

**Dorothy Menasco**

**From:** Rhonda Dulgar [rdulgar@yvlaw.net]  
**Sent:** Friday, May 04, 2007 3:44 PM  
**To:** Filings@psc.state.fl.us  
**Subject:** Resubmittal - Docket 060763-TL  
**Attachments:** TBD.Response.Embarq.Req4OralArg.5-4-07.doc

**ORIGINAL**

a. Person responsible for this electronic filing:

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b. Docket No. 060763-TL

Petition for waiver of carrier of last resort obligations for multitenant property in Collier County known as Treviso Bay, by Embarq, Florida, Inc.

c. Document being filed on behalf of Treviso Bay Development, LLC.

d. There are a total of 4 pages.

e. The document attached for electronic filing is Treviso Bay Development, LLC's Response in Opposition to Embarq's Request for Oral Argument.

(see attached file: TBD.Response.Embarq.Req4OralArg.5-4-07.doc)

Thank you for your attention and assistance in this matter.

The signature has been changed to conform to the PSC requirements. I apologize for any inconvenience this may have caused.

Rhonda Dulgar  
Secretary to Schef Wright  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for waiver of carrier )	
of last resort obligations for )	Docket No. 060763-TL
multitenant property in Collier )	
County known as Treviso Bay, )	Filed: May 4, 2007
by Embarq Florida, Inc. )	
_____ )	

TREVISO BAY DEVELOPMENT, LLC'S RESPONSE IN OPPOSITION TO EMBARQ'S REQUEST FOR ORAL ARGUMENT

Pursuant to Rule 25-22.0022, Florida Administrative Code ("F.A.C."), Treviso Bay Development, LLC ("Treviso Bay"), hereby files this response in opposition to Embarq Florida, Inc.'s ("Embarq") request for oral argument and in support thereof state:

1. On April 27, 2007, Embarq filed its request for oral argument on its "Motion for Reconsideration of Order No. PSC-07-0311-FOF-TL" (the "Motion for Reconsideration"). Embarq contends that "oral argument will allow a full explanation and discussion" of the issues raised in Embarq's Motion for Reconsideration and "will assist the Commission in its consideration" of the Motion for Reconsideration. Treviso Bay respectfully disagrees.

2. Rule 25-22.0022(3), F.A.C., provides that "[g]ranting or denying a request for oral argument is within the sole discretion of the Commission." The Commission should exercise its discretion and deny Embarq's request.

3. Embarq's Motion for Consideration is sixteen pages long and adequately sets forth Embarq's position. As set forth in Treviso Bay's response to Embarq's Motion for Reconsideration, Treviso Bay believes that Embarq's Motion for Reconsideration is nothing more than a thinly-veiled attempt to improperly reargue the evidence adduced by the parties at the evidentiary hearing in this docket and, thus, should be denied.

4. Clearly, the issues raised by Embarq in its Motion for Reconsideration have now been extensively briefed by the parties in Embarq's lengthy Motion for Reconsideration and Treviso Bay's response thereto. Moreover, Embarq (and Treviso Bay) had and availed themselves of the opportunity to argue the evidence in their closing arguments at the conclusion of the hearing. Treviso Bay respectfully contends that oral argument will not assist the Commission in understanding and evaluating these issues. Rather, oral argument will simply provide Embarq another avenue to attempt to improperly reargue the evidence and the issues that the Commission has already decided in this case. Accordingly, Embarq's request for oral argument should be denied.

WHEREFORE, Treviso Bay respectfully requests that the Commission deny Embarq's request for oral argument on its Motion for Reconsideration.

Respectfully submitted this 4th day of May, 2007.

*S/ Robert Scheffel Wright*

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 4<sup>th</sup> day of May, 2007, to the following:

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