FCTA's members to gain an initial foothold in the consumer market for voice telphony. The stakes here are quite high. Competition stalled for more than a decade after the 1996 federal Telecom Act. The telephony competition that exists today resulted from the efforts and investment by cable operators and careful oversight of ILECs by the Commission and shall not be taken for granted.

ILECs still possess the power unilaterally to delay or prevent customers from switching to competitors. "The competition that exists today is insufficent to replace the Commission's careful oversight."

The ILEC petition contains insufficient legal analysis to identify which rules are or are not controversial as to be candidates for repeal. (Mentions OSS "train wreck."

FCC proposes:

a. FPSC lacks authority to adopt and should reject as unnecessary the ILECs' competition test. A specific law to be implemented is also required.

b. The FPSC should hold hearings on these issues and not act in haste.

c. ILECs should be required to provide additional background and analysis for each rule. They should provide answers in writing to staff's questions about burdens versus benefits of repealing or modifying the rules.

d. Instead of a competition test, the FPSC should evaluate each ILEC request for a rule waiver on its own merits, using existing administrative procedures.

e. The FPSC should consider the practical effect on competition and consumers of the changes. FCTA has questions about how the ILEC proposals would work in practice. Lists rule 25-4.083 regarding a PIC freeze. "Repeal of this rule could lead to chaos in competitive markets."

f.

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

VERIZON FLORIDA LLC'S REQUEST FOR CONFIDENTIAL CLASSIFICATION AND MOTION FOR PROTECTIVE ORDER

Under Commission Rule 25-22.006, F.A.C., Verizon Florida LLC (Verizon) seeks confidential classification and a protective order for information contained in its Post-Workshop Comments in this proceeding.

All of the information for which Verizon seeks confidential treatment falls within Florida Statutes section 364.183(3), which defines "proprietary confidential business information" as:

> Information, regardless of form or characteristics, which is owned or controlled by the person or company, is intended to be and is treated by the person or company as private in that the disclosure of the information would cause harm to the ratepayers or the person's or company's business operations, and has not been disclosed unless disclosed pursuant to a statutory provision, an order of a court or administrative body, or private agreement that provides that the information will not be released to the public.

Florida Statutes section 364.183(3)(a) expressly provide that "trade secrets" fall within the definition of "proprietary confidential business information." Florida Statutes section 364.183(3)(e), further provides that "proprietary confidential business information" includes "information relating to competitive interests, the disclosure of which would impair the competitive business of the provider of information."

If competitors were able to acquire this detailed and sensitive information regarding Verizon, they could more easily develop entry and marketing strategies to ensure success in competing with Verizon. This would afford them an unfair advantage while severely jeopardizing Verizon's competitive position. In a competitive business, any knowledge obtained about a competitor can be used to the detriment of the entity to which it pertains, often in ways that cannot be fully anticipated. This unfair advantage skews the operation of the market, to the ultimate detriment of the telecommunications consumer. Accordingly, Verizon respectfully requests that the Commission classify the identified information as confidential and enter an appropriate protective order.

While a ruling on this request is pending, Verizon understands that the information at issue is exempt from Florida Statutes section 119.07(1) and Staff will accord it the stringent protection from disclosure required by Rule 25-22.006(3)(d).

One copy of the confidential information is attached to the original of this Request as Exhibit A. Redacted copies of the confidential information are attached as Exhibit B. A detailed justification of the confidentiality of the information at issue is attached as Exhibit C.

Respectfully submitted on October 7, 2008.

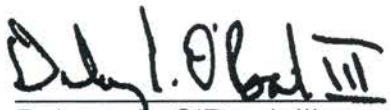
By: 

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EXHIBIT C

CONFIDENTIAL INFORMATION	LINE(S)/COLUMN(S)	REASON
Page 4 of Post-Workshop Comments	All highlighted text	This is competitively sensitive, confidential and proprietary business information that has been confidentially maintained by Verizon. Disclosure of this information could give competitors an unfair advantage in developing their own competitive strategies by revealing Verizon's pricing and negotiating strategies.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U. S. mail on October 7, 2008 to the parties on the attached list.

Dulaney L. O'Roark III

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