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JACK SHREVE  
PUBLIC COUNSEL

STATE OF FLORIDA  
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature  
111 West Madison St.  
Room 812  
Tallahassee, Florida 32399-1400  
850-488-9330

December 10, 2001

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

Re: Docket No. 990362-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the Joint Motion Seeking Commission Approval of Settlement Agreement.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck,  
Deputy Public Counsel

CJB:bsr

Enclosure

APP  
CAF  
CMP  
COM 3  
CTR  
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LEG  
OPC  
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DOCUMENT NUMBER-DATE

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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Initiation of show cause proceedings against GTE Communications Corporation (n/k/a Verizon Select Services Inc.) for apparent violation of Rule 25-4.118, F.A.C., Local, Local Toll, or Toll Provider Selection.

Docket No. 990362-TI

Filed December 10, 2001

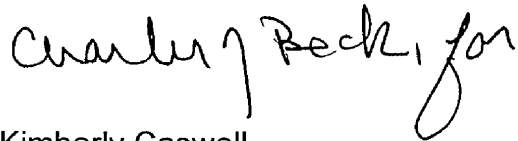
**Joint Motion Seeking Commission Approval of Settlement Agreement**

The Office of Public Counsel (OPC) and Verizon Select Services, Inc. (VSSI) file this joint motion requesting the Florida Public Service Commission (Commission) to approve the attached settlement agreement. In support of this joint motion, OPC and VSSI show the following:

1. OPC and VSSI have entered into a settlement agreement that avoids the time, expense and uncertainty associated with adversarial litigation, in keeping with the Commission's long-standing policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. That settlement agreement is attached to this motion as attachment 1.
2. OPC and VSSI believe that the settlement agreement serves the public interest and accordingly request the Commission to expeditiously accept and approve settlement agreement as filed and to close docket no. 990362-TI.
3. OPC and Verizon Florida, Inc., are contemporaneously filing a similar motion in docket 991376-TL, because the settlement agreement resolves that docket, as well.

**WHEREFORE**, OPC and VSSI respectfully request the Commission to approve the attached settlement agreement and to close docket 990362-TI.

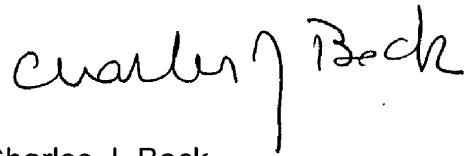
Respectfully submitted,



Kimberly Caswell  
P.O. Box 110, FLTC0007  
Tampa, Florida 33601

813-483-2617

Attorney for VSSI



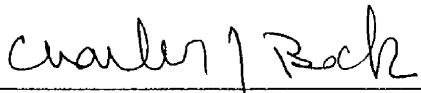
Charles J. Beck  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street  
Room 812  
Tallahassee, FL 32399-1400

(850) 488-9330

Attorney for the citizens  
of Florida

**DOCKET NO. 990362-TI  
CERTIFICATE OF SERVICE**

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 10th day of December, 2001.

  
\_\_\_\_\_  
Charles J. Beck

Lee Fordham  
Division of Legal Services  
Fla. Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, FL 32399-0850

Kimberly Caswell  
Verizon Florida Incorporated  
P.O. Box 110, FLTC0007  
Tampa, FL 33601-0110

Patrick Wiggins  
Charles Pellegrini  
Katz, Kutter Law Firm  
106 East College Ave.  
Suite 1200  
Tallahassee, FL 32301

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Initiation of Show Cause Proceedings )	Docket No. 990362-TI
Against GTE Communications Corporation )	
(n/k/a Verizon Select Services Inc.) for )	
Apparent Violation of Rule 25-4.118, F.A.C., )	
Local, Local Toll, or Toll Provider Selection. )	
_____ )	
In re: Initiation of Show Cause Proceedings )	Docket No. 991376-TL
against Verizon Florida, Inc., for Violation of )	
Service Standards. )	Filed: 12/10/01
_____ )	

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes (2001), Verizon Florida Inc. (Verizon Florida), Verizon Select Services Inc. (VSSI) and the Office of the Public Counsel (OPC) (collectively, the Parties) have entered into this Settlement Agreement to effect an informal disposition and complete and binding resolution of any and all matters and issues which were or might have been addressed by the Florida Public Service Commission (Commission) in Docket Numbers 990362-TI and 991376-TL. This Settlement Agreement avoids the time, expense and uncertainty associated with adversarial litigation, in keeping with the Florida Public Service Commission's longstanding policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. The terms of this Settlement Agreement are as follows:

1. As complete resolution of Docket Numbers 990362-TI and 991376-TL, and in lieu of any fine or other penalty that the Commission might otherwise assess in either of these dockets, Verizon Florida and VSSI will make contributions totaling \$3.1 million to the General Revenue Fund of the State of .

Florida, with no admission of liability or wrongdoing by either company, to resolve all issues in both dockets. The \$3.1 million is comprised of contributions by Verizon Florida and VSSI as set forth in paragraphs 4 and 5 of this Settlement Agreement.

2. This Settlement Agreement will take effect the day after it is approved by the Commission. The Parties understand that the Commission's decision will be reflected in a final order.

3. No Party to this Settlement Agreement will request, support or seek to impose a change in the application of any provision of this Settlement Agreement. Provided the Commission approves the Settlement Agreement, each Party waives its right to request further administrative or judicial proceedings concerning any and all matters which were or might have been addressed by the Commission in resolving these Dockets, except proceedings to enforce this Settlement Agreement. This waiver of the right to further administrative or judicial proceedings shall include (but not be limited to): a petition for a formal proceeding, in the form provided by Rule 28-106.201, Florida Administrative Code; a motion for reconsideration of the decision in this matter in the form prescribed by Rule 25-22.060, Florida Administrative Code; or a notice of appeal to initiate judicial review by the Florida Supreme Court pursuant to Rule 9.110, Florida Rules of Appellate Procedure, in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

4. To resolve Docket Number 991376-TL as contemplated herein, Verizon Florida individually will contribute \$2 million to the General Revenue Fund

no later than 30 days after the date the order approving this Settlement Agreement becomes final.

5. To resolve Docket Number 990362-TI as contemplated herein, VSSI individually will contribute \$1.1 million to the General Revenue Fund no later than 30 days after the date the order approving this settlement becomes final.

6. This Settlement Agreement is contingent upon the Florida Public Service Commission's accepting the entire Agreement, which acceptance shall include the Commission's explicit recognition that its order approving this Settlement Agreement resolves all matters that were or might have been addressed in these Dockets.

7. This Settlement Agreement resolves all matters in both Dockets in accordance with Section 120.57(4), Florida Statutes (2001). Both Dockets will be closed effective on the date the Commission order approving this Settlement Agreement is final. The submission of this Settlement Agreement by the parties is in the nature of an offer to settle. Consequently, if this Settlement Agreement is not accepted and approved without modification by an order not subject to further proceedings or judicial review, then the settlement proposal is rejected and the Settlement Agreement shall be considered null and void and of no further force or effect.

8. If the Commission does not accept this document in its entirety pursuant to its terms, this document shall not be admissible in any hearing on the matters established by either of these Dockets, or in any other docket or forum. Moreover, no Party to this Settlement Agreement waives any position on any issue

that it could have otherwise asserted in any docket in which it is a party, as if this document had never been developed and written. This Settlement Agreement shall not constitute an admission of liability.

9. This Settlement Agreement is being executed in duplicate originals, with an original to be filed by Verizon Florida and the OPC in Docket Number 991376-TL and by VSSI and the OPC in Docket Number 990362-TI.

10. This Settlement Agreement may be executed in counterpart originals and a facsimile of an original signature shall be deemed an original.

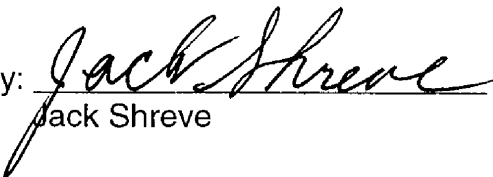
11. This Settlement Agreement constitutes a single, integrated written contract expressing the entire agreement between the respective Parties in each Docket and superseding all other agreements, representations, and understandings on the subject matter hereof. There is no other agreement, oral or written, expressed or implied, between the Parties with respect to the subject matter hereof, except this Agreement.

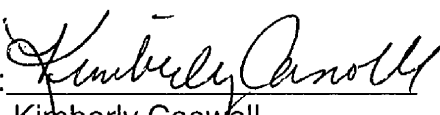
The Parties evidence their acceptance and agreement with the provisions of this Settlement Agreement by their signatures:

*In Docket No. 991376-TL*

Office of Public Counsel

Verizon Florida Inc.

By:   
Jack Shreve

By:   
Kimberly Caswell

Date: 12/6/01

Date: 12/1/01



In Docket No. 990362-TI:

Office of Public Counsel

Verizon Select Services Inc.

By: Jack Shreve  
Jack Shreve

Date: 12/6/01

By: Paul Fuglie  
Paul Fuglie

Date: 11/29/01