

JAMES E. "JIM" KING, JR.  
PRESIDENT



Charles J. Beck  
Interim  
Public Counsel

ORIGINAL

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SPEAKER



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c/o THE FLORIDA LEGISLATURE  
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September 3, 2003

Ms. Blanca S. Bayó, Director  
Division of the Commission Clerk  
and Administrative Services  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0870

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03 SEP - 3 PM 3:18  
COMMISSION  
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RE: Docket No. 030867-TL

Dear Ms. Bayó:

Enclosed are an original and fifteen copies of Citizens' Motion to Dismiss Verizon Florida, Inc.'s Petition for filing in the above-referenced docket.

Please indicate receipt of filing by date-stamping the attached copy of this letter and returning it to this office. Thank you for your assistance in this matter.

Sincerely,

H F. Mann  
Associate Public Counsel

HFM/dsb

Enclosures

- AUS \_\_\_\_\_
- CAF \_\_\_\_\_
- CMP \_\_\_\_\_
- COM 5 \_\_\_\_\_
- CTR \_\_\_\_\_
- ECR \_\_\_\_\_
- GCL 1 \_\_\_\_\_
- OPC \_\_\_\_\_
- MMS \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- OTH \_\_\_\_\_

DOCUMENT NUMBER-DATE

08196 SEP-3 03

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Petition by Verizon Florida, Inc. )  
To Reduce Its Network Access Charges )  
Applicable To Intrastate Long Distance )  
In A Revenue-Neutral Manner )

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Docket No. 030867-TL

Filed: September 3, 2003

**CITIZENS' MOTION TO DISMISS  
VERIZON FLORIDA, INC.'S PETITION**

The Citizens of Florida ("Citizens"), through the Office of Public Counsel and pursuant to Section 120.54(5), Florida Statutes (2003), and Rule 28-106.204, Florida Administrative Code, hereby file their motion with the Florida Public Service Commission ("Commission") to dismiss the petition of Verizon Florida, Inc. ("Verizon" or "Company") in this docket. In support of this request, Citizens state that:

1) On August 27, 2003, Verizon filed its petition with the Commission, pursuant to section 364.164, Florida Statutes (2003), to reduce its intrastate switched network access rates to interstate parity in a revenue-neutral manner pursuant to section 364.164(1), Florida Statutes.

2) The Legislature, in section 364.164(1), explicitly delineates several specific criteria, all of which the Commission must consider in determining whether to grant or deny the Company's petition.

3) One of these criteria, section 364.164(1)(c), commands the Commission to consider whether granting the Company's petition will "[r]equire intrastate switched network access rate reductions to parity over a period of not less than 2 years or more than 4 years."

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4) Verizon, on page 15, section III, C., of its petition, purports to reduce intrastate switched access composite rate to parity in a revenue neutral manner over two years, which, the Company asserts, is "in the timeframe afforded by the Section 364.164(1)(c).

5) One of Verizon's witnesses, Orville D. Fulp, claims on pages 7- 8, and 25 of his testimony, that Verizon will reduce its intrastate access total average revenue per minute (ARPM) composite rate from \$.0485047 to \$.0112453 over two-years." Further, Mr. Fulp states on page 15 that, on the consumer side, Verizon will "raise the basic monthly recurring charges in each of its five rate groups by \$4.61. These increases will take place over two years in increments of \$2.25 the first year and \$2.36 the second year." Verizon also intends to raise the residence non-recurring network establishment charge from \$20 to \$25 and the central office connection charge from \$35 to \$40.

6) Verizon's further testimony, however, belies these claims that rate changes will take place "over two years."

7) Verizon incorporates into its petition the testimony and exhibits of Dr. Kenneth Gordon, who has presented testimony for all three petitioners - - Verizon, Sprint and BellSouth, and who extols the virtues of having all three of his clients filing at the same time.

8) On page 13, lines 20-23, Dr. Gordon states that the benefits from this are threefold. "First, to the extent that basic local rates are simultaneously adjusted closer to their costs throughout the territory of the three companies

serving 98 percent of the ILEC customers, the better competition will be benefited and market entry enhanced.”

9) On page 14, line 17, he continues with the second reason simultaneous action by all three companies, Sprint, BellSouth and Verizon, is beneficial. “End-users normally make their purchase decisions based in large part on relative price differences among providers. If the rate-rebalancing is not implemented across all companies simultaneously, end-users will make these decisions based on incomplete and imperfect information as they see some providers’ rates increasing while other providers’ rates remain the same (at least temporarily).” And further, on page 15, “[c]oordinated rate rebalancing across all companies will ensure that potential competitors are not artificially disadvantaged when introducing new service offers by artificial boundaries, and that customers are not disadvantaged by incorrect and incomplete information driving their purchase decisions.” Finally, his third reason, on line 9, for all three companies effecting their rate changes simultaneously is the benefit to end users statewide. “IXCs will be able to implement more meaningful price reductions if they can aggregate their access cost reductions into a single round of pricing changes.”

10) BellSouth’s other witnesses, Mr. Ruscilli and Mr. Hendrix, both identify the effective dates of BellSouth’s reductions in intrastate switched network access rate, and increases in average single-line residential basic local service line rates. These dates are January 1, 2004, and January 1, 2005.

11) Dr. Gordon confirms that the effective dates for corresponding changes in access charge and basic residential rates for Sprint are also to be January 1, 2004, and January 1, 2005.

12) Consequently, notwithstanding the Company's assertion that the intrastate access charge decrease and the corresponding rate increases for the residential customers will take place over a two-year period, the plain fact is that the rate changes, as proposed by Verizon, would take place over a one-year period, or twelve months.

13) The language of section 364.164(1)(c) is plain and simple. Verizon, among other specific requirements, must require intrastate switched network access rate reductions to parity over a period of "not less than two years." The statute's wording does not allow for a loose interpretation of effecting those rate reductions and corresponding rate increases over a period of twelve months, as Verizon sets forth in its filing before this Commission. Rate increases on the first of January in the next two successive years does not comply with the statutory mandate that the rate changes take place over a period of *not less than* two years. The Merriam Webster dictionary<sup>1</sup> describes a "year" variously as "the period of about 365 1/4 solar days required for one revolution of the earth around the sun" or "12 months that constitute a measure of age or duration." The statutory definition of "over a period of not less than two years" must therefore encompass a period of not less than 24 months. Rate increases on January first of the next two successive years obviously fails to meet this criteria.

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<sup>1</sup> <http://www.m-w.com/dictionary.htm>

14) Neither does the statute appear to anticipate a “spot” revision by a company to correct such fatal deficiencies. The petition should either be accepted as having facially met the basic requirements of the statute under whose authority it has been filed, or rejected if it has failed in that regard.

15) Verizon, in filing its petition pursuant to the authority of section 364.164, has not met the requirements imposed by that same statute. While Citizens do not advocate that the Company’s petition be dismissed with prejudice, we strongly believe that the petition should be rightly dismissed without prejudice, with leave to file anew, with a new established filing date, when it does comply with the basic requirements of the statute

**Wherefore,** the Citizens move this Commission to dismiss, without prejudice, the petition of Verizon Florida, Inc., and require the Company to file anew its petition in conformance with section 364.164.

Respectfully submitted,

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**CERTIFICATE OF SERVICE  
DOCKET NO.: 030867-TL**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 3rd day of September, 2003.

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