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From: Ann Bassett [abassett@lawfla.com]
Sent: Monday, June 16, 2008 4:42 PM
To: Filings@psc.state.fl.us
Subject: Docket Nos. 070691-TP and 080036-TP
Attachments: 2008-06-16, 070691, 080036, Comcast Response to VZ Request for Oral Argument.pdf

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The Docket Nos are:

070691-TP - Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC

080036-TP - Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

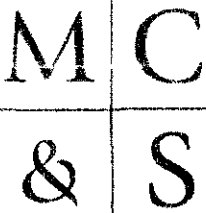
This is being filed on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone

Total Number of Pages is 5.

Comcast Phone of Florida, L.L.C.'s Response to Verizon's Request for Oral Argument

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June 16, 2008

VIA ELECTRONIC FILING

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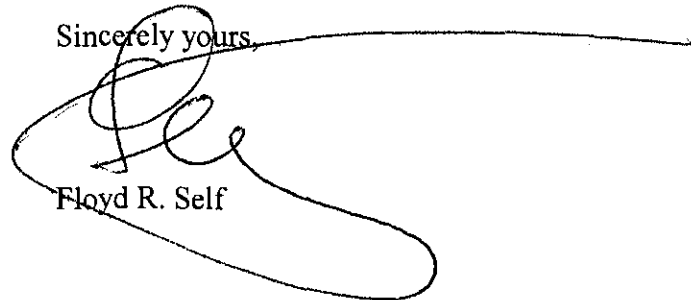
Re: Docket Nos. 070691-TP and 080036-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast") is an electronic version of Comcast Phone of Florida, L.L.C.'s Response to Verizon Florida LLC's Request for Oral Argument in the above referenced dockets.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb
Enclosure
cc: Parties of Record

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05108-08 06/16/08
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint and request for emergency relief against Verizon Florida, LLC for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Bright House Networks Information Services (Florida), LLC, and its affiliate, Bright House Networks, LLC.

Docket No. 070691-TP

In re: Complaint and request for emergency relief against Verizon Florida, L.L.C. for anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and 364.10, F.S., and for failure to facilitate transfer of customers' numbers to Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone.

Docket No. 080036-TP

COMCAST PHONE OF FLORIDA, L.L.C.'S RESPONSE TO VERIZON FLORIDA LLC'S REQUEST FOR ORAL ARGUMENT

Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast"), hereby files this Response to Verizon Florida LLC's ("Verizon") June 9, 2008, Request for Oral Argument, and states that the Verizon Request is completely unnecessary and unwarranted and should be denied. In support of this opposition, Comcast states as follows:

BACKGROUND

1. On April 25, 2008, Verizon filed its Motion to Add Issues in which it sought to have issues related to marketing practices for unregulated services, particularly related to cable television and broadband internet service.
2. On May 28, 2008, the Commission entered its Second Order Modifying Procedure and denied Verizon's Motion to Add Issues. In the Order, the Commission Prehearing

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Officer stated, in part, that “I have reviewed Verizon’s motion and the responses in opposition. At this time, I am unconvinced of the need to broaden the scope of the Issues List beyond the four modified issues attached. This decision should also serve as guidance for discovery.”

3. On June 9, 2008, Verizon filed its Motion for Reconsideration of the Second Order Modifying Procedure. As set forth in Comcast’s response, the Motion for Reconsideration does nothing more than present – verbatim - the arguments set forth in the Motion to Add Issues, and adds nothing substantive to those arguments. That Motion for Reconsideration is itself improper as it does nothing than reargue the issues in the hope that the Commission will change its mind.

4. Concurrent with the filing of the Motion for Reconsideration, Verizon filed its Request for Oral Argument. In its Request, Verizon argues generally that oral argument

... would help the Commission determine whether, in evaluating Verizon's retention marketing program, the Commission should take into account the retention marketing programs of the cable companies with which Verizon is competing. Oral argument also would assist the Commission in determining whether discovery concerning the cable companies' retention marketing programs should be permitted.

ANALYSIS

5. Rule 25-22.0022(1), F.A.C., provides, in pertinent part, that “The request for oral argument shall state **with particularity** why oral argument would aid ... the Prehearing Officer... in understanding and evaluating the issues to be decided, and the amount of time requested for oral argument.” (e.s.)

6. Verizon’s Request fails to state with particularity why the Prehearing Officer, who has already ruled on the exact issues raised in the Motion for Reconsideration, must hear oral argument in order to determine that her first ruling was correct. The broad generic statement

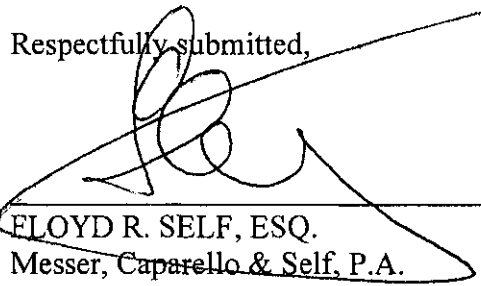
provided by Verizon is not sufficient to meet the requirement of the rule. In addition, Verizon failed to meet the requirement of the rule in that it failed to the amount of time requested for oral argument.

7. Rule 25-22.0022(3), F.A.C., provides that “[g]ranting or denying a request for oral argument is within the sole discretion of the Commission or the Prehearing Officer whichever presides over the matter to be argued.”

CONCLUSION

8. Since the Motion for Reconsideration merely reargues issues fully presented to and considered by the Commission’s Prehearing Officer, and since Verizon has neither stated why oral argument is necessary for the Prehearing Officer to understand the issues nor complied with the procedural standards of the rule, Verizon’s Request for Oral Argument should be denied.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail (*) and/or U. S. Mail this 16th day of June, 2008 upon the following:

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