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March 29, 2004

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

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Re: Docket Nos. 030867-TL, 030868-TL, 030869-TL, 030691-TI

Dear Ms. Bayo:

Please find enclosed for filing an original and fifteen copies of Verizon Florida Inc.'s Response In Opposition to Attorney General's Amended Request for Oral Argument. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at 813-483-1256.

Sincerely,

Richard A. Chapkis

Richard A. Chapkis

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argument is necessary.¹ The Attorney General's Amended Request for Oral Argument (Amended Request) does nothing to bolster the initial Request for Oral Argument, and therefore the Attorney General's Request for Oral Argument should be denied.

2. As an initial matter, the Amended Request should be rejected because it is untimely. All requests for oral argument must accompany the pleading on which oral argument is requested.² The Attorney General's Amended Request was filed more than two months after the Motion for Reconsideration, and therefore should not be considered.

3. Moreover, the arguments in the Amended Request should be rejected on their merits.

4. In the Amended Request, the Attorney General asserts without further explanation that the Commission will benefit from "interactive oral presentations" on the same recycled issues that were previously considered and rejected by this Commission. This argument is unpersuasive given that the Commission has already heard from the parties on these very same issues – both in "interactive oral presentations" and in writing.

5. The Attorney General also asserts that oral argument is necessary because it will allow the public to gain "an understanding of the parties' positions and the perspective of the Commission." This argument is similarly unpersuasive given that the parties have already made their positions known to the public in testimony and hearings, and the Commission has made its position known to the public at hearings and in its decision.

¹ See Verizon's Response In Opposition To Attorney General's Motion for Reconsideration at 10–11.

² See Rule 25-22-058(1), Florida Administrative Code.

6. In the Amended Request, the Attorney General also asks the Commission to order the public disclosure of confidential documents. This request should be rejected for several independent reasons.

7. First, this request is precluded by the Supreme Court's March 3 Order. In that Order, the Court relinquished jurisdiction to the Commission for the limited purpose of ruling on two specific motions of reconsideration -- not for the purpose of requiring the disclosure of confidential documents:

[The Attorney General and AARP] filed in this Court separate motions to relinquish jurisdiction to the PSC for the **limited purpose** of obtaining rulings on their motions for reconsideration that were filed with the PSC on January 8, 2004. Having considered the motions for relinquishment and responses thereto, the Court hereby grants the motions for relinquishment and relinquishes jurisdiction to the PSC for the **specific purpose** of ruling on the January 8, 2004, motions for reconsideration.

The foregoing language makes clear that the Attorney General's request falls outside the Commission's jurisdiction, and must therefore be denied.

8. Second, the Attorney General has waived his right to make such a request. The Attorney General did not oppose the ILECs' confidentiality motions. The Attorney General did not seek reconsideration of the orders granting the ILECs' confidentiality motions. And the Attorney General did not appeal the orders granting the ILECs' confidentiality motions. Having failed to respond to the confidentiality motions and rulings made during the course of the proceeding, the Attorney General cannot now be heard on these issues.

9. Third, the Attorney General's request is unauthorized. The Attorney General did not cite any rule or statute that would allow the Commission to consider de novo the

public disclosure of documents that have already been deemed confidential -- and no legal basis exists that would allow the Commission to take such action.

10. Fourth, the Attorney General's request is contrary to public policy. If Verizon's confidential and proprietary business information were made publicly available, Verizon would be placed at an unfair competitive disadvantage. Moreover, the harm that would be caused by disclosing this information would outweigh the public interest in disclosure. This is true because all parties that requested this information -- including the Attorney General and AARP -- were afforded access to the information, and the basis for the Commission's decision is readily understood from publicly available materials.

11. For the foregoing reasons, the Commission should deny the Attorney General's Request for Oral Argument.

Respectfully submitted on March 29, 2004.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of Verizon Florida Inc.'s Response in Opposition to Attorney General's Amended Request for Oral Argument in Docket Nos. 030867-TL, 030868-TL, 030869-TL and 030691-TI were sent via U. S. mail on March 29, 2004 to:

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