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September 13, 2006

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

RE: Florida Public Service Commission Docket No. 060554-TL

Dear Ms. Bayo:

Enclosed for filing in the above dockets are the original and fifteen copies of Comments for Rule Development Workshop for the above-referenced docket.


Please acknowledge receipt and filing of the above by stamping the duplicate copy of this letter and returning the same to me.

Thank you for your assistance in this matter.

Sincerely,


Howard E. Adams

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Carrier-of-Last-Resort; Multitenant)
Business and Residential Property;)
Comments and Suggested Changes for Rule)
Development)
_____)

DOCKET NO. 060554-TL
FILED: September 13, 2006

COMMENTS FOR RULE DEVELOPMENT WORKSHOP

COMES NOW Time Warner Telecom of Florida, L.P., and files this its Comments regarding Proposed Rule 25-4.084 regarding carrier-of-last-resort obligations for multi-tenant business and residential property and would show the Commission the following:

GENERAL COMMENTS

1. Time Warner Telecom of Florida, L.P., is a certificated alternative local exchange carrier in the State of Florida.
2. The name, address and telephone number of Time Warner Telecom of Florida, L.P., and the provider of these comments and testimony is:

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3. Proposed Rule 25-4.084 attempts to codify some of the administrative requirements for a local telecommunications exchange company to petition the Commission for relief of its carrier-of-last-resort (COLR) obligations to a multi-tenant business or residential property.
4. Time Warner Telecom however submits that further information should be placed in the proposed rule to clarify that these carrier-of-last-resort obligations apply only to "basic

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local telecommunications services,” as defined in statute and do not encompass other telecommunications services.

5. Section 364.02 (1), Fla. Statutes, provides that basic local telecommunications service means voice grade, flat rate residential and flat rate single line business local exchange services which provide dial tone, local usage, access to 911 and other localized services.

6. In amending the law, however, the Florida Legislature has provided in its amendments to Section 364.025 regarding universal service, that “for purposes of this subsection, “communications service” means voice service or voice replacement service through the use of any technology.” See, Chapter 2006-80, Laws of Florida, Section 2, adding Subsection (6) to Section 364.025, Florida Statutes.

7. Unfortunately, the law in its text does not utilize “communications services” but instead utilizes the words “basic local telecommunications service,” which have been the words defined and utilized up until this legislation for purposes of universal service. The new law then goes on to provide for circumstances under which a local exchange telecommunications company may be relieved of its last resort obligations. In two places, the words “communications services” are utilized but apparently from the context mean something more than what the definition states. In Paragraph (6)(b) 3., it appears that “communications service” is used in the broad context of “any communications service.” Paragraph (6)(b) 2. also provides that provision of “any or all communications services,” again the broad context, would serve to relieve the local exchange telecommunications company of carrier-of-last-resort obligations.

8. These definitions are problematic because of their usage in the statute. In Paragraph 6 (d), the bill states that the local telecommunications company may seek a waiver of its

carrier-of-last-resort obligations for good cause shown based upon the facts and circumstances of provision of "service" to the multi-tenant business or residential property. Assuming that "service" means "communications service", as defined under (6)(a) 3., Time Warner Telecom believes that this waiver should be restricted to carrier-of-last-resort obligations of basic local telecommunications service only and not the provision of other telecommunications services. The apparent intent of the Legislature is to restrict this to carrier-of-last-resort obligations regarding basic local telecommunications service or "communications service" which in this case has been defined to mean "voice service or voice replacement service only through the use of any technology."

However, in drafting of the portions of the Statute it would appear that such a definition or restriction is unclear.

9. In implementing Paragraph (6)(d), Time Warner Telecom believes that the Commission through this rulemaking power granted in Paragraph (6)(d) should clarify that the provision of "service" is the provision of "basic local telecommunications service" as defined in Section 364.02, Fla. Statutes, and as further defined and clarified in Paragraph (6)(a) 3.

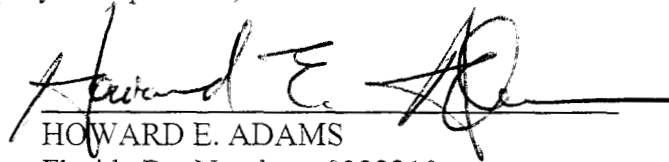
10. It is suggested that the following sentence be added to the proposed rule as a new sentence in Paragraph 2 of the proposed rule. The new sentence should read:

The petition for waiver of carrier-of-last-resort obligations shall be limited to a waiver of the carrier-of-last-resort obligations for the provision of basic local telecommunications service as defined in Section 364.02, Florida Statutes.

11. This amendment would clearly implement the intent of the new law, as provided in Section 364.025 (6)(b), wherein it is stated that the local telephone company is not obligated to provide "basic local telecommunications service" when other providers provide substitute "voice communication services" as further outlined in Subparagraphs 1, 2, 3, and 4 of Subparagraph (b). The addition of this definitional statement will clarify the purposes of the rule and the obligations of the Commission regarding petitions and waivers to provide that the carrier-of-last-resort obligation is for the offering of voice telecommunications services only and not any other telecommunications services.

12. Time Warner Telecom would also recommend that the Commission seek to have clarification in the Legislature of these definitional issues as these words are defined and as utilized in the Statute are not precise. The mixing of definitional words regarding "communications service" and the use of the words "basic local telecommunications service" could lead to confusion regarding carrier-of-last-resort obligations or competitive carrier obligations in the provision of communications services.

Respectfully submitted this 13th day of September, 2006.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by

U.S. Mail this 13th day of September 2006 to the following:

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