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February 6, 2007

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

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RE: Docket No. 060763-TL, Embarq Florida, Inc,' Motion for Leave to File Surrebuttal Testimony of Kent W. Dickerson with Exhibits and attached Testimony and Exhibits.

- CMP _____
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- SEC _____
- OTH _____

Dear Ms. Bayó:

Enclosed for filing on behalf of Embarq Florida, Inc. are the original and fifteen (15) copies of its Motion for Leave to File Surrebuttal Testimony of Kent W. Dickerson with Exhibits and attached Testimony and Exhibits, Docket No. 060763-TL.

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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FPSC-BUREAU OF RECORDS

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

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by electronic, and US Mail (*) this 6th day of February, 2007 to the following:

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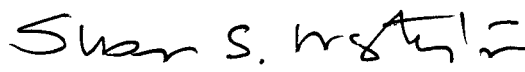
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Susan Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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: February 6, 2007
)
 _____)

EMBARQ FLORIDA INC.'S MOTION FOR LEAVE TO FILE SURREBUTTAL TESTIMONY AND EXHIBITS OF KENT W. DICKERSON

Embarq Florida, Inc. ("Embarq"), pursuant to Rule 28-106.204, Florida Administrative Code, files this Motion for Leave to File the Surrebuttal Testimony and Exhibits of Kent W. Dickerson. Good cause exists for Embarq to file this Surrebuttal Testimony as set forth below. In support of this Motion Embarq states as follows:

1. On November 20, 2006, Embarq filed its Petition for Waiver of its Carrier of Last Resort obligations in the Collier County development known as Treviso Bay.
2. On December 1, 2006, Treviso Bay filed its Response to Embarq's Petition setting forth several issues of material fact related to the Commission's consideration of the Petition.
3. On December 13, 2006, Embarq filed its Amended Petition and Motion for Expedited Hearing on Embarq's Petition ("December 13th Motion"). To facilitate the expedited relief requested by Embarq, Embarq included with its Motion and Amended Petition the pre-filed testimony and exhibits of two witnesses, Michael J. DeChellis and Kent W. Dickerson.
4. On December 29, 2006 the Commission granted Embarq's Petition for Expedited Hearing and set forth the procedural schedule for consideration of

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Embarq's Amended Petition, including the date for any interveners to file Rebuttal Testimony (originally January 17, 2007) and for a hearing on February 14, 2007. The issue identification meeting was held on January 5, 2007. Subsequently, Treviso requested an extension of the time frame for filing its testimony, until January 24, 2007, which was granted.

5. A time for Embarq to file Surrebuttal Testimony was not established in the Orders on Procedure. However, it is common practice in Commission proceedings to allow such testimony to be filed by a petitioner, who bears the burden of proof for establishing its case, particularly in proceedings where the Petitioner only files Direct Testimony and interveners only file Rebuttal Testimony, such as was the case in this proceeding. See, e.g., Docket Nos. 060598-TL and 060644-TL (relating to BellSouth's and Embarq's Petitions to Recovery 2005 storm costs) and Docket Nos. 990649A&B-TP (relating to the establishment of ILEC UNE rates). In addition, due to the need for expedited relief as set forth in its December 13th Motion, in this case Embarq filed its Direct Testimony prior to the specific identification of issues and without the benefit of discovery, which subsequently has clarified certain important factual issues.
6. Embarq's Petition for Relief of its COLR obligation in Treviso Bay is a case of first impression before the Commission. It is brought under a statute enacted in 2006, and will be the first time Commission considers important issues relating to the meaning and implementation of that statute.

7. Due to the pioneering nature of Embarq's request for relief under the new statute, the Commission should be concerned particularly with obtaining all relevant evidence and argument that will assist the Commission in rendering a decision on Embarq's request for relief. Mr. Dickerson's Surrebuttal Testimony addresses important matters of policy and fact raised in Mr. Wood's Rebuttal testimony, including policy issues relating to universal service and competition and discrepancies of fact relating to Mr. Wood's alternative NPV analysis.
8. While Embarq recognizes that it is filing this request and accompanying testimony late in the process, Embarq believes that it has prepared its Surrebuttal Testimony as quickly as practicable under the circumstances and considering the very tight testimony and discovery time frames established in this case.
9. Without Mr. Dickerson's Surrebuttal Testimony, the Commission will not have a full and complete record on which to base its decision. This is especially true since, due to the expedited nature of the proceeding, no post-hearing filings are currently contemplated in the case.
10. The Commission frequently has granted requests for leave to file additional testimony, similar to this request by Embarq. See, e.g., Order No. PSC-04-0196-PCO-TP in Docket No. 030851-TP, *In re: Implementation of requirements arising from Federal Communications Commission's triennial UNE review: Local Circuit Switching for Mass Market Customers*; Order No.

PSC-01-2399-PCO-TP in Docket No. 990649A-TP, *In re: Investigation into pricing of unbundled network elements (BellSouth track)*.

11. As required by Rule 28-106.204(4), F.A.C., Embarq has conferred with counsel for Treviso Bay regarding this motion. Treviso Bay has indicated that it opposes the Motion.
12. Although Treviso Bay opposes the Motion, Embarq believes that Treviso Bay's interests will not be prejudiced by Embarq's filing, due to the opportunities afforded Treviso Bay to cross-examine Mr. Dickerson regarding the subject matter of his Surrebuttal Testimony at the February 14, 2007 hearing. In addition, to address any perception that Treviso Bay may be prejudiced by the filing of Mr. Dickerson's Surrebuttal Testimony, Embarq does not object to any additional discovery Treviso Bay feels is necessitated by the Surrebuttal Testimony and will respond in an expedited fashion to any discovery questions regarding the Surrebuttal Testimony from either Treviso Bay or staff.

WHEREFORE Embarq asks the Commission to grant this Motion for Leave to File Surrebuttal Testimony and accept the Surrebuttal Testimony of Kent W. Dickerson and Exhibits attached hereto.

RESPECTFULLY SUBMITTED this 6th day of February 2007.

Susan S. Masterton

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