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EMBARQ™

Embarq Corporation
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1313 Blair Stone Rd.
Tallahassee, FL 32301
EMBARQ.com

December 13, 2006

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

RECEIVED 11:30
06 DEC 13 PM 4:54
COMMISSION
CLERK

RE: Docket No. 060763-TL, Embarq Florida, Inc.'s Petition for Waiver

Dear Ms. Bayo:

CMP

COM 5 Enclosed for filing on behalf of Embarq Florida Inc., are the original and fifteen (15) copies of:

CTR org test

- ECR 1. Embarq's Petition for Waiver 11428-06
- GCL 1 2. Redacted - Direct Testimony of Michael L. DeChellis w/Exhibits 1-6 11429-06
- OFC 3. Redacted - Direct Testimony of Kent W. Dickerson 11430-06
- RCA 4. Motion for Expedited Hearing 11431-06
- SCR 5. Response to Opposition to Confidential Classification 11432-06
- SGA 6. Request for Confidential Classification 11433-06

SEC 1 Copies are being served on the parties in this docket pursuant to the attached certificate of service.

OTH If you have any questions regarding this filing, please do not hesitate to call me at 850/599-1560.

Sincerely,

Susan Masterton

Susan Masterton *[Signature]*

Enclosure

RECEIVED & FILED
[Signature]
FPSC-BUREAU OF RECORDS

Susan S. Masterton
COUNSEL
LAW AND EXTERNAL AFFAIRS- REGULATORY
Voice: (850) 599-1560
Fax: (850) 878-0777

**CERTIFICATE OF SERVICE
DOCKET NO. 060763-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronically and by Overnight Mail (*) or hand delivery (**) this 13th day of December, 2006 to the following:

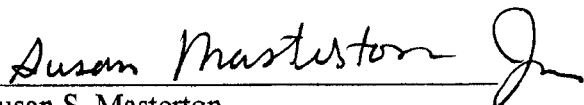
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Treviso Bay Development, LLC
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Brookfield, WI 53045
sanjay@vkdevelopment.com

Treviso Bay Development, LLC
Attn: Christopher W. Cramer, Esq. (*)
19275 W. Capitol Drive, Suite 100
Brookfield, WI 53045
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Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay by Embarq Florida, Inc.	Docket No. 060763-TL Filed: December 13, 2006
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EMBARQ FLORIDA, INC.'S AMENDED PETITION FOR WAIVER

Embarq Florida, Inc. ("Embarq"), in accordance with section 364.025(6)(d), Florida Statutes, and Rules 28-106.201 and 28-106.202, F.A.C., files this amended petition for relief from its carrier of last resort obligations for the multitenant property known as Treviso Bay in Collier County Florida ("Amended Petition").¹ This Amended Petition amends and replaces the petition Embarq filed in this docket on November 20, 2006. In addition, on this same day, Embarq is separately filing a Motion for Expedited Hearing on the Amended Petition.

Embarq is filing the Amended Petition to conform to the requirements of Rule 28-106.201, F.A.C., relating to proceedings involving disputed issues of material fact and to take into account the staff recommendation filed on December 7, 2006, which discusses the procedure to be followed when a waiver petition is filed and recommends a proposed rule setting forth this procedure. Significant changes in the Amended Petition compared to the original Petition are summarized in Attachment 1. In support of this Amended Petition, Embarq states as follows:

Parties

1. Embarq is a certificated, price-regulated incumbent local exchange company regulated by the Commission under chapter 364, Florida Statutes.

¹ Pursuant to Rule 28-106.202, F.A.C., a Petitioner may amend a Petition without leave prior to a presiding officer being assigned. A review of the online docket file for this docket indicates that neither a prehearing officer or any Commissioners have been assigned yet to this docket.

2. As an incumbent local exchange company, Embarq is subject to carrier of last resort (COLR) obligations under section 364.025, Florida Statutes.

3. Embarq's principal place of business in Florida is 555 Lake Border Drive, Apopka, Florida. Pleadings and processes should be served on:

Susan S. Masterton
Embarq
1313 Blair Stone Road
Tallahassee, FL 32301
(850) 599-1560 (phone)
(850) 878-0777 (fax)
susan.masterton@embarq.com

4. The property for which Embarq seeks COLR relief is known as Treviso Bay and is located on the southwest side of the Tamiami Trail approximately three miles northwest of the intersection with Collier Boulevard (a/k/a Isles of Capri Road), Sections 29, 30, 31 and 32, Township 50 South, Range 26 East, Collier County, Florida.

5. The developer for Treviso Bay is Treviso Bay Development, LLC . To the best of Embarq's knowledge, the contact information for the developer is:

Treviso Bay Development, LLC
19275 W. Capitol Drive, Suite 100
Brookfield, WI 53045

Attn: Sanjay Kutemperoor, Esq.
19275 W. Capitol Drive, Suite 100
Brookfield, WI 53045
sanjay@vkdevelopment.com

Attn: Christopher W. Cramer, Esq.
19275 W. Capitol Drive, Suite 100
Brookfield, WI 53045
ccramer@vkdevelopment.com

6. As reflected in the Certificate of Service, Embarq is providing the developer a copy of this Amended Petition, a copy of section 364.025, F.S., , and a copy of Proposed

Rule 25-4.084, F.A.C., (Attachment Nos. 2 and 3 to this Petition) by electronic and overnight mail.²

Jurisdiction and Procedure

7. The Florida Public Service Commission, 2540 Shumard Oaks Blvd., Tallahassee, Florida 32399-0850, is the agency affected by and with jurisdiction to rule on Embarq's Amended Petition.

8. The Commission has jurisdiction to grant the relief requested in the Amended Petition under section 364.025(6)(d), Florida Statutes. Specifically, section 364.025(6)(d) allows an ILEC to seek a waiver of its COLR obligations for "good cause shown based on the facts and circumstances of provision of service to the multitenant business or residential property."³ Under the statute, the ILEC is to file a petition with the Commission to initiate its request for COLR relief.

9. Under the statute, the Commission must act on a petition within 90 days of its filing. Based on this filing date of the Amended Petition, the 90-day period will run on March 13, 2007. While the statute does not specify whether this 90-day period contemplates final agency action, similar language in section 364.051(4), F.S., relating to basic rate increases and storm cost recovery has been implemented to provide for final action within the statutorily-stipulated time period.

² Treviso Bay Development Corporation, LLC, served comments on Embarq responding to original Petition on December 4, 2006. Embarq recognizes that Treviso Bay is entitled to additional time intervene and file a response to this Amended Petition. In addition, Embarq is working with counsel for Treviso Bay to resolve issues related to a protective agreement that would allow Embarq to provide Treviso Bay with the confidential information included in the attachments to this Amended Petition (which is the same confidential information that was filed with Embarq's original petition). As soon as Embarq and Treviso Bay are able to reach agreement, Embarq will provide Treviso Bay with copies of the confidential information.

³ Under section 364.025(6)(b) a multitenant business or residential property includes, but is not limited to, "apartments, condominiums, subdivisions, office buildings, or office parks."

10. On December 7, 2006 the Commission staff released its recommendation for a proposed rule to implement section 364.025(6)(d), F.S. (See, Staff Recommendation in Docket No. 060763-TL, issued December 7, 2006.) The proposed rule sets forth the procedural requirements for a petition for waiver, including requirements related to the contents of a petition, the manner of providing copies of the petition to the developer, the time frame for responsive comments to be filed (14 days) and the contents of a response. In addition, in discussing the available procedures for addressing petitions involving disputed issues of fact in a timely manner, the staff recommendation (on page 6) provides that “[t]here is nothing in the rule that would preclude a petitioner or a respondent from asking the Commission to expedite its decision at the time it files a petition.” In addition, the staff recommendation suggests that the petitioner may “ask for a hearing early in the proceedings, and need not wait to protest the Commission’s proposed agency action.” Embarq is filing this Amended Petition, and the accompanying Motion for Expedited Hearing, consistent with these recommendations.

11. Section 364.025(6)(b) sets forth four circumstances that entitle an ILEC to automatic relief from its carrier of last resort obligations, where the developer, relative to a specific development:

1. Permits only one communications service provider to install its communications service-related facilities or equipment, to the exclusion of the local exchange telecommunications company, during the construction phase of the property;
2. Accepts or agrees to accept incentives or rewards from a communications service provider that are contingent upon the provision of any or all communications services by one or more communications service providers to the exclusion of the local exchange telecommunications company;

3. Collects from the occupants or residents of the property charges for the provision of any communications service, provided by a communications service provider other than the local exchange telecommunications company, to the occupants or residents in any manner, including, but not limited to, collection through rent, fees, or dues; or

4. Enters into an agreement with the communications service provider which grants incentives or rewards to such owner or developer contingent upon restriction or limitation of the local exchange telecommunications company's access to the property.

“Communications service” is defined in subsection 364.025(6)(a)3. to mean “voice service or voice replacement service through the use of any technology.”

12. The waiver petition process set forth in paragraph (d) of subsection 364.025(6) clearly contemplates that additional circumstances beyond those enumerated in paragraph (b) may justify relieving an ILEC of its COLR obligations.

Background

13. COLR obligations originally were established when ILECs were the monopoly providers of local telecommunications service in their service territory. The COLR obligations made sense in a monopoly environment where rates were regulated and where customers received local service from one provider or not at all. In that environment the costs of providing service in high cost areas could be distributed over an ILEC's customers throughout its service territory and among all of the monopoly services the ILEC provided, keeping the ILEC's rates low and ensuring a fair profit.

14. Amid the competitive pressures now bearing on the traditional telecommunications service model, some property owners and developers have seized on an opportunity to take advantage of competition to increase their revenues by soliciting exclusive arrangements for the provision of telecommunications, broadband and video

services to the multitenant units or homes in a specific multitenant property, contingent upon the chosen provider entering into some sort of “profit-sharing” arrangement with the owner or developer. These “profit-sharing” arrangements generally take the form of door fees or a percentage of the monthly recurring revenues charged to the captive residents of the multitenant property.

15. Some developers want to have their cake and eat it too. That is, some are cutting exclusive deals with broadband and video service providers to increase their profits by locking out competition for these services from other service providers without regard to the choices the end user occupants may actually desire. Further, as they have nothing to lose, they want to force the ILEC to construct facilities under their legally-mandated COLR obligation to provide voice service for that limited number of customers--no matter how small that number is or where in the development they might be scattered--who would subscribe to ILEC landline voice service.

16. Particularly, some owners and developers have seen opportunities to enter into exclusive profit-sharing arrangements with alternative providers for bulk provisioning of broadband and video services, while seeking to exploit the ILEC’s carrier of last resort obligation to provide only voice services within the development merely as a backup to their profit-driven choice of alternative communications-platform provider. Where such situations exist, ILECs may still desire to serve such developments apart from a mandated COLR obligation, when they have a reasonable expectation of recovering their costs. This is especially true where the developer-chosen broadband provider also offers a VoIP product. However, where the ILECs are limited to marketing only voice services, in most instances it will be virtually impossible for the ILEC to recover its costs because of the

widely available access to VoIP services via their broadband internet access and, also the availability of multiple wireless services providers.

17. Such situations have multiple negative potential outcomes for everyone but the developer. Occupants are effectively limited to no choice for broadband and video service providers (unless they irrationally are willing to pay twice when they are already paying for those services in their homeowner's association dues or rent). ILECs forced to make wasteful legally-mandated investments in their facilities would be forced over time to pass these costs on in some manner in order to recover their costs. The COLR obligation was never contemplated to be used as leverage to benefit property owners or others who control access to property in a competitive telecommunications environment

18. The competitive environment and the actions by owners and developers to profit from their control over access to their property by entering into exclusive arrangements with alternative providers formed the backdrop for the 2006 amendments to section 364.025, Florida Statutes, that automatically relieve ILECs of their carrier of last resort obligations under certain circumstances and otherwise allow ILECs to petition for relief when "good cause" is found by the Commission to exist. Clearly, it is exactly for the types of situations and reasons described above that the Florida Legislature included the opportunity for ILECs to be relieved automatically of the outmoded COLR obligation or to seek a waiver as Embarq is doing in this Petition.

19. Embarq is filing this Petition for relief from its carrier of last resort obligations for the Treviso Bay multitenant property because the facts and circumstances surrounding Embarq's provision of service to the Treviso Bay constitute "good cause" as contemplated in section 364.025(6)(d).

Facts and circumstances justifying relief

20. In Treviso Bay, the developer has entered into bulk arrangements for the provision of data and video services to the development that effectively will exclude Embarq from marketing its data services to residents of the development. Conversely, the developer has not entered into an exclusive arrangement with Embarq or any other provider for voice services. Because residents will receive their data and video services exclusively from a single provider and are free to choose any provider for voice, including the provider that provides their data or video service, it is extremely likely that Embarq will not be the voice provider of choice for a significant number of the residents of the Treviso Bay development.

21. Specifically, the developer has informed Embarq that it executed a bulk agreement with Time Warner for data and video services. The bulk agreement with Time Warner consists of a base offering of high speed data and video services for the Treviso Bay Community, with the fees for these services included in the homeowners' association dues of the residents. In subsequent communications, the developer confirmed that this agreement would be assumed by Comcast, who will be the cable service provider in the area after a recent territory trade with Time Warner. Comcast has an alternative product allowing it to provide digital voice services over its high speed data or video facilities and actively markets this product in Southwest Florida, including Collier County. The Direct Testimony⁴ of Michael J. Dechellis, included with this Petition as further details the discussions Embarq has had with Treviso Bay Development LLC, the arrangements the developer has made with other providers as they have been

⁴ Embarq witnesses Michael J. DeChellis and Kent W. Dickerson have previously filed Affidavits in this docket. The Direct Testimonies filed with this Amended Petition are substantially identical to the Affidavits. The Affidavits are not being withdrawn and the Affiants stand by their sworn statements.

communicated to Embarq, the limited nature of the services the developer is seeking from Embarq, and the availability of alternative voice service providers to serve the development.

22. Given the bulk agreement with an alternative provider for the provision bulk and data services to Treviso Bay residents billed through homeowners' association dues, the likelihood that a significant number of Treviso Bay residents will choose a provider other than Embarq for their voice services will prevent Embarq from recovering its costs for placing facilities to serve the development as the carrier of last resort. The Direct Testimony of Kent W. Dickerson, included with this petition as describes the facilities it would be necessary to construct under Embarq's COLR obligation and the financial impact on Embarq if it is required to act as the COLR to Treviso Bay.

23. The existence of the exclusive data and video arrangements and the availability of an alternative voice product from the exclusive data and video provider, which reduce the likelihood that Embarq will be able to obtain a sufficient number of voice customers to recoup the investment costs that it would incur to place the facilities necessary to serve Treviso Bay, constitute "good cause" to relieve Embarq of its carrier of last resort obligations for the development under section 364.025(6)(d).

24. Time is of the essence in resolving Embarq's Amended Petition due to the construction schedule set for the development and the time frames associated with placement of facilities to provide services to the development. Service to model homes will be required by mid-April 2007. Therefore, actual placement of the necessary facilities by Embarq would need to begin by mid-March 2007.

Disputed Issues of Material Fact

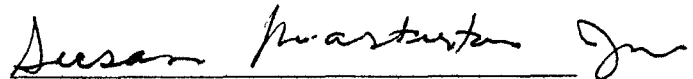
25. Embarq is aware that the following issues of the material facts supporting the Amended Petition are or may be disputed:

1. The projected penetration rate for Embarq's voice services under the facts and circumstances of providing such services in Treviso Bay
2. Whether alternative voice services will be available to residents of Treviso Bay
3. Embarq's projected costs to provide voice services under the facts and circumstances of providing such services in Treviso Bay
4. Whether the facts and circumstances in Treviso Bay constitute "good cause" for a waiver of Embarq's COLR obligations under section 364.025(6)(d).

WHEREFORE Embarq requests that the Commission:

1. Set this matter for hearing to resolve the disputed issues of fact, as set forth in Embarq's Motion for Expedited Hearing filed separately on this same day;
2. Grant Embarq's Petition to be relieved of its carrier of last resort obligations to serve Treviso Bay, effective immediately upon issuance of the Commission's order; and
3. Grant any other relief the Commission deems appropriate.

Respectfully submitted this 13th day of December 2006.



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susan.masterton@embarq.com

COUNSEL FOR EMBARQ FLORIDA,
INC.

Summary of Substantial Changes in Amended Petition

1. The introductory paragraph of the Amended Petition includes references to applicable rules relating to hearings involving disputed issues of fact not included in the original Petition.
2. The introductory paragraph of the Amended Petition includes references to the December 7, 2006 Staff Recommendation in Docket No. 060554-TP and proposed rule implementing section 364.025(6)(d) not included in the original Petition. The proposed rule is included as an additional attachment.
3. Paragraph 9 discusses the procedure applicable to the Commission's consideration of the Amended Petition, including a discussion of the statutory time frames.
4. Paragraph 10 discusses the staff recommendation and the proposed rules as they relate to the procedure applicable to the Commission's consideration of the Amended Petition.
5. Embarq has filed the Direct Testimony of Michael J. DeChellis and Kent W. Dickerson with the Amended Petition in lieu of the Affidavits filed with the original Petition. The substance of the testimony is the same as the substance of the Affidavits. Paragraphs 21 and 22 of the Amended Petition reflect this change.
6. Paragraph 24 includes a discussion of the time sensitivity of a ruling on Embarq's Amended Petition that was not included in the original Petition.
7. Paragraph 25 includes an identification of the disputed issues of material fact relating to the Amended Petition, as required by Rule 28-106.201, F.A.C., that was not included in the original Petition.
8. The paragraphs of the Amended Petition setting forth the relief requested by Embarq have been amended to reflect the Motion for Expedited Hearing that accompanies Embarq's Amended Petition and to request any other additional relief the Commission deems appropriate.

Select Year:

The 2006 Florida Statutes

Title XXVII RAILROADS AND OTHER REGULATED UTILITIES	Chapter 364 TELECOMMUNICATIONS COMPANIES	View Entire Chapter
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364.025 Universal service.--

(1) For the purposes of this section, the term "universal service" means an evolving level of access to telecommunications services that, taking into account advances in technologies, services, and market demand for essential services, the commission determines should be provided at just, reasonable, and affordable rates to customers, including those in rural, economically disadvantaged, and high-cost areas. It is the intent of the Legislature that universal service objectives be maintained after the local exchange market is opened to competitively provided services. It is also the intent of the Legislature that during this transition period the ubiquitous nature of the local exchange telecommunications companies be used to satisfy these objectives. Until January 1, 2009, each local exchange telecommunications company shall be required to furnish basic local exchange telecommunications service within a reasonable time period to any person requesting such service within the company's service territory.

(2) The Legislature finds that each telecommunications company should contribute its fair share to the support of the universal service objectives and carrier-of-last-resort obligations. For a transitional period not to exceed January 1, 2009, the interim mechanism for maintaining universal service objectives and funding carrier-of-last-resort obligations shall be established by the commission, pending the implementation of a permanent mechanism. The interim mechanism shall be applied in a manner that ensures that each competitive local exchange telecommunications company contributes its fair share to the support of universal service and carrier-of-last-resort obligations. The interim mechanism applied to each competitive local exchange telecommunications company shall reflect a fair share of the local exchange telecommunications company's recovery of investments made in fulfilling its carrier-of-last-resort obligations, and the maintenance of universal service objectives. The commission shall ensure that the interim mechanism does not impede the development of residential consumer choice or create an unreasonable barrier to competition. In reaching its determination, the commission shall not inquire into or consider any factor that is inconsistent with s. 364.051(1)(c). The costs and expenses of any government program or project required in part II of this chapter shall not be recovered under this section.

(3) If any party, prior to January 1, 2009, believes that circumstances have changed substantially to warrant a change in the interim mechanism, that party may petition the commission for a change, but the commission shall grant such petition only after an opportunity for a hearing and a compelling showing of changed circumstances, including that the provider's customer population includes as many

residential as business customers. The commission shall act on any such petition within 120 days.

(4)(a) Prior to January 1, 2009, the Legislature shall establish a permanent universal service mechanism upon the effective date of which any interim recovery mechanism for universal service objectives or carrier-of-last-resort obligations imposed on competitive local exchange telecommunications companies shall terminate.

(b) To assist the Legislature in establishing a permanent universal service mechanism, the commission, by February 15, 1999, shall determine and report to the President of the Senate and the Speaker of the House of Representatives the total forward-looking cost, based upon the most recent commercially available technology and equipment and generally accepted design and placement principles, of providing basic local telecommunications service on a basis no greater than a wire center basis using a cost proxy model to be selected by the commission after notice and opportunity for hearing.

(c) In determining the cost of providing basic local telecommunications service for small local exchange telecommunications companies, which serve less than 100,000 access lines, the commission shall not be required to use the cost proxy model selected pursuant to paragraph (b) until a mechanism is implemented by the Federal Government for small companies, but no sooner than January 1, 2001. The commission shall calculate a small local exchange telecommunications company's cost of providing basic local telecommunications services based on one of the following options:

1. A different proxy model; or
2. A fully distributed allocation of embedded costs, identifying high-cost areas within the local exchange area the company serves and including all embedded investments and expenses incurred by the company in the provision of universal service. Such calculations may be made using fully distributed costs consistent with 47 C.F.R. parts 32, 36, and 64. The geographic basis for the calculations shall be no smaller than a census block group.

(5) After January 1, 2001, a competitive local exchange telecommunications company may petition the commission to become the universal service provider and carrier of last resort in areas requested to be served by that competitive local exchange telecommunications company. Upon petition of a competitive local exchange telecommunications company, the commission shall have 120 days to vote on granting in whole or in part or denying the petition of the competitive local exchange company. The commission may establish the competitive local exchange telecommunications company as the universal service provider and carrier of last resort, provided that the commission first determines that the competitive local exchange telecommunications company will provide high-quality, reliable service. In the order establishing the competitive local exchange telecommunications company as the universal service provider and carrier of last resort, the commission shall set the period of time in which such company must meet those objectives and obligations.

(6)(a) For purposes of this subsection:

1. "Owner or developer" means the owner or developer of a multitenant business or residential

property, any condominium association or homeowners' association thereof, or any other person or entity having ownership in or control over the property.

2. "Communications service provider" means any person or entity providing communications services, any person or entity allowing another person or entity to use its communications facilities to provide communications services, or any person or entity securing rights to select communications service providers for a property owner or developer.

3. "Communications service" means voice service or voice replacement service through the use of any technology.

(b) A local exchange telecommunications company obligated by this section to serve as the carrier of last resort is not obligated to provide basic local telecommunications service to any customers in a multitenant business or residential property, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, when the owner or developer thereof:

1. Permits only one communications service provider to install its communications service-related facilities or equipment, to the exclusion of the local exchange telecommunications company, during the construction phase of the property;

2. Accepts or agrees to accept incentives or rewards from a communications service provider that are contingent upon the provision of any or all communications services by one or more communications service providers to the exclusion of the local exchange telecommunications company;

3. Collects from the occupants or residents of the property charges for the provision of any communications service, provided by a communications service provider other than the local exchange telecommunications company, to the occupants or residents in any manner, including, but not limited to, collection through rent, fees, or dues; or

4. Enters into an agreement with the communications service provider which grants incentives or rewards to such owner or developer contingent upon restriction or limitation of the local exchange telecommunications company's access to the property.

(c) The local exchange telecommunications company relieved of its carrier-of-last-resort obligation to provide basic local telecommunications service to the occupants or residents of a multitenant business or residential property pursuant to paragraph (b) shall notify the commission of that fact in a timely manner.

(d) A local exchange telecommunications company that is not automatically relieved of its carrier-of-last-resort obligation pursuant to subparagraphs (b)1.-4. may seek a waiver of its carrier-of-last-resort obligation from the commission for good cause shown based on the facts and circumstances of provision of service to the multitenant business or residential property. Upon petition for such relief, notice shall be given by the company at the same time to the relevant building owner or developer. The commission shall have 90 days to act on the petition. The commission shall implement this paragraph through

rulemaking.

(e) If all conditions described in subparagraphs (b)1.-4. cease to exist at a property, the owner or developer requests in writing that the local exchange telecommunications company make service available to customers at the property and confirms in writing that all conditions described in subparagraphs (b)1.-4. have ceased to exist at the property, and the owner or developer has not arranged and does not intend to arrange with another communications service provider to make communications service available to customers at the property, the carrier-of-last-resort obligation under this section shall again apply to the local exchange telecommunications company at the property; however, the local exchange telecommunications company may require that the owner or developer pay to the company in advance a reasonable fee to recover costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the property initially, and the company shall have a reasonable period of time following the request from the owner or developer to make arrangements for service availability. If any conditions described in subparagraphs (b)1.-4. again exist at the property, paragraph (b) shall again apply.

(f) This subsection does not affect the limitations on the jurisdiction of the commission imposed by s. [364.011](#) or s. [364.013](#).

History.--s. 7, ch. 95-403; s. 18, ch. 97-100; s. 1, ch. 98-277; s. 1, ch. 99-354; s. 1, ch. 2000-289; s. 2, ch. 2000-334; s. 4, ch. 2003-32; s. 2, ch. 2006-80.

Docket No. 060554-TL
December 7, 2006

1 25-4.084 Carrier-of-Last-Resort; Multitenant Business and Residential Property.

2 (1) A petition for waiver of the carrier-of-last-resort obligation to a multitenant
3 business or residential property pursuant to Section 364.025(6)(d), Florida Statutes, shall be
4 filed with the Division of the Commission Clerk and Administrative Services and shall be
5 delivered by hand delivery on the same day, or by overnight mail on the day following filing,
6 upon the relevant owners or developers together with a copy of section 364.025(6) and this
7 rule.

8 (2) A petition for waiver of the carrier-of-last-resort obligation shall be limited to a
9 single development.

10 (3) The petition must include the following:

11 (a) The name, address, telephone number, electronic mail address, and any facsimile
12 number of the petitioner;

13 (b) The name, address, telephone number, electronic mail address, and any facsimile
14 number of the attorney or qualified representative of the petitioner if any;

15 (c) The address or other specific description of the property for which the waiver is
16 requested;

17 (d) The specific facts and circumstances that demonstrate "good cause" for the waiver
18 as required by Section 364.025(6)(d);

19 (e) A statement that interested persons have 14 calendar days from the date the
20 petition is received to file a response to the petition with the Commission, unless the
21 fourteenth day falls on a Saturday, Sunday, or holiday, in which case the response must be
22 filed no later than the next working day; and

23 (f) A statement certifying that delivery of the petition has been made on the relevant
24 owners or developers and the method of delivery.

25 (4) A response to a petition must include the following:

CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.

Docket No. 060554-TL
December 7, 2006

Attachment A

1 (a) The name, address, telephone number, electronic mail address, and any facsimile
2 number of the respondent;

3 (b) The name, address, telephone number, electronic mail address, and any facsimile
4 number of the attorney or qualified representative of the respondent if any upon whom
5 service of pleadings and other papers shall be made; and

6 (c) Whether the respondent disputes the facts and circumstances alleged in the
7 petition.

8
9 Specific Authority 350.127(2) FS.

10 Law Implemented 364.025 FS.

11 History-New.

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CODING: Words underlined are additions; words in ~~struck through~~ type are deletions from existing law.