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July 31, 2003

**VIA OVERNIGHT DELIVERY**

Ms. Blanca S. Bayo, Director  
Division of the Commission Clerk  
and Administrative Services  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

**Re: Docket No. 020960-TP  
Petition for arbitration of open issues resulting from interconnection  
negotiations with Verizon Florida Inc. by DIECA Communications, Inc.  
d/b/a Covad Communications Company**

Dear Ms. Bayo:

Please find enclosed for filing an original and 15 copies of Verizon Florida's Response to Covad Communications Company's Motion to Strike. A diskette with a copy of the Response in PDF format is included in this filing. Service has been made as indicated on the Certificate of Service.

Also enclosed is one extra copy of the Responset. Please date-stamp and return the copy in the enclosed, self-addressed stamped envelope.

If you have any questions, please call me at 202-326-7921.

Sincerely,



Aaron M. Panner

Enclosures

DOCUMENT NUMBER 020960-TP  
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FPSC-COMMISSION CLERK

**BEFORE THE  
FLORIDA PUBLIC SERVICE COMMISSION**

_____	
Petition by DIECA Communications, Inc. d/b/a	)
Covad Communications Company for Arbitration	)
of Interconnection Rates, Terms, and Conditions	)
and Related Arrangements with Verizon Florida	)
Inc. Pursuant to Section 252(b) of the	)
Telecommunications Act of 1996	)
_____	

Docket No. 020960-TP

**VERIZON FLORIDA INC.’S RESPONSE TO  
COVAD COMMUNICATIONS COMPANY’S MOTION TO STRIKE**

Verizon Florida Inc. (“Verizon”) submits this response to Covad Communications Company’s (“Covad”) Motion To Strike a letter that Verizon submitted in this docket on July 18, 2003. In that letter, Verizon described the New York Public Service Commission’s (“PSC”) rulings in an arbitration between Covad and Verizon New York. Although the transcript of the technical conference and the pre-conference briefs submitted by both parties in the New York proceeding are part of the record in this proceeding, Verizon believed that this short letter would be of assistance to the Commission in assessing the relevance of the New York PSC’s decisions to the issues presented here, as the issues in the two proceedings overlap substantially.

Covad claims that this letter is an “unauthorized . . . attempt to re-brief the issues in this case.” Mot. at 2. This Commission, however, “has traditionally been liberal in allowing leave to file supplemental authority” and has “generally considered supplemental authority pursuant to the provisions of Rule 9.2[2]5, Florida Rules of Appellate Procedure.” Order No. PSC-02-0159-PCO-TP at 2-3, Docket No. 001305-TP (Feb. 1, 2002). Rule 9.225 provides that such a notice “may identify briefly the points argued on appeal to which the supplemental authorities are pertinent, but shall not contain argument.” Verizon believes that its letter — which “identif[ies] briefly the points argued [in this proceeding] to which the supplemental authorit[y] [is]

pertinent” and is not a brief — complies with the terms of that Rule and this Commission’s past practice. To the extent that this Commission determines that portions of Verizon’s letter contain argument, it should strike those limited portions. *See* Order No. PSC-02-0159-PCO-TP at 3 (finding that, “[w]hile portions of . . . [notice] do contain argument,” CLEC “d[id] not . . . submit[] the ruling of the 11th Circuit solely for the purpose of argument,” and striking two words of notice of supplemental authority). This Commission should not grant Covad’s request to submit its own “comments on” the New York PSC’s Order, Mot. at 2, which apparently would be submitted solely for the purpose of argument, which is contrary to this Commission’s practice.

For the foregoing reasons, Verizon’s requests that this Commission deny Covad’s Motion To Strike or, in the alternative, strike only those portions of Verizon’s letter that this Commission determines contain argument. Verizon also requests that this Commission deny Covad’s alternative motion for leave to file comments on the New York PSC’s Order.

Respectfully submitted,

  
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Counsel for Verizon Florida Inc.

July 31, 2003

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of Verizon Florida Inc's Response to Covad Communications Company's Motion to Strike were sent via UPS Overnight courier on July 31, 2003 to the following parties:

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Angela L. Oncken