

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Notice of termination of service  
guarantee program by Embarq Florida, Inc.  
d/b/a CenturyLink. | DOCKET NO. 110204-TL  
ORDER NO. PSC-11-0339-FOF-TL  
ISSUED: August 11, 2011

The following Commissioners participated in the disposition of this matter:

ART GRAHAM, Chairman  
LISA POLAK EDGAR  
RONALD A. BRISÉ  
EDUARDO E. BALBIS  
JULIE I. BROWN

ORDER ACKNOWLEDGING EMBARQ FLORIDA, INC. D/B/A CENTURYLINK'S  
NOTICE OF TERMINATION OF SERVICE GUARANTEE PROGRAM

BY THE COMMISSION:

**I. Case Background**

On June 15, 2011, Embarq Florida, Inc. d/b/a CenturyLink (CenturyLink) filed a Notice of Termination of Service Guarantee Program (Notice) with the Office of Commission Clerk. The current version of CenturyLink's Service Guarantee Program (SGP) was approved by this Commission in Order No. PSC-10-0233-PAA-TL<sup>1</sup>, issued April 14, 2010. Paragraph 4 of Section D of CenturyLink's SGP provides that "The Company or the Commission may terminate the Service Guarantee Program at any time."

The company's first SGP was initiated as a result of a stipulated settlement approved by this Commission in Order No. PSC-00-2462-PAA-TL, issued on December 20, 2000<sup>2</sup>. On June 14, 2005, this Commission implemented Rule 25-4.085, Florida Administrative Code (F.A.C.), Service Guarantee Program. The rule allowed incumbent local exchange companies to petition this Commission for approval of a SGP, which would relieve the company from the rule requirement of each service standard addressed in the SGP. We approved SGPs on the basis of benefits to the customers and whether the SGP was in the public interest.

CenturyLink has modified and we have approved changes to the SGP several times since 2000. The changes were the direct result of changes in law, changes in ownership of the company, and changes in pricing and policies of the company.

<sup>1</sup> Docket No. 090552-TL, In Re: Petition for modification of Service Guarantee Program by Embarq Florida, Inc. d/b/a Centurylink.

<sup>2</sup> Docket No. 991377-TL, In Re: Initiation of show cause proceedings against Sprint-Florida, Incorporated for violation of service standards.

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FPSC-COMMISSION CLERK

On May 5, 2011, the Governor signed into law the Regulatory Reform Act, Chapter No. 2011-36, Laws of Florida, effective July 1, 2011. According to the House of Representatives Staff Analysis, dated April 15, 2011, the bill, in part, removed our regulatory oversight of basic local telecommunications service and nonbasic service, including service quality and price regulation. According to the bill analysis, the bill's changes "suggest that the transition to a sufficiently competitive market has been achieved."

As a result of the changes in law, we no longer have statutory authority for a number of our rules in Chapter 25-4 and 25-24, F.A.C., regarding service quality, including Rule 25-4.085, F.A.C., Service Guarantee Program. Repeal of the service quality and a number of other rules is being separately addressed in Docket No. 110209-TP, Repeal of rules resulting from changes to Chapter 364, Florida Statutes.

We have jurisdiction over this matter pursuant to Chapter 364, Florida Statutes.

## **II. Analysis and Decision**

CenturyLink has elected to terminate its Service Guarantee Program as allowed by Paragraph 4 of Section D of its current SGP that was approved by this Commission. Furthermore, as discussed in the Case Background, we no longer have statutory authority for a number of its rules in Chapter 25-4 and 25-24, F.A.C., including related service quality rules and Rule 25-4.085, F.A.C., Service Guarantee Program.

In enacting the Regulatory Reform Act (CS/CS/HB 1231) the Legislature has determined that a transition to a sufficiently competitive market for telecommunications services has been achieved. Therefore, we hereby acknowledge Embarq Florida, Inc. d/b/a CenturyLink's Notice of Termination of Service Guarantee Program, effective July 1, 2011.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Embarq Florida, Inc. d/b/a CenturyLink's Notice of Termination of Service Guarantee Program, effective July 1, 2011, is acknowledged. It is further

ORDERED that this docket shall be closed.

By ORDER of the Florida Public Service Commission this 11th day of August, 2011.



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ANN COLE  
Commission Clerk  
Florida Public Service Commission  
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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request:

- 1) reconsideration of the decision by filing a motion for reconsideration with the Office of Commission Clerk, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or
- 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Office of Commission Clerk, and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.