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Sent: Tuesday, January 02, 2007 4:24 PM
To: Filings@psc.state.fl.us
Cc: Masterton, Susan S [EQ]
Subject: Revised Page of Embarq's Memorandum of Law
Attachments: Revised Page of Embarq's Memorandum of Law.pdf

Filed on Behalf of: Susan S. Masterton

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Docket No. 060644-TL

Title of filing: Revised Page of Embarq's Memorandum of Law

Filed on behalf of: Susan Masterton

No of pages: 3

Description: Revised Page of Embarq's Memorandum of Law

<<Revised Page of Embarq's Memorandum of Law.pdf>>

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January 2, 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

RE: Docket No. 060644-TL, Embarq Florida, Inc.'s Memorandum of Law

Dear Ms. Bayó:

Enclosed please find a corrected page 14 to Embarq's Memorandum of Law filed in this docket on December 29, 2006, which corrects an inadvertent typographical error in the original filing. The revised page replaces the number "20" in the second bullet of the Conclusion with the number "30." (In addition, some formatting issues are addressed.)

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

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

Sincerely,

Susan S. Masterton

Enclosure

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**CERTIFICATE OF SERVICE
DOCKET NO. 060644-TL**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served electronically and by US mail this 2nd day of January, 2006 to the following:

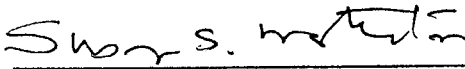
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Susan S. Masterton

cap on recovery, results in a conservative amount of recovery of Embarq's costs associated with the 2005 storms, many times less than Embarq's actual damages and costs incurred and fully in compliance with the recovery allowed under Section 364.051(4)(b).

The Commission should follow its decision in the BellSouth storm recovery docket and allow Embarq to implement its 2005 storm cost recovery charge upon Commission approval in this proceeding and not be required to delay implementation until the 2004 recovery charge is completed. Such a proposed deferral of cost recovery is contrary to the clear and unambiguous purpose of the statute to allow local exchange companies to seek timely, limited and streamlined recovery of storm-related costs.

CONCLUSION

WHEREFORE, the Commission should:

- Follow its ruling in the BellSouth docket and find that any surcharge approved for Embarq should also be applied to Embarq's wholesale loop customers, including customers who purchase loops under commercial agreements as well as §251 agreements and resold lines; and
- Reject the OPC's unfounded position that the assessment of any 2005 surcharge approved for Embarq should be delayed until the assessment of its 2004 charge is completed and, instead, follow its staff's position and the ruling in the BellSouth storm recovery docket and order that the charge be assessed as soon as practicable but no sooner than 30 days after the Commission vote.