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Public Service Commission

November 26, 2008

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DOCUMENT NO. 09033-07
DISTRIBUTION: RCP; GCL

James Meza, III, Esquire
AT&T Florida – Legal Department
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

Re: Return of Confidential Documents to the Source, Docket No. 060598-TL

Dear Mr. Meza:

Commission staff have advised that confidential Document Nos. 09282-06, 09284-06, 09526-06, and 08481-07, filed on behalf of BellSouth Telecommunications, Inc. and BellSouth Telecommunications, Inc. d/b/a AT&T Florida, can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

AC

Ann Cole
Commission Clerk

AC:mhmc
Enclosure

cc: Laura V. King, Division of Regulatory Compliance
Richard C. Bellak, Office of the General Counsel

RECEIVED [signature] (Pope) **DATE** 12-04-08

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Public Service Commission

November 26, 2008

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Manuel A. Gurdian, Esquire
AT&T Florida – Legal Department
150 South Monroe Street, Suite 400
Tallahassee, Florida 32301

Re: Return of Confidential Documents to the Source, Docket No. 060598-TL

Dear Mr. Gurdian:

Commission staff have advised that confidential Document Nos. 08753-06, 09856-06, 09859-06, 10204-06, 10431-06, 10580-06, 10649-06, 10727-06, 11072-06, 11076-06, 11079-06, 11082-06, 11086-06, 11421-06, and 09216-07, filed on behalf of BellSouth Telecommunications, Inc. and BellSouth Telecommunications, Inc. d/b/a AT&T Florida, can be returned to the source. The documents are enclosed.

Please do not hesitate to contact me if you have any questions concerning return of this material.

Sincerely,

AC

Ann Cole
Commission Clerk

AC:mhmc
Enclosure

cc: Laura V. King, Division of Regulatory Compliance
Richard C. Bellak, Office of the General Counsel

RECEIVED (Pope) **DATE** 12-04-08

Matilda Sanders PSC-08-0771-CFO-TL

From: Gloria Ross
Sent: Friday, November 21, 2008 9:17 AM
To: CLK - Orders / Notices
Cc: Lee Eng Tan
Subject: Order / Notice Submitted

Date and Time: 11/21/2008 9:12:00 AM
Docket Number: 060598-TL
Filename / Path: I:\2006\060598\Order Granting Duration of Confidentiality.doc
Order Type: Signed / Hand Deliver

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ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T FLORIDA'S MOTION FOR EXTENSION OF DURATION OF ORDER NOS. PSC-07-0067-CFO-TL, PSC-07-0068-CFO-TL, PSC-07-0069-CFO-TL, PSC-07-0070-CFO-TL, PSC-07-0071-CFO-TL, PSC-07-0072-CFO-TL, PSC-07-0073-CFO-TL, PSC-07-0074-CFO-TL, PSC-07-0075-CFO-TL GRANTING CONFIDENTIAL CLASSIFICATION

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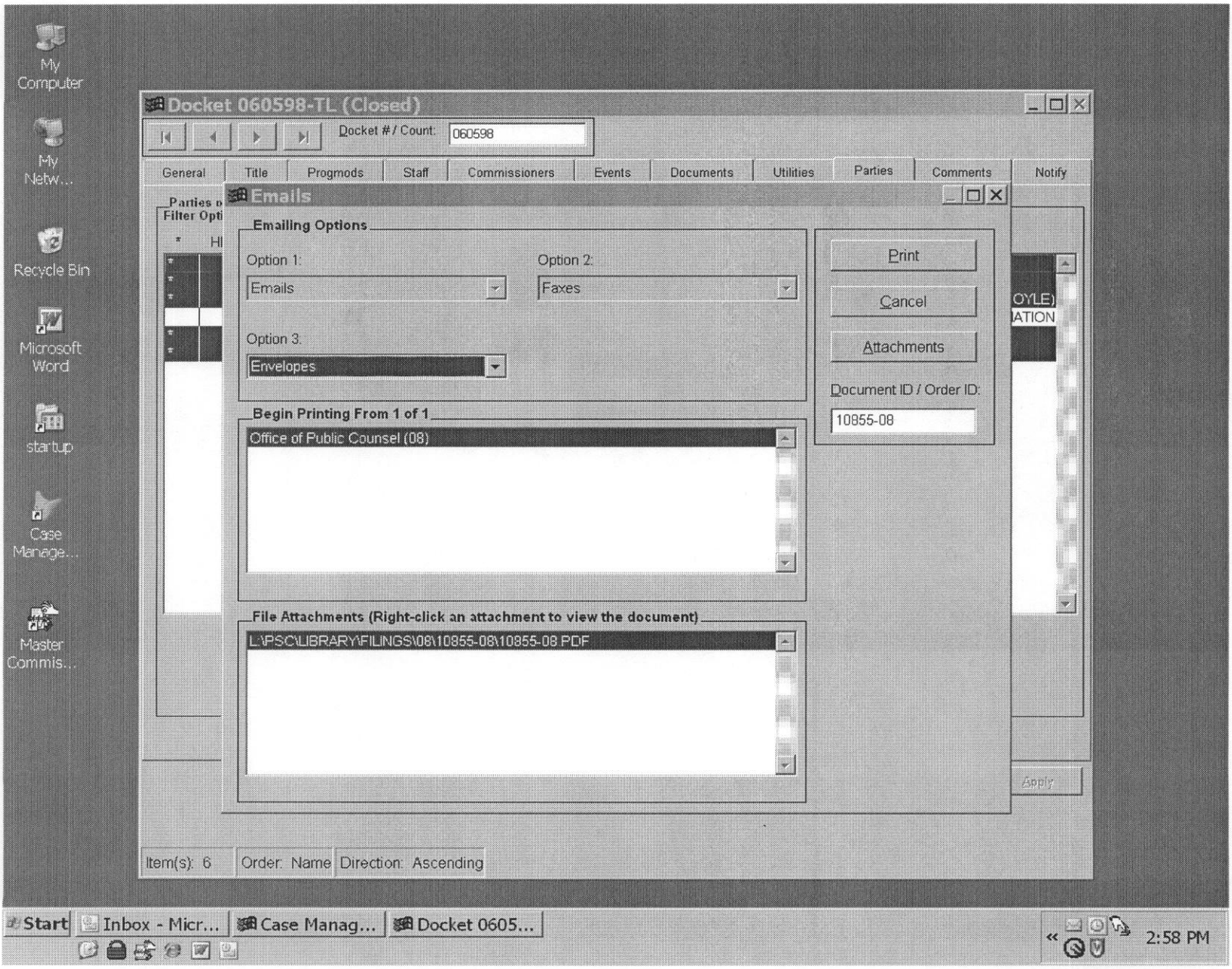
Akerman Law Firm (08)		beth.keating@akerman.com	No
AT&T Florida (08a4)		greg.follensbee@att.com	No
Competitive Carriers of the South, Inc. (Moyle)		vkaufman@moylelaw.com	No
NuVox Communications, Inc.		sberlin@nuvox.com	No

Printed on 11/21/2008 at 2:57:46 PM



Friday, Nov 21, 2008 02:58 PM

8/12/2008 10:36 AM

Office of Commission Clerk Official Filing

Ruth Nettles PSC-08-0519-CFO-TL

From:	**Gloria Ross**
Sent:	**Tuesday, August 12, 2008 9:37 AM**
To:	**CLK - Orders / Notices**
Cc:	**Lee Eng Tan**
Subject:	**Order / Notice Submitted**
Date and Time:	**8/12/2008 9:28:00 AM**
Docket Number:	**060598-TL**
Filename / Path:	**I:\2006\060598\Order Granting Mtn Ext Duration Order Granting Conf Class.doc**
Order Type:	**Signed / Hand Deliver**

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ORDER GRANTING BELLSOUTH TELECOMMUNICATIONS, INC. D/B/A AT&T FLORIDA'S MOTION FOR EXTENSION OF DURATION OF ORDER NO. PSC-06-1002-CFO-TL, GRANTING CONFIDENTIAL CLASSIFICATION

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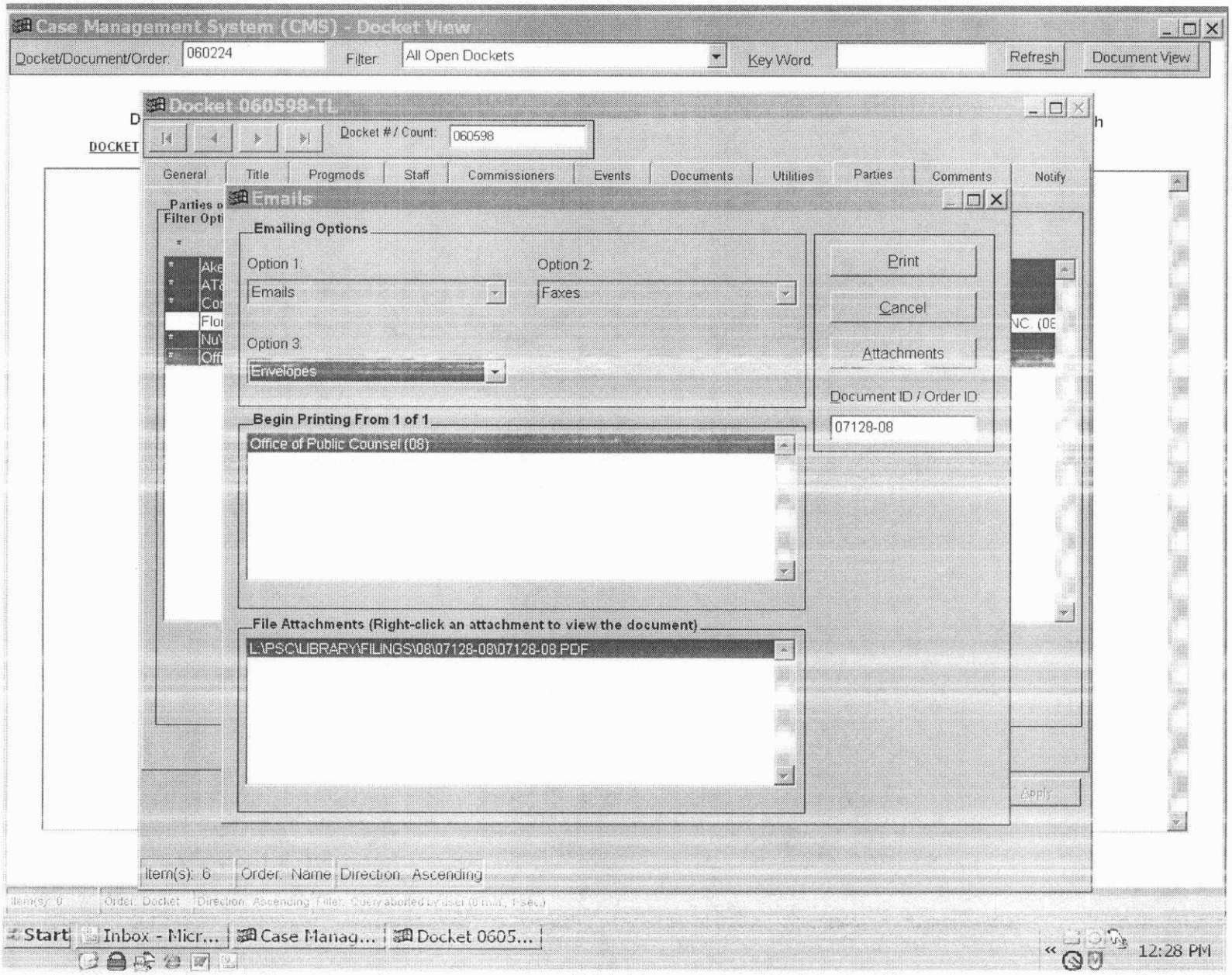
PARTY NAME	COMPANY CODE	EMAIL ADDRESS	ADDRESS IN MASTER COMMISSION DIRECTORY
Akerman Law Firm (08)		beth.keating@akerman.com	No
AT&T Florida (08a4)		greg.follensbee@att.com	No
Competitive Carriers of the South, Inc. (Moyle)		vkaufman@moylelaw.com	No
NuVox Communications, Inc.		sberlin@nuvox.com	No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Direction: Ascending
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Docket 0605...
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From: System Administrator
To: vkaufman@moylelaw.com
Sent: Tuesday, August 12, 2008 12:29 PM
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Your message did not reach some or all of the intended recipients.

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Sent: 8/12/2008 12:28 PM

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Matilda Sanders PSC-07-1011-CFO-TL

From:	Jackie Schindler
Sent:	Thursday, December 20, 2007 3:02 PM
To:	CLK - Orders / Notices; Patrick Wiggins
Subject:	Order / Notice Submitted
Date and Time:	12/20/2007 2:53:00 PM
Docket Number:	060598-TL
Filename / Path:	060598conf-08481-07.doc
Order Type:	Signed / Hand Deliver

3

An ORDER GRANTING AT&T FLORIDA'S REQUEST FOR SPECIFIED CONFIDENTIAL CLASSIFICATION OF DN 08481-07 has been SIGNED and moved to GC Orders for issuance.

Thanks,
js

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

4 email
1 mailed

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Marguerite Lockard

From: Rick Wright
Sent: Thursday, October 04, 2007 9:27 AM
To: Marguerite Lockard
Subject: RE: Confidential DN 08481-07 - Dkt 060598-TL

Thanks. Sorry for the trouble.

From: Marguerite Lockard
Sent: Thursday, October 04, 2007 9:26 AM
To: Rick Wright
Subject: RE: Confidential DN 08481-07 - Dkt 060598-TL

the staff recommendation has been filed, so it has to stay in the docket file. I did put a clerk note at the end of the description: "[CLK Note: No formal request has been filed with the Clerk's office.]"

if you would like the wording to be different, let me know.

thanks,

Marguerite.

From: Rick Wright
Sent: Thursday, October 04, 2007 9:20 AM
To: Marguerite Lockard
Subject: RE: Confidential DN 08481-07 - Dkt 060598-TL

Can you remove the rec from CMS?

From: Marguerite Lockard
Sent: Wednesday, October 03, 2007 2:10 PM
To: Rick Wright
Subject: Confidential DN 08481-07 - Dkt 060598-TL

Rick,

i rec'd. your staff recommendation on Confidential Document No. 08481-07 in Docket No. 060598-TL. You stated that this confidential document was received with a request for confidential classification, but in fact, this document was received with a notice of intent. I have no record of a formal request for this document.

Marguerite.

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA

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September 20, 2007

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Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell
& Hoffman, P.A.
Post Office Box 551
Tallahassee, Florida 32302-0551

Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

Dear Ms. Rule:

I have enclosed an invoice reflecting charges for preparation of the above-referenced appeal record. Please forward a check in the amount indicated, made payable to the Florida Public Service Commission, at your earliest convenience.

If you have any questions regarding this matter, please feel free to contact me.

Sincerely,

Ann Cole
Commission Clerk

AC:mhl
Enclosure

FLORIDA PUBLIC SERVICE COMMISSION

2540 Shumard Oak Blvd. ◆ Tallahassee, Florida 32399-0850

10512

Date: 9/20/07

To: Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell
& Hoffman, P.A.
Post Office Box 551
Tallahassee, Florida 32302-0551

Date Paid _____

Amount Paid _____

Check # _____

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PSC Signature _____

This number must appear on all checks or correspondence regarding this invoice.

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September 18, 2007

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William M. McCool, Clerk
United States District Court, Northern District
111 North Adams Street
Tallahassee, Florida 32301-7730

Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

Dear Mr. McCool:

Enclosed please find the Record on Appeal in the above-referenced matter, consisting of five binders, Attachment One, and Attachment Two, for filing with the United States District Court, Northern District. Please initial and date the copy of this letter provided as confirmation of filing.

If you have any questions regarding this record, please feel free to contact me.

Sincerely,

Ann Cole
Commission Clerk

AC:mhl
Enclosure

cc: David E. Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel
Marsha Rule, Esquire
D. Bruce May, Jr., Esquire
Sean A. Lev, Esquire
J. Jeffrey Wahlen, Esquire
Charles Beck, Esquire

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMPETITIVE CARRIERS OF THE SOUTH, INC., and NUVOX COMMUNICATIONS, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	4:07 CV 48 RH/WCS CONSOLIDATED IN US COURT
COMPETITIVE CARRIERS OF THE SOUTH, INC., and FLORIDA DIGITAL NETWORK, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	4:07 CV 64 SPM/WCS

CERTIFICATE OF RECORD

I, Ann Cole, Commission Clerk and Custodian of Records for the Office of Commission Clerk, Florida Public Service Commission, for the State of Florida, do certify that the foregoing pages 1 through 819, inclusive, contains a true and correct copy of such papers in the above-styled matter as appears in the files in my office and that have been included in said record, pursuant to the Directions to the Clerk and Supplement Directions to the Clerk.

CERTIFIED this 18th day of September, 2007, in Tallahassee, Leon County, Florida.

Ann Cole, Commission Clerk
Office of Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
(850) 413-6744

(SEAL)

STATE OF FLORIDA

OFFICE OF COMMISSION CLERK
ANN COLE
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060598-TL

Public Service Commission

September 18, 2007

William M. McCool, Clerk
United States District Court, Northern District
111 North Adams Street
Tallahassee, Florida 32301-7730

Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

Dear Mr. McCool:

Enclosed please find the Record on Appeal in the above-referenced matter, consisting of five binders, Attachment One, and Attachment Two, for filing with the United States District Court, Northern District. Please initial and date the copy of this letter provided as confirmation of filing.

If you have any questions regarding this record, please feel free to contact me.

Sincerely,

AC

Ann Cole
Commission Clerk

AC:mhl
Enclosure

cc: David E. Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel
Marsha Rule, Esquire
D. Bruce May, Jr., Esquire
Sean A. Lev, Esquire
J. Jeffrey Wahlen, Esquire
Charles Beck, Esquire

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KCB

Law Offices

HOLLAND & KNIGHT LLP

315 South Calhoun Street
Suite 600
P.O. Drawer 810 (ZIP 32302-0810)
Tallahassee, Florida 32301

850-224-7000
FAX 850-224-8832
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FROM:		
Connie H. Shivers, CLA	425-5657	1
NAME	TELEPHONE	TOTAL PAGES (Including Cover Sheet) 1

MESSAGE:

Good morning – I need to obtain a copy of the record on appeal for the following docket::

060598 In re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Federal Appeal record
4:07 CV 48 RH/WCS

If there is any possible way to expedite this request, it would be most appreciated as an Answer Brief is due next Tuesday, 9/18. Thanks so much . . . call me at 425-5657 to let me know when we can pick this up. . . . Connie

Rec'd _____ Date 9-13-07

FOR THE RECORD:

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Public Service Commission

August 15, 2007

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Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301-1841

Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

Dear Ms. Rule:

Enclosed is the Index to the record on appeal regarding the above-referenced dockets. Please review this index for content of the record.

If you have any questions regarding this Index, please feel free to contact me. The record will be filed in the U. S. District Court, Northern District of Florida, Tallahassee Division, on or before September 18, 2007.

Sincerely,

Ann Cole
Commission Clerk

AC:mhl
Enclosure

cc: David E. Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel
D. Bruce May, Jr., Esquire
Sean A. Lev, Esquire
J. Jeffrey Wahlen, Esquire
Charles Beck, Esquire

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMPETITIVE CARRIERS OF THE SOUTH, INC., and NUVOX COMMUNICATIONS, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	4:07 CV 48 RH/WCS CONSOLIDATED IN US COURT
COMPETITIVE CARRIERS OF THE SOUTH, INC., and FLORIDA DIGITAL NETWORK, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	4:07 CV 64 SPM/WCS

RECORD ON APPEAL IN THE MATTER OF:

Petition to recover 2005 tropical system related costs and expenses,
by BellSouth Telecommunications, Inc.

PSC DOCKET NO. 060598-TL

Petition to recover 2005 tropical system related costs and expenses,
by Embarq Florida, Inc.

PSC DOCKET NO. 060644-TL

INDEX (BY DATE)

PSC DOCKET NO. 060598-TL

Volume 1

Date		Page
09/01/06	BellSouth Telecommunications, Inc.'s ("BellSouth") petition to recover 2005 tropical system related costs and expenses, with attached testimony and exhibits of Kathy K. Blake, Ronald L. Hilyer, Williams McKinney, and C.S. (Steve) Pendergrass	1
09/12/06	NuVox Communications, Inc.'s ("NuVox") petition to intervene	77
09/12/06	Competitive Carriers of the South, Inc.'s ("CompSouth") petition to intervene	81
09/20/06	Order PSC-06-0783-PCO-TL establishing procedure	84
09/20/06	BellSouth's motion for leave to file amended petition with attached amended petition	93
09/20/06	Amended direct testimony of Kathy K. Blake, on behalf of BellSouth	109
09/22/06	Order PSC-06-0790-PCO-TL granting intervention [to NuVox]	127
09/22/06	Order PSC-06-0791-PCO-TL acknowledging intervention [by Citizens of the State of Florida ('Citizens')]	129
09/22/06	Order PSC-06-0792-PCO-TL granting intervention [to CompSouth]	130
09/22/06	CompSouth's response to BellSouth's motion to amend storm petition	132
10/04/06	Order PSC-06-0818-PCO-TL granting motion for leave to file amended petition and modifying procedural schedule	137
10/20/06	Direct Testimony of Charleston J. Winston and Exhibit No. CJW-1, on behalf of Florida Public Service Commission ("Commission")	141

Volume 2

10/20/06	Testimony and exhibits [DJW-1 and DJW-2] of Don J. Wood, on behalf of CompSouth	163
11/08/06	Second Order PSC-06-0941-PCO-TL on procedure	230

11/13/06 Citizens' prehearing statement....233

11/13/06 Staff's prehearing statement, on behalf of Commission....238

11/13/06 BellSouth's prehearing statement....242

11/13/06 Joint prehearing statement of CompSouth and NuVox....253

11/17/06 CompSouth's withdrawal of a portion of the testimony of Don J. Wood with revised testimony and exhibits [DJW-1 and DJW-2] of Don J. Wood....259

11/17/06 Revised direct testimony of Charleston J. Winston with Exhibit No. CJW-1, on behalf of Commission....322

Volume 3

11/17/06 BellSouth's notice of intent to request specified confidential classification with attached redacted version of surrebuttal testimonies and exhibits....345

11/22/06 Transcript of prehearing conference held November 20, 2006 in Tallahassee, Florida....422

11/30/06 CompSouth's prehearing memorandum of law....437

11/30/06 BellSouth's memorandum of law....454

12/01/06 Redacted version of surrebuttal testimony and exhibits of Kathy K. Blake, Ronald L. Hilyer, and C. S. Pendergrass, on behalf of BellSouth....461

12/04/06 Prehearing Order PSC-06-1001-PHO-TL....515

12/04/06 Affidavit [to 1st set of interrogatory responses to BellSouth], on behalf of CompSouth....533

12/04/06 Affidavit [to 1st set of interrogatory responses to staff], on behalf of CompSouth....534

12/05/06 BellSouth's notice of withdrawal of certain testimony....535

Volume 4

12/13/06 Memorandum dated December 13, 2006 from Commission's Division of Competitive Markets and Enforcement and Office of the General Counsel to Division of the Commission Clerk and Administrative Services....537

12/19/06 Vote sheet from December 19, 2006 Commission agenda conference....570

12/26/06 Transcript of agenda conference, Item No. 8, held December 19, 2006 in Tallahassee, Florida 575

01/10/07 Order PSC-07-0036-FOF-TL on BellSouth storm cost recovery 601

01/18/07 BellSouth's motion to modify order 627

03/01/07 Memorandum dated March 1, 2007 from Commission's Office of the General Counsel and Division of Competitive Markets and Enforcement to Division of the Commission Clerk and Administrative Services 631

03/13/07 Vote sheet from March 13, 2007 Commission agenda conference 635

04/05/07 Order PSC-07-0291-FOF-TL granting joint motion to modify Order No. PSC-07-0036-FOF-TL 637

PSC DOCKET NO. 060644-TL

09/25/06 Embarq Florida, Inc.'s ("Embarq") petition to recover 2005 tropical system related costs and expenses 640

10/11/06 Order PSC-06-0850-PCO-TL establishing procedure 663

10/12/06 CompSouth petition to intervene 672

11/13/06 Order PSC-06-0942-PCO-TL granting intervention [to CompSouth] 675

11/28/06 Second Order PSC-06-0981-PCO-TL on procedure 677

11/29/06 Petition to intervene and notice of appearance of Florida Digital Network, Inc., d/b/a FDN Communications ("FDN Communications") 680

12/14/06 Order PSC-06-1034-PCO-TL granting intervention [to FDN Communications] 684

12/21/06 Transcript of prehearing held December 20, 2006 in Tallahassee, Florida 687

12/29/06 Prehearing Order PSC-06-1073-PHO-TL 702

12/29/06 CompSouth's prehearing memorandum of law 715

Volume 5

12/29/06 Embarq's memorandum of law 732

01/16/07 Memorandum dated January 16, 2007 from Commission's Division of Competitive Markets and Enforcement and Office of the General Counsel to Division of the Commission Clerk and Administrative Services.....747

01/23/07 Vote sheet from January 23, 2007 Commission agenda conference 780

01/30/07 Transcript of agenda conference, Item No. 13, held January 23, 2007 in Tallahassee, Florida.....783

02/12/07 Order PSC-07-0126-FOF-TL on Embarq storm cost recovery 794

PSC DOCKET NO. 060598-TL

12/07/06 Transcript of hearing held December 6, 2006, pages 1 through 214 (reference court reporter's original page numbers in this volume) .....ATTACHMENT ONE

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PSC DOCKET NO. 060644-TL

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01/05/07 Hearing Exhibit 5 [Deposition of Kent Dickerson (or excerpts thereof)] from January 4, 2007 Hearing.....ATTACHMENT TWO

Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301-1841

Richard Bellak, Esquire
David E. Smith, Esquire
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Tallahassee, Florida 32399-0850

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Kellog, Huber, Hansen, Todd, Evans
& Figel, P.L.L.C.
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Charles Beck, Esquire
Office of Public Counsel
111 West Madison Street, Room 812
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ATTORNEYS FOR DEFENDANTS

Administrative Correspondence

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN
NANCY ARGENZIANO
NATHAN A. SKOP

STATE OF FLORIDA

OFFICE OF COMMISSION CLERK
ANN COLE
COMMISSION CLERK
(850) 413-6770

Public Service Commission

August 15, 2007

FPSC, CLK - CORRESPONDENCE
☑ Administrative ☐ Parties ☐ Consumer
DOCUMENT NO. 09033-07
DISTRIBUTION: _____

Marsha E. Rule, Esquire
Rutledge, Ecenia, Purnell & Hoffman, P.A.
215 South Monroe Street, Suite 420
Tallahassee, Florida 32301-1841

Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

Dear Ms. Rule:

Enclosed is the Index to the record on appeal regarding the above-referenced dockets. Please review this index for content of the record.

If you have any questions regarding this Index, please feel free to contact me. The record will be filed in the U. S. District Court, Northern District of Florida, Tallahassee Division, on or before September 18, 2007.

Sincerely,

Ann Cole
Commission Clerk

AC:mhl
Enclosure

cc: David E. Smith, Office of the General Counsel
Richard Bellak, Office of the General Counsel
D. Bruce May, Jr., Esquire
Sean A. Lev, Esquire
J. Jeffrey Wahlen, Esquire
Charles Beck, Esquire

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMPETITIVE CARRIERS OF THE SOUTH, INC., and NUVOX COMMUNICATIONS, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	)	4:07 CV 48 RH/WCS CONSOLIDATED IN US COURT
COMPETITIVE CARRIERS OF THE SOUTH, INC., and FLORIDA DIGITAL NETWORK, INC., Plaintiffs, vs. LISA POLAK EDGAR, CHAIRMAN, ETC, ET AL., Defendants.	)	4:07 CV 64 SPM/WCS

RECORD ON APPEAL IN THE MATTER OF:

Petition to recover 2005 tropical system related costs and expenses,
by BellSouth Telecommunications, Inc.

PSC DOCKET NO. 060598-TL

Petition to recover 2005 tropical system related costs and expenses,
by Embarq Florida, Inc.

PSC DOCKET NO. 060644-TL

I N D E X (BY DATE)

PSC DOCKET NO. 060598-TL

Volume 1

Date		Page
09/01/06	BellSouth Telecommunications, Inc.'s ("BellSouth") petition to recover 2005 tropical system related costs and expenses, with attached testimony and exhibits of Kathy K. Blake, Ronald L. Hilyer, Williams McKinney, and C.S. (Steve) Pendergrass	1
09/12/06	NuVox Communications, Inc.'s ("NuVox") petition to intervene	77
09/12/06	Competitive Carriers of the South, Inc.'s ("CompSouth") petition to intervene	81
09/20/06	Order PSC-06-0783-PCO-TL establishing procedure	84
09/20/06	BellSouth's motion for leave to file amended petition with attached amended petition	93
09/20/06	Amended direct testimony of Kathy K. Blake, on behalf of BellSouth	109
09/22/06	Order PSC-06-0790-PCO-TL granting intervention [to NuVox]	127
09/22/06	Order PSC-06-0791-PCO-TL acknowledging intervention [by Citizens of the State of Florida ('Citizens')]	129
09/22/06	Order PSC-06-0792-PCO-TL granting intervention [to CompSouth]	130
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10/20/06	Direct Testimony of Charleston J. Winston and Exhibit No. CJW-1, on behalf of Florida Public Service Commission ("Commission")	141

Volume 2

10/20/06	Testimony and exhibits [DJW-1 and DJW-2] of Don J. Wood, on behalf of CompSouth	163
11/08/06	Second Order PSC-06-0941-PCO-TL on procedure	230

11/13/06 Citizens' prehearing statement....233

11/13/06 Staff's prehearing statement, on behalf of Commission....238

11/13/06 BellSouth's prehearing statement....242

11/13/06 Joint prehearing statement of CompSouth and NuVox....253

11/17/06 CompSouth's withdrawal of a portion of the testimony of Don J. Wood with revised testimony and exhibits [DJW-1 and DJW-2] of Don J. Wood....259

11/17/06 Revised direct testimony of Charleston J. Winston with Exhibit No. CJW-1, on behalf of Commission....322

Volume 3

11/17/06 BellSouth's notice of intent to request specified confidential classification with attached redacted version of surrebuttal testimonies and exhibits....345

11/22/06 Transcript of prehearing conference held November 20, 2006 in Tallahassee, Florida....422

11/30/06 CompSouth's prehearing memorandum of law....437

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12/01/06 Redacted version of surrebuttal testimony and exhibits of Kathy K. Blake, Ronald L. Hilyer, and C. S. Pendergrass, on behalf of BellSouth....461

12/04/06 Prehearing Order PSC-06-1001-PHO-TL....515

12/04/06 Affidavit [to 1st set of interrogatory responses to BellSouth], on behalf of CompSouth....533

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12/05/06 BellSouth's notice of withdrawal of certain testimony....535

Volume 4

12/13/06 Memorandum dated December 13, 2006 from Commission's Division of Competitive Markets and Enforcement and Office of the General Counsel to Division of the Commission Clerk and Administrative Services....537

12/19/06 Vote sheet from December 19, 2006 Commission agenda conference....570

12/26/06 Transcript of agenda conference, Item No. 8, held December 19, 2006 in Tallahassee, Florida 575

01/10/07 Order PSC-07-0036-FOF-TL on BellSouth storm cost recovery 601

01/18/07 BellSouth's motion to modify order 627

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03/13/07 Vote sheet from March 13, 2007 Commission agenda conference 635

04/05/07 Order PSC-07-0291-FOF-TL granting joint motion to modify Order No. PSC-07-0036-FOF-TL 637

PSC DOCKET NO. 060644-TL

09/25/06 Embarq Florida, Inc.'s ("Embarq") petition to recover 2005 tropical system related costs and expenses 640

10/11/06 Order PSC-06-0850-PCO-TL establishing procedure 663

10/12/06 CompSouth petition to intervene 672

11/13/06 Order PSC-06-0942-PCO-TL granting intervention [to CompSouth] 675

11/28/06 Second Order PSC-06-0981-PCO-TL on procedure 677

11/29/06 Petition to intervene and notice of appearance of Florida Digital Network, Inc., d/b/a FDN Communications ("FDN Communications") 680

12/14/06 Order PSC-06-1034-PCO-TL granting intervention [to FDN Communications] 684

12/21/06 Transcript of prehearing held December 20, 2006 in Tallahassee, Florida 687

12/29/06 Prehearing Order PSC-06-1073-PHO-TL 702

12/29/06 CompSouth's prehearing memorandum of law 715

Volume 5

12/29/06 Embarq's memorandum of law 732

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01/23/07 Vote sheet from January 23, 2007 Commission agenda conference 780

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02/12/07 Order PSC-07-0126-FOF-TL on Embarq storm cost recovery 794

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August 15, 2007

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Re: U. S. District Court Consolidated Case No. 4:07 CV 48 RH/WCS – Competitive Carriers of the South, Inc., NuVox Communications, Inc., and Florida Digital Network, Inc. vs. Lisa Polak Edgar, Chairman, etc., et al. (Docket Nos. 060598-TL and 060644-TL)

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Sincerely,

Ann Cole
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cc: David E. Smith, Office of the General Counsel
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UNITED STATES DISTRICT COURT
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INDEX (BY DATE)

PSC DOCKET NO. 060598-TL

Volume 1

Date		Page
09/01/06	BellSouth Telecommunications, Inc.'s ("BellSouth") petition to recover 2005 tropical system related costs and expenses, with attached testimony and exhibits of Kathy K. Blake, Ronald L. Hilyer, Williams McKinney, and C.S. (Steve) Pendergrass	1
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Charles Beck, Esquire
Office of Public Counsel
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400

ATTORNEYS FOR DEFENDANTS

Marguerite Lockard

060598-TL

From: Marguerite Lockard
Sent: Tuesday, June 05, 2007 4:27 PM
To: Richard Bellak
Subject: RE: US Appeal - 060598-TL/060644-TL

ok, great...thanks for checking on that !!

From: Richard Bellak
Sent: Tuesday, June 05, 2007 4:20 PM
To: Marguerite Lockard
Subject: RE: US Appeal - 060598-TL/060644-TL

As to confidential information, don't include. Thanks.

From: Marguerite Lockard
Sent: Tuesday, June 05, 2007 11:24 AM
To: Richard Bellak
Subject: US Appeal - 060598-TL/060644-TL

Richard,

attached to this e-mail are plaintiffs directions to the clerk (DN 04161-07), BellSouth's supplemental directions to clerk
(DN 04385-07, and the index i've prepared.

can you check & make sure that i have all the attorney's listed correctly on the 2nd page of the index ?

also, should i include all the confidential information pertaining to Kathy Blake and Kent Dickerson's depositions, even if it was not specifically on the list ?

Marguerite.

State of Florida

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: February 13, 2007

TO: Ann Cole, Chief of Records, Division of the Commission Clerk & Administrative Services
Hong Wang, Management Review Specialist, Commission Clerk & Administrative Services
Cecelia R. Diskerud, Deputy Clerk, Office of the General Counsel

FROM: David E. Smith, Attorney Supervisor, Office of the General Counsel DES/WT
Wanda L. Terrell, Administrative Assistant, Office of the General Counsel

RE: Competitive Carriers of the South, Inc., and NuVox Communications, Inc. v. Lisa Polak Edgar, et al., and BellSouth Telecommunications, Inc., FPSC Docket No. 060598-TL, Florida Supreme Court.

Please note that Richard Bellak is handling the above appeal. The Notice of Administrative Appeal was filed on February 8, 2007. The case schedule is as follows:

Date	Item
From day of filing:	
03/16/07	Draft of Index of Record from CCA to Appeals Attorney.
03/30/07	Index of Record served on Parties.
04/09/07	Copy of Record to Appeals.
04/19/07	Appellant's Initial Brief Due.
05/04/07	Draft Commission Answer Brief Due.
05/09/07	Commission's Answer Brief Due.
05/29/07	Appellant's Reply Brief Due.

DES:wt

COMMISSIONERS:
LISA POLAK EDGAR, CHAIRMAN
MATTHEW M. CARTER II
KATRINA J. MCMURRIAN

STATE OF FLORIDA

DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

February 12, 2007

Thomas D. Hall, Clerk
Supreme Court of Florida
Supreme Court Building
Tallahassee, Florida 32301

Re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc. (Docket No. 060598-TL)

Dear Mr. Hall:

Enclosed is a certified copy of a Notice of Administrative Appeal, filed in this office on behalf of Competitive Carriers of the South, Inc. and NuVox Communications, Inc., filed February 8, 2007. A copy of Order No. PSC-07-0036-FOF-TL, the order on appeal, is attached to the notice as an exhibit.

It is our understanding that the index of record is due to be served on the parties to this proceeding on or before March 30, 2007.

Sincerely,

Ann Cole, Chief
Bureau of Records

AC/mhl
Enclosure

cc: Vicki Gordon Kaufman, Esquire
James Meza, III, Esquire
David E. Smith, Esquire
Charles J. Beck, Esquire
Michael A. Gross

ORIGINAL

MOYLE, FLANIGAN, KATZ, RAYMOND, WHITE & KRASKER, P.A.

ATTORNEYS AT LAW

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118 North Gadsden Street
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Telephone: (850) 681-3828
Facsimile: (850) 681-8788

Wellington Office
(561) 227-1560
West Palm Beach Office
(561) 659-7500

Vicki Gordon Kaufman
E-mail: vkaufman@moylelaw.com

SCANNED

February 8, 2007

VIA HAND DELIVERY

RECEIVED-FPSC
07 FEB -8 PM 1:41
COMMISSION CLERK

Ms. Blanca Bayo, Director
Commission Clerk and Administrative Services
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399

Re: Notice of Appeal of Florida Public Service Commission Order No. PSC-07-0036-FOF-TL
Docket No. 060598-TL

Dear Ms. Bayo:

Enclosed is the original Notice of Administrative Appeal in the above matter. Also enclosed is an additional copy for you to date stamp and return to me.

Please contact me if you have any questions. Thank you for your assistance.

CMP _____
COM _____
CTR _____
ECR _____
GCL _____
OPC ____VGK/pg
RCA ____Enclosures
SCR ____cc: Thomas D. Hall, Clerk of Florida Supreme Court
SGA _____ (with $300.00 filing fee)
SEC _____ Susan Berlin
Adam Teitzman
OTH Lockard James Meza III
Charles J. Beck

Sincerely,

Vicki Gordon Kaufman

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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Competitive Carriers of the South, Inc., and NuVox Communications, Inc.

Appellants,

v.

Lisa Polak Edgar, in her official capacity as Chairman of the Florida Public Service Commission; and Matthew M. Carter II and Katrina Tew, in their official capacities as Commissioners of the Florida Public Service Commission

and

BellSouth Telecommunications, Inc.,

Appellees.

_____/

In re:
Petition by BellSouth Telecommunications, Inc., pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses
Docket No. 060598-TL

Filed: February 8, 2007

NOTICE OF ADMINISTRATIVE APPEAL

NOTICE IS GIVEN that Competitive Carriers of the South, Inc. ("CompSouth") and NuVox Communications, Inc. ("NuVox"), Appellants, pursuant to Rule 9.030(a)(1)(B)(ii), Florida Rules of Appellate Procedure, and Section 364.381, Florida Statutes, appeal to the Florida Supreme Court the Florida Public Service Commission's ("Commission") Order No. PSC-07-0036-FOF-TL, rendered January 10, 2007, in Docket 060598-TL, In re: Petition by BellSouth Telecommunications, Inc., pursuant to Florida Statutes §364.051(4) to Recover 2005 Tropical System Related Costs and Expenses. This is a final order allowing BellSouth Telecommunications, Inc. ("BellSouth") to apply a surcharge to the rates it charges wholesale

providers of telecommunications services for unbundled network elements. A copy of the order is attached as Exhibit A.

Vicki Gordon Kaufman
Florida Bar No. 286672
Moyle, Flanigan, Katz, Raymond,
White & Krasker, P.A.
118 North Gadsden Street
Tallahassee, FL 32301
Telephone: 850/681-3828
Fax: 850/681-8788
vkaufman@moylelaw.com

Attorneys for Competitive Carriers of the South, Inc. and NuVox Communications, Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Administrative Appeal was served via hand delivery this 8th day of February, 2007, to the following:

Adam Teitzman
Staff Counsel
Florida Public Service Commission
Division of Legal Services
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
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BEFORE THE PUBLIC SERVICE COMMISSION

In re: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.	DOCKET NO. 060598-TL ORDER NO. PSC-07-0036-FOF-TL ISSUED: January 10, 2007

The following Commissioners participated in the disposition of this matter:

LISA POLAK EDGAR, Chairman
J. TERRY DEASON
MATTHEW M. CARTER II
KATRINA J. TEW

ORDER ON BELLSOUTH
STORM COST RECOVERY

BY THE COMMISSION:

TABLE OF CONTENTS

I. Abbreviations and Acronyms 2
II. Case Background 3
III. Stipulations 6
Issue 1 6
Issue 2 6
Issue 5 (in part) 6
Issue 6 7
IV. Retail Access Lines 7
A. Parties' Arguments 7
B. Analysis 9
Definition of access or customer line 9
Application of access line to retail business high-capacity customers 10
Source of data for retail access lines 10
Lifeline residential lines 11
Other access lines 11
C. Conclusion 11
V. Wholesale UNE Loops 11
A. Parties' Arguments (Legal Authority) 11
Appropriate or Unlawful? 12
Comparison to Other Surcharges 12
State Authority versus Federal Preemption 13
Equitable Treatment of Consumer Groups 14
B. Analysis (Legal Authority) 14

EXHIBIT A

Rate Increase 14
TELRIC Inapplicable 14
Recovery Appropriate 16
C. Parties' Arguments (Technical) 16
D. Analysis (Technical) 19
BellSouth's Proposals 20
CompSouth witness Wood's alternative 21
Subscriber Line Charge – ISDN PRI Assessment 22
E. Conclusion 22
VI. Line Item Charge Per Access Line 24
A. Parties' Arguments 24
B. Analysis 24
C. Conclusion 24
VII. Assessment of Line Item Charge on Wholesale Customers 25
A. Parties' Arguments 25
B. Analysis 25
C. Conclusion 25
Ordering Paragraphs 25

I. Abbreviations and Acronyms

Act	Telecommunications Act of 1996
BRI	Basic Rate Interface
CFR	Code of Federal Regulations
CLEC	Competitive Local Exchange Carrier
CLLI	Common Language Location Identifier – identifies a switch and the city, state and building where it is located.
CO	Central Office
COLR	Carrier of Last Resort
DS0	Digital Signal, level Zero. DS0 is 64,000 bits per second.
DS1	Digital Signal, level One. A 1.544 million bits per second digital signal carried on a T-1 transmission facility.
DS3	Digital Subscriber Line 3
DSL	Digital Subscriber Line
EEL	Enhanced Extended Link
FCC	Federal Communications Commission
FPSC	Florida Public Service Commission
FX	Foreign Exchange
ICB	Individual Case Basis
ILEC	Incumbent Local Exchange Carrier

ISPN	Integrated Service Digital Network
IXC	Interexchange Carrier
LEC	Local Exchange Carrier
PRI	Primary Rate Interface
TELRIC	Total Element Long-Run Incremental Cost
TRO	Triennial Review Order, FCC 03-36
TRRO	Triennial Review Remand Order, FCC 04-290
UNE	Unbundled Network Element
UNE-L	Unbundled Network Element-Loop
UNE-P	Unbundled Network Element-Platform

II. Case Background

On September 1, 2006, BellSouth Telecommunications Company, Inc. (BellSouth, or company), filed a Petition to Recover 2005 Tropical System Related Costs and Expenses sustained as a result of the six named tropical storm systems. On September 20, 2006, BellSouth filed an Amended Petition to Recover 2005 Tropical System Related Costs and Expenses (Petition) pursuant to Section 364.051(4), Florida Statutes, and Rule 28-106.202, Florida Administrative Code. BellSouth's Petition seeks cost recovery for the damage caused by the following 2005 Tropical Storm Systems:

- Tropical Storm Arlene made landfall just west of Pensacola, Florida, on the afternoon of June 11, 2005. Nearly 4,000 BellSouth access lines were impacted by physical damage causing intrastate incremental expenses of approximately $2.2 million.

- On July 5, 2005, Hurricane Cindy traveled northeast and crossed over the western panhandle region of Florida. Nearly 1,000 BellSouth access lines were impacted by physical damage producing intrastate, incremental expenses of approximately $675,000.

- Hurricane Dennis made landfall on the afternoon of July 10, 2005, west of Navarre Beach in Pensacola as a Category 3 storm with wind speeds of 120 mph. Approximately 225,000 lines were impacted and damaged by Hurricane Dennis causing intrastate, incremental expenses of approximately $2.2 million.

- Hurricane Katrina made landfall near the Dade-Broward County line between Hallandale Beach and North Miami Beach on August 25, 2005, as a Category 1 hurricane, and exited the southwest part of Florida on August 26 and continued in a north, northwesterly direction towards the Gulf Coast. While Hurricane Katrina did not make direct landfall in the Florida panhandle, the northwestern portion of the state experienced strong winds, major rainfall and a storm surge of up to 5 feet. Approximately 600,000 access lines were affected resulting in intrastate, incremental expenses of approximately $15.4 million.

- Hurricane Rita was a Category 1 storm primarily in Dade and Broward counties. BellSouth repaired and replaced 75 spans of cable due to the storm, resulting in intrastate, incremental expenses of approximately $37,000.

- Hurricane Wilma made landfall on the southwest coast of Florida, near Marco Island on October 24, 2005, as a Category 3 hurricane with wind speeds of 125 mph. It crossed the state and exited north of Palm Beach with wind speeds of 100 mph causing intrastate, incremental expenses of approximately $75 million.

Section 364.051(4)(b), Florida Statutes, (F.S.) provides that evidence of damage occurring to the lines, plant, or facilities of a local exchange telecommunications company that is subject to the carrier-of-last-resort obligations, which damage is the result of a tropical system occurring after June 1, 2005, and named by the National Hurricane Center, constitutes a compelling showing of changed circumstances. Section 364.051(4)(b), F.S. provides that:

1. A company may file a petition to recover its intrastate costs and expenses relating to repairing, restoring, or replacing the lines, plants, or facilities damaged by a named tropical system.

2. We shall verify the intrastate costs and expenses submitted by the company in support of its petition.

3. The company must show and the Commission shall determine whether the intrastate costs and expenses are reasonable under the circumstances for the named tropical system.

4. A company having a storm-reserve fund may recover tropical-system-related costs and expenses from its customers only in excess of any amount available in the storm-reserve fund.

5. The Commission may determine the amount of any increase that the company may charge its customers, but the charge per line item may not exceed $0.50 cents per month per customer line for a period of not more than 12 months.

6. The Commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the Commission determines appropriate, its wholesale loop unbundled network element customers. At the end of the collection period, the Commission shall verify that the collected amount does not exceed the amount authorized by the order. If collections exceed the ordered amount, the Commission shall order the company to refund the excess.

7. In order to qualify for filing a petition under this paragraph, a company with 1 million or more access lines, but fewer than 3 million access lines, must have tropical-system-related costs and expenses exceeding $1.5 million, and a company with 3 million or

more access lines must have tropical-system-related costs and expenses of $5 million or more. A company with fewer than 1 million access lines is not required to meet a minimum damage threshold in order to qualify to file a petition under this paragraph.

8. A company may file only one petition for storm recovery in any 12-month period for the previous storm season, but the application may cover damages from more than one named tropical system.

BellSouth serves 93 exchanges in Florida which include the major Florida cities of Miami, Fort Lauderdale, West Palm Beach, Jacksonville, Cocoa Beach, Daytona Beach, Gainesville, Orlando, Port St. Lucie, Pensacola, Panama City, and Melbourne. As of June 2006, the company states it had approximately 5 million retail lines and approximately 797,300 unbundled loops in service in Florida.

BellSouth claims that the intrastate costs and expenses incurred as a result of the impact of the six named tropical systems constitute a "compelling showing of changed circumstances" as set forth in Section 364.051(4), Florida Statutes. According to the company, the total storm related costs for repairing, restoring, or replacing its lines, plants, and facilities damaged by these 2005 Storms were approximately $202.4 million. Of this amount, BellSouth states its total incremental expenses for the 2005 Storms were $156 million and the intrastate portion was $95.5 million. It determined the incremental intrastate portion by using the total incremental expenses and applying a jurisdictional factor of 61.2144%.

According to the company, it has not previously filed a petition for storm recovery in any 12-month period for the 2005 storm season. BellSouth further states it did not have any insurance coverage which provided reimbursement for any of the intrastate costs and expenses incurred, and it does not have a storm reserve fund.

BellSouth proposes to recover its intrastate, incremental expenses via a charge not to exceed $0.50 per month per line for a period of not more than 12 months. It is proposing the line-item charge be recovered on a per line basis from retail basic and non-basic local exchange service lines, including residential and business lines, payphone lines, PBX trunk lines, Network Access Registers (NARs) (including NARs used in conjunction with BellSouth ESSX® Service and MultiServ Plus Service), B Channels of both Basic ISDN and ISDN PRI, and all unbundled wholesale loop network element (UNE) customers (including stand-alone loops, ISDN loops, DS1 and DS3 loops (stand-alone and as part of an enhanced extended loop), xDSL loops.)

The total amount BellSouth is seeking to recover in this petition is approximately $34.6 million, which is approximately one-third of the intrastate, incremental expenses incurred by the company and approximately 17 percent of the total costs that it incurred in repairing, replacing and restoring its lines, plant and facilities that were damaged as a result of the 2005 Storms.

By Orders PSC-06-0790-PCO-TL and PSC-06-0792-PCO-TL, issued September 22, 2006, we granted intervention to NuVox Communications, Inc., and Competitive Carriers of the South, Inc. By Order PSC-06-0791-PCO-TL, also issued on September 22, 2006, we acknowledged intervention by the Citizens of the State of Florida.

We conducted a number of public hearings to permit BellSouth customers to be heard on any and all issues in this case. The dates and places of the public hearings are listed below:

- 10/25/06 Pensacola – Pensacola Junior College
- 11/29/06 West Palm Beach – Palm Beach Convention Center
- 11/29/06 Ft. Lauderdale – Broward County Governmental Center
- 11/30/06 Miami – Miami City Hall

On December 6, 2006, we held an administrative hearing on the case. The purpose of the hearing was to permit parties to present testimony and exhibits relative to this proceeding. Prior to the hearing on the technical issues, the parties were able to reach stipulations on Issues 1, 2, 5 (in part), and 6. The stipulation language for these issues and any related discussion can be found below under the "Stipulation" heading, and also in the hearing transcripts, pp. 152-161.

We have jurisdiction over this matter pursuant to Section 364.051(4), Florida Statutes.

III. Stipulations

The Stipulated language for Issues 1, 2, 5 (in part), and 6 appears below. We approved the stipulations at the hearing which took place on December 6, 2006.

Issue 1: What amount of any storm damage reserve fund should be considered when determining the amount of tropical-system-related intrastate costs and expenses to be recovered?

Stipulated Language: By agreement of the parties, this issue does not need to be voted on by the Commission. The issue of any storm damage reserve fund can be raised in a future docket and addressed by the Commission at that time. In so doing, the parties expressly reserve the right to make any and all arguments regarding the existence or nonexistence of the storm reserve in a future storm recovery proceeding.

Issue 2: What is the appropriate amount of intrastate costs and expenses related to damage caused during the 2005 tropical storm season, if any, that should be recovered by BellSouth, pursuant to Section 364.051(4), Florida Statutes?

Stipulated Language: For the sole purpose of this case, the maximum amount of intrastate costs and expenses related to the damage caused during the 2005 tropical storm season that BellSouth incurred and is entitled to recover is $75.271 million.

Issue 5 (in part): If a line item charge is approved for retail customers in Issue 4, on what date should the charge become effective, and on what date should the charge end?

Stipulated Language: If a charge is approved in Issue 4 for BellSouth retail customers, the charge may be assessed at BellSouth's earliest convenience, but no earlier than 30 days from the date of the Commission vote. The charge should be effective for 12 consecutive months. BellSouth should provide staff the wording to be used on its bills regarding the storm charge prior to issuance.

Issue 6: Should this docket be closed?

Stipulated Language: If a charge is not approved, this docket should be closed. If a charge is approved, then the docket should remain open. At the end of the collection period, BellSouth shall file a report on the amount collected. If the collections exceed the amount authorized by the Commission in Issue 2, BellSouth shall refund the excess.

IV. Retail Access Lines

A. Parties' Arguments

BellSouth witness Blake testifies that in accordance with Section 364.051(4)(b)6, Florida Statutes, BellSouth proposes to assess a $0.50 line-item storm charge on the following retail access lines:

- Retail basic and nonbasic local exchange service lines, including residential and business lines
- Payphone lines
- PBX lines
- Network Access Registers (NARs)[1] (including NARs used in conjunction with BellSouth ESSX Service and MultiServ Plus Services)
- B Channels of both Basic ISDN and ISDN PRI

The witness explains that retail basic services consist of flat-rate single line residential and business services; multi-line business services, nonbasic services consist of package offerings (i.e., Complete Choice, Area Plus Service), payphone access lines, PBX trunk lines, NARs, and B channels of both Basic ISDN and ISDN PRI.

BellSouth witness Blake asserts that under BellSouth's methodology, an "access line" is equal to an activated voice channel. This definition, states the witness, is consistent with Rule 25-4.003, Florida Administrative Code, and the Federal Communications Commission's definition. Moreover, assessing activated channels, contends the witness, is consistent with how customers are billed with the service. For example, a Business BRI customer with three BRI lines and two B-Channels activated per ISDN line would be assessed a line-item charge on six activated lines (2 B-Channels X 3 ISDN lines).

Witness Blake states that because the line-item storm charge is not expected to begin until early 2007 and that the number of access lines fluctuates daily, it is not possible to determine the exact number of access lines which will be assessed during the 12-month period. However, to demonstrate that BellSouth is entitled to assess the maximum $0.50 line-item charge allowed by statute, BellSouth provided an estimate of the access line count for retail and wholesale lines. BellSouth identified the number of qualifying retail access lines, based on activated voice channels, as of June 2006 to be 4,970,624. In witness Blake's surrebuttal

[1] A NAR is a point of access to the network.

testimony, the witness explains that BellSouth discovered two errors: 1) that 33,339 lines should have been included as a category of retail lines, and 2) another category had been overstated by 28,900 in Official Lines. The witness explains that Official Lines are lines used by BellSouth for administrative purposes and should not have been included. The net effect of the revisions is an increase of 4,439 retail access lines, making the June 2006 retail access line count 4,975,063.

Witness Winston testifies that as part of our staff's audit on BellSouth's Petition, the number of customer access lines included in BellSouth witness Blake's amended testimony were compared with the Schedule 8 report required pursuant to Rule 25-4.0185, Florida Administrative Code. Witness Winston explains that Audit Finding 4 discusses that the access line count included in BellSouth's Amended Petition (4,970,624) and the access line count reported on Schedule 8 (4,815,490) were calculated based on two different methodologies. The audit opinion states that although BellSouth "provided reasons as to the difference, audit staff is unconvinced that these two filings should be different." The audit opinion is to use the Schedule 8 access line information as being consistent over time and "not devised to support a specific docket."

In response, BellSouth witness Blake contends that the appropriate data source to use for assessing a line-item storm charge is BellSouth's billing system, rather than Schedule 8 data. The witness explains that Schedule 8 is an engineering planning resource tool that reports access line data for each exchange in BellSouth's service area in Florida and is segmented into Retail Lines (total number of retail lines, number of residential lines, number of business lines), Resale Lines (total number of resale lines, number of residential resale lines, number or business resale lines), UNE-P (total number of unbundled network element platforms, number of residential UNE-P, number of business UNE-P), Pay Phones (total number of pay phone access lines) and Total Lines (total number of access lines from each of the reported category totals). Thus, asserts witness Blake, Schedule 8 includes retail and wholesale lines that are not at issue in the instant proceeding and counts business and wholesale lines differently. For example, Schedule 8:

- includes resold lines, not included in the storm Petition
- includes information on unbundled loop/port combinations (UNE-P) rather than wholesale unbundled loops
- counts each station line for retail business lines and PBX lines as well as other business lines rather than Network Access Registers (NARs)
- counts each ISDN line as a single line rather than counting activated voice channels provisioned on the ISDN line.

On the other hand, contends witness Blake, BellSouth's billing system provides a direct link to BellSouth's customers and the services they are receiving, better ensuring that the surcharge will be assessed in a manner consistent with the services being billed to the customer. The billing database contains the uniform service ordering codes (USOCs) that identify the services which may be assessed the storm recovery line-item charge. Additionally, notes witness Blake, using BellSouth's billing system data for assessing the storm charge is consistent with the assessment of the 911 and Miami-Dade County Ordinance line-item charges.

B. Analysis

Definition of access or customer line

Sections 364.051(4)(b) 5 and 6, Florida Statutes, allows us to determine a line-item storm charge "per customer line" and to order an equal line-item charge "per access line" to the billing statement of retail basic and nonbasic customers. Relative to the instant issue, the salient question is how to define "customer line" or "access line" for purposes of storm cost recovery. We note that neither of these terms is defined in the statute. However, we observe that "access line" is defined in Rule 25-4.003, Florida Administrative Code (FAC), as:

> The circuit or channel between the demarcation point at the customer's premises and the service end or class 5 central office.

Both BellSouth and CompSouth rely on this rule as support for their respective definitions of "access line."[2] BellSouth asserts that the Rule defines "access line" in terms of channels, thus supporting a definition in terms of activated voice channels.[3] BellSouth witness Blake believes that BellSouth's definition is also consistent with the FCC's definition, the 911 charge, the Miami-Dade manhole ordinance assessment of an ISDN line, as well as with our decision in BellSouth's Change of Law[4] proceeding. In contrast, CompSouth witness Wood believes the Rule clearly defines the term as the facility regardless of the actual or potential capacity; the circuit is the facility.[5]

We observe that the FCC defines "access line" as:

> A communication facility extending from a customer's premises to a serving central office comprising a subscriber line, and if necessary, a trunk facility, e.g. a WATS access line, TWX access line.

Because this is a case of first impression, we look to the Legislature for guidance. The Legislature specifically tied assessing the storm charge to the customer billing statement. To assess a line-item storm charge to the customer's billing statement on a per customer or access line can be reasonably construed to mean that the charge is tied to how the customer is billed. BellSouth provided a customer bill for ISDN service that directly shows the customer is billed

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[2] Although CompSouth did not take a position on this issue, witness Wood's definition of access line with respect to wholesale loops is just as applicable to retail lines.

[3] An activated channel represents an actual channel or line that is being used to provide services over the facility. For example, an ISDN PRI facility has a maximum of 23 channels. Under BellSouth's definition, if the customer has 18 channels activated, then this equates to 18 access or customer lines.

[4] Order No. PSC-06-0172-FOF-TP, issued March 2, 2006, Docket No. 041269-TP, In re: Petition to establish generic docket to consider amendments to interconnection agreements resulting from changes in law, by BellSouth Telecommunications, Inc.

[5] Under CompSouth's definition, an ISDN PRI facility equates to one access or customer line.

for the activated channels or lines being used. Under CompSouth's view, a single-line residential customer would be counted as one access line; a business customer obtaining a high-capacity service from BellSouth would be counted as one line, even though the business customer may actually be using 10 separate channels. This seems inequitable; the single-line residential customer would be assessed the same charge as a business customer with 10 activated lines. "Access line," for purposes of assessing a line-item storm charge, shall be defined based on activated channels rather than facility.

Application of access line to retail business high-capacity customers

According to BellSouth, a retail customer subscribing to a T1 line with 18 active channels would be assessed a line-item charge of $0.50 on each of the 18 active channels, or $9.00 per month. However, a retail customer subscribing to a high-capacity service such as Channelized MegaLink or LightGate would be assessed for the local channel plus each specific service or access line being provided over the service. This seems to be a reach under the statute and contrary to BellSouth's methodology of counting activated voice channels. Only an activated channel can be connected to the Public Switched Telephone Network (PSTN). Without an activated channel, there is no connection. Therefore, only the activated channels shall be counted and assessed a storm charge.

There is insufficient evidence in the record to determine an exact adjustment needed. However, since BellSouth will be billing the retail access lines each month for assessing the storm charge, only billing the activated channels for retail high-capacity services is sufficient.

Source of data for retail access lines

BellSouth witness Blake explains that the access line counts included in BellSouth's petition were extracted from BellSouth's Customer Record Information System (CRIS); Schedule 8 line count data is on a per exchange basis and specifically used for future planning in the network. Schedule 8 data includes lines for which the line-item storm charge will not be assessed, for example, resold lines. For residential lines, the difference between Schedule 8 and BellSouth's Amended Petition is 212 lines.

On the business line side, Schedule 8 counts station lines for the more complex nonbasic services such as ESSX and Centrex; BellSouth counted NARs for these services in its Amended Petition. For ISDN, Schedule 8 counts each ISDN line as one line. Under its proposal, BellSouth counts each active voice channel.[6]

For purposes of assessing a line-item charge, BellSouth's use of its billing system data is appropriate. As noted by BellSouth, Schedule 8 data includes line counts that BellSouth is not proposing to assess. Furthermore, the billing system data ensures that the billing statement of those customers that subscribe to the identified access lines will be assessed the line-item storm charge.

[6] A PRI-ISDN line can have up to 23 active voice channels.

Lifeline residential lines

According to BellSouth witness Blake, the Company will not assess the line-item storm charge to the bills of customers participating in the Universal Service Lifeline program. However, the witness identified 83,745 Lifeline lines that had been inadvertently reported in the residential retail line count. The witness agrees that the residential line count should be reduced to reflect the exclusion of these customers.

Other access lines

Although this Issue and Issue 3(b) address retail and wholesale access lines to be assessed a storm recovery charge, we are concerned that not all access lines or customers are being captured. Resale lines, special access lines, and CLECs with commercial agreements are not paying the storm recovery charge. It may be appropriate for these customers to bear their fair share of BellSouth's storm recovery costs. However, the record in this case is insufficient to address this possible inequity. There are several possible methods for either charging or allocating costs to these other access lines which we intend to pursue in future storm recovery dockets. Due to the large amount of storm recovery costs identified in Issue 2, we do not believe that the inclusion of these other types of access lines would have any affect on the monthly charge.

C. Conclusion

For purposes of assessing a line-item storm recovery charge, customer or access line shall be defined as the number of activated channels. As of June 2006, BellSouth had approximately 4.9 million retail access lines. The line-item recovery charge shall be assessed per access line for retail basic and nonbasic local exchange service lines, including residential and business lines, payphone lines, PBX trunk lines, Network Access Registers (NARs) (including NARs used in conjunction with BellSouth ESSX® Service and MultiServ Plus Service), and B Channels of both Basic ISDN and ISDN PRI. Residential lines shall exclude Lifeline customers; business lines shall exclude Official lines. For retail customers obtaining high-capacity or channelized services, BellSouth shall assess the charge only on the actual activated channels. Additionally, BellSouth's general billing database shall be used in determining the access lines to be assessed.

V. Wholesale UNE Loops

A. Parties' Arguments (Legal Authority)

Section 364.051(4)(b)6, Florida Statutes, states in pertinent part;

> The commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local exchange telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the commission determines appropriate, its wholesale loop unbundled network element customers. (emphasis added)

As might be expected, BellSouth and CompSouth's positions on this issue were anticipated.

Appropriate or Unlawful?

BellSouth asserts that wholesale loop UNE customers should be included in the assessment of the line-item charge because it is consistent with and expressly authorized by Section 364.051(4)(b)6, Florida Statutes. BellSouth argues further that, as a matter of fact, the line-item charge does not re-price or alter UNE rates, but rather is a separate line-item charge of limited duration established under state law for the recovery of intrastate costs and expenses associated with repairing BellSouth's network following the 2005 Storms.

CompSouth contends that Section 364.051(4)(b)6, Florida Statutes, provides us with discretion to determine whether it is appropriate to increase UNE loop customer prices to recover BellSouth's embedded costs. CompSouth argues that if this Commission, in the exercise of its discretion, decides to permit BellSouth to increase the prices for unbundled loops, such action would be inconsistent with federal law and preempted because approval of this additional charge on wholesale loops would violate federal TELRIC UNE rate pricing principles.

BellSouth counters that the storm recovery line-item charge available under Florida law has nothing to do with BellSouth's provisioning of UNEs pursuant to the Act. BellSouth asserts that UNE rates will not increase or be modified as a result of the proposed line-item charge and that CLECs will pay the same UNE rate for wholesale loops that they paid prior to the implementation of a line-item charge; and UNE rates set forth in the CLECs' interconnection agreements will not be altered or modified through a line-item charge.

Comparison to Other Surcharges

BellSouth draws a comparison between a line-item charge being assessed pursuant to Section 364.051(4)(b)6, Florida Statutes, and Regulatory Assessment Fees (RAFs) and 911 surcharges which are assessed pursuant to Florida law. BellSouth contends that if we were to adopt CompSouth's argument, RAFs and the 911 surcharge would be preempted by federal law because they indirectly increase the costs of providing service in Florida. BellSouth argues further that this is clearly not the case as the Legislature has deemed it appropriate that CLECs are required to pay certain fees under Florida law, and the mere existence of these fees does not violate or conflict with federal law.

To the contrary, CompSouth argues that BellSouth's comparison of its proposed surcharge with RAFs and the 911 surcharge is patently false. CompSouth distinguishes these fees by pointing out that neither the RAFs nor the 911 surcharge is paid to BellSouth to defray BellSouth's historic book costs, as would be the case for the line-item charge proposed in this proceeding. CompSouth asserts that CLECs pay the RAFS and 911 surcharge to governmental entities to cover the cost of government services and neither of the charges is assessed on a per loop basis.

CompSouth argues further that the state laws authorizing the RAF and 911 surcharge have no conflicting or overlapping federal regime for assessment, unlike this situation in which the federal regime, TELRIC, establishes what is to be paid by whom and to whom for what.

State Authority versus Federal Preemption

BellSouth contends that any determination that the proposed line-item charge conflicts with federal law, and thus, cannot apply to CLECs renders Section 364.051(4)(b)6, Florida Statutes meaningless. BellSouth argues this is so because then in no event could we find that it would be appropriate to apply the proposed line-item charge on BellSouth's wholesale loop UNE customers, notwithstanding the statutes clear language to the contrary.[7] BellSouth argues further that the Legislature is presumed to have known of the existence of Section 252 of the Act, because it is a well-settled rule of statutory construction that "the Legislature is presumed to know the existing law when a statute is enacted." See *Wood v. Fraser*, 677 So.2d 15 (Fla. 2d DCA 1996) citing *Collins v. Inv. Co. v. Metro Dade County*, 164 So.2d 806, 809 (Fla. 1964). Thus, BellSouth argues that the Legislature's clear intent was for this Commission to have the discretion to determine that BellSouth's wholesale UNE loop customers are within the universe of customers that would be subject to this proposed line-item charge.

CompSouth argues that the proposed line-item charge runs counter to federal law for several reasons. CompSouth asserts that the proposed line-item charge would impose a charge on top of and in addition to approved TELRIC-based rates outside of a cost proceeding. CompSouth contends that the proposed line-item charge would permit BellSouth to recover historic book costs in addition to those included in the calculation of forward-looking costs when we set UNE rates. CompSouth concludes that if the Florida Legislature can allow BellSouth to assess historic books costs as a UNE rate additive, then any state could pass a law permitting recovery of costs incurred or refund of costs saved and impose surcharges on credits thus dismantling the Federal TELRIC regime.

CompSouth maintains that because BellSouth's proposed line-item charge is inconsistent with federal pricing regulations, it is impermissible and preempted by federal law. CompSouth asserts that Congress has prescribed that a state may not take any action, either in enforcing past regulations or in enacting new regulations, which are inconsistent with any of the Act's provisions. CompSouth contends that because the proposed line-item charge on UNEs does not comport with the specific criteria expressly listed in section 251, which requires UNE rates to be based on TELRIC costing principles, it is preempted by federal law.

CompSouth argues further that the binding impact of TELRIC on the states, as set forth in *Verizon*, leaves no room for consideration of matters expressly eliminated from or outside of the required TELRIC methodology. CompSouth argues that if we approve the proposed line-item charge, it will have the effect of increasing approved TELRIC rates and would run afoul of the rationale behind TELRIC pricing and Congress' occupation of the pricing field.

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[7] Under Florida law, clear and unambiguous statutory language must be given its plain and obvious meaning. *Holly v. Auld*, 450 So.2d 217 (Fla. 1984); *St. Petersburg Bank & Trust Co. v. Hamm*, 414 So.2d 1071 (Fla. 1982).

Equitable Treatment of Consumer Groups

BellSouth argues that it is not appropriate policy for one group of customers to be assessed the proposed line-item storm recovery charge while another group of customers identified in the statute are exempt. BellSouth maintains that not assessing the proposed line-item charge on wholesale unbundled loop customers could, in future proceedings, where BellSouth was not entitled to collect the maximum amount allowed, result in BellSouth's retail customers making up the shortfall in all instances, which BellSouth contends is not what the legislature contemplated.

B. Analysis (Legal Authority)

Rate Increase

Section 364.051(4)(a), Florida Statutes, states in pertinent part;

> Notwithstanding subsection (2), any local exchange telecommunications company that believes circumstances have changed substantially to justify any *increase in the rates* for basic local telecommunications services may petition the commission for a *rate increase*, but the commission shall grant the petition only after an opportunity for a hearing and a compelling showing of changed circumstances.

Pursuant to this statute, if BellSouth believes its circumstances have changed substantially, it may petition this Commission for a rate increase. Section 364.051(4)(b), Florida Statutes, proceeds to clarify that a tropical system occurring after June 1, 2005, and named by the National Hurricane Center, constitutes a compelling showing of changed circumstances. Consequently, storm cost recovery through the $0.50 charge is a rate increase as contemplated by section 364.051(4)(a), Florida Statutes.

TELRIC Inapplicable

Because the line charge effects a rate increase, the key question that must be answered is whether collection of the line charge from wholesale UNE loop customers is permitted under federal law. Again, CompSouth contends that Federal law established the TELRIC pricing methodology to set cost-based UNE rates and that this methodology excludes the recovery of "embedded costs." Therefore, allegedly, any increase in rates by this Commission to recover "historic book costs and expenses related to repair, replacement, restoration of lines, plants or facilities," would be preempted by federal law. Nonetheless, recovery for these catastrophic events was not contemplated by TELRIC and is therefore not preempted by the federal pricing methodology. In short, although the change is a rate increase within the meaning of Section 364.0511(4)(a), Florida Statutes, it is not a price increase within the meaning of the TELRIC.

TELRIC is inapplicable to this rate increase for one basic reason: TELRIC framework assumes that future costs are "normal" over the long run, while the costs being addressed here are not "normal" but rather catastrophic. In other words, the TELRIC framework, in excluding

embedded costs, assumes hypothetically that the COLR's system, as on ongoing concern, will not be devastated by widespread catastrophic damage in the long run.

> First, TELRIC measures costs in the long run, a time frame lengthy enough to allow all of an incumbent's costs to become variable and, thus, to allow all embedded costs to drop out. Second, TELRIC is based not on an incumbent local exchange carrier's (ILEC) actual network but instead on a hypothetical network that uses the least cost technology and most efficient design currently available, given the existing location of the ILECs' wire centers. Despite these technical features, however, TELRIC is not a specific, mathematical formula but rather a framework of methodological principles that states retain flexibility to use in conjunction with local technological, environmental, regulatory, and economic conditions in order to arrive at forward-looking rates that are both just and reasonable.[8]

TELRIC thus assumes (1) a hypothetical and perfect system that (2) operates over a time frame lengthy enough (3) to allow just and reasonable forward-looking rates. Some disasters, whether the work of nature or man, can impose restoration costs so enormous that they cannot be handled in the TELRIC framework without rendering the "hypothetical network" arbitrary and capricious and forward-looking rates both unjust and unreasonable.

For example, if an ILEC's system incurred restoration costs so great that one could reasonably project them to occur once every century, those costs could not be reflected in a time frame of 30 years or less without untoward consequences. Moreover, disasters of such enormity are essentially unforeseeable, except in some vague way not useful for rate setting. Thus the assumptions and purpose of TELRIC preclude that framework from being used to address widespread catastrophic damage in forward looking rates. Widespread catastrophic damage to an ILEC's system must be handled on an ad-hoc basis, and in this context, state legislative authority remains primary.

The attempt to use TELRIC to frustrate the legislative scheme in Section 364.051(4)(b), Florida Statutes, also must be rejected because it produces an absurd result. For example, if the rate increase were subject to the TELRIC methodology, then CLECs would be treated inequitably as compared to retail customers. Specifically, they would bear a greater portion of the cost recovery in a UNE rate proceeding than BellSouth's retail customers who are subject to the $0.50 cap.[9] Likewise, if TELRIC rejected the rehabilitation costs because they were atypical and unlikely to reoccur, then BellSouth and its retail customers would be treated inequitably by shouldering all the burden of restoring the ILEC infrastructure upon which the CLECs depend.

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[8] Verizon Pa., Inc. v. Pa. PUC, 380 F. Supp. 2d 627, 632 (Eastern Dist. PA 2005)

[9] This assumes that TELRIC allowed the forward-looking hypothetical costs to include historic costs due to aberrant catastrophe.

In sum, the catastrophic events at issue here are unpredictable and have diverse economic effect. Were TELRIC to account for the costs caused by such events, the resulting TELRIC rates would be unjust not only because of their amount in relation to historical averages, but also because of the disparity in the amount of recovery between retail and wholesale customers. Moreover, the resulting rates would be anti-competitive because they would be so high.

Therefore, these costs are not included in the TELRIC methodology and we may approve recovery of these costs in compliance with both Federal and Florida law. Moreover, by allowing short term storm and partial cost recovery, we can maintain the integrity of the existing TELRIC rates as forward looking cost of the most efficient telecommunications technology.

Recovery Appropriate

Under Section 364.051(4)(b), Florida Statutes, we must affirmatively conclude that BellSouth's recovery from wholesale UNE loop customers is appropriate. As already suggested, the basic reason for allowing the line charges to be placed on the UNE loop customers is to avoid unequal treatment of the retail customers and wholesale customers. In addition, the Florida legislature contemplated that both retail and wholesale customers contribute partially to the restoration of the COLR's network, a network essential to the infrastructure of the state.

We note that BellSouth has elected to not impose the line charge on its wholesale customers taking service under commercial agreements. Moreover, BellSouth's proposal does not place the line charge on resold service or special access. This decision to not impose the charge on some non-retail customers does raise concerns that wholesale customers may be treated unequally with anticompetitive results. Based on the record, however, these concerns do not justify treating the retail customer inequitably. Therefore, we find it appropriate to authorize BellSouth to impose a line charge on the wholesale UNE loop customer.

C. Parties' Arguments (Technical)

Witness Blake testifies that in accordance with Chapter 364.051(4), Florida Statutes, BellSouth proposes that the line item storm charge be assessed on all unbundled wholesale loop network element (UNE) customers. This includes, states the witness, stand-alone loops, ISDN loops, DS1 and DS3 loops (stand-alone and as part of an enhanced extended loop EEL and xDSL loops.)

According to witness Blake's direct testimony, BellSouth proposed to apply the surcharge to the capacity, or all potential channels, of loops. As of June 2006, BellSouth had 406,000 unbundled loop equivalents in service. Witness Blake filed amended testimony to correct two errors in the number of unbundled loops. One of the errors was caused by a spreadsheet multiplication error and the other was attributed to the omission of the DS1 and DS3 loop portion of EELs. These corrections increased the number of assessable loops from 406,000 to 797,300.

CompSouth witness Wood asserts that the difference in the number of loop equivalents must be a result of a change in how BellSouth defines the term "unbundled loop," as DS0

equivalent. He further explains, because BellSouth is capped at $0.50 per access line by the statute, BellSouth's application of DS0 equivalent increases the total BellSouth compensation by CLECs. Witness Wood alleges that because BellSouth is not imposing the surcharge on a DS0 equivalent basis on its own retail customers that purchase DS0 and DS1 services, but only on wholesale customers, the proposal has anticompetitive implications.

CompSouth witness Wood disputes the scope of the services to which the storm surcharge would be applied and the way in which BellSouth counts "access lines" pursuant to Chapter 364.051(4)(b)5, Florida Statutes. The witness argues that BellSouth's proposal actually 1) imposes a surcharge on some access lines much greater than the permitted $0.50 per line per month permitted by the statute, 2) applies the surcharge in a way that is not competitively neutral by assessing wholesale UNE loop lines and retail lines on a different basis, and 3) may be proposing to impose the surcharge on access lines purchased pursuant to a commercial agreement, something not permitted by the statute. The witness believes that certain aspects of the statute are particularly important in this proceeding:

1. The statute does not provide the opportunity to impose a surcharge on any other types of wholesale access lines purchased pursuant to a tariff (such as special access), or those access lines provided pursuant to a wholesale commercial agreement.

2. Constraints built into the statute create a definite set of incentives for BellSouth. The statute limits the surcharge to $0.50 per access line each month for one year. Such a constraint causes BellSouth to have little incentive or reason to justify costs in excess of the limit, and to be motivated to seek to apply the surcharge to as many access lines as possible (and highly motivated to define and count access lines to yield the highest number possible.)

3. Witness Wood argues that a line-item storm charge should not be applied to wholesale unbundled loops because:

    a. BellSouth proposes to apply the surcharge on a "per-DS0" rather than on a per access line basis.

    b. BellSouth has not demonstrated that its proposed application of the surcharge will be competitively neutral. BellSouth intends to apply the surcharge on DS0, ISDN, DS1, xDSL, and DS3 wholesale loop capacity but does not indicate an intention to apply the surcharge on the same basis to its own retail customers.

Witness Wood contends that the phrase "DS0 equivalent" does not appear in the pertinent section of the statute; only the phase "access line" appears in Section 364.051(4)(b)6, Florida Statutes, and it is used in the same way when referring to retail nonbasic telecommunications service customers, or wholesale loop unbundled network element customers. According to witness Wood, BellSouth is attempting to broaden the statute's language. BellSouth, contends the witness, defined "access line" not as a single customer but as multiple customer lines based on the bandwidth of the loop in question. This interpretation increased the size of the surcharge applied to wholesale lines and is at odds with the plain reading of the statute.

Witness Wood also asserts that BellSouth's proposal is at odds with the way in which costs are incurred. Costs to restore facilities damaged by storms are not incurred on a per DS0 basis. Further, the restoration of a DS1 loop is unlikely to cost anything different than restoring a DS0 loop, for example. BellSouth has not demonstrated that it costs 24 times as much to restore a DS1 loop than a DS0 loop, or 672 times as much to restore a DS3 loop as a DS0 loop. BellSouth responds that the statute does not require that costs for repairing specific loops or lines form the basis for the proposed recovery amount.

With respect to witness Winston's audit finding number 5 that the number of unbundled loop access lines could not be verified to Schedule 8 data, witness Blake states that Schedule 8 data includes the total number of unbundled network element platforms (UNE-P lines) sold under a commercial agreement with BellSouth. Additionally, asserts witness Blake, the number of UNE-Ps on Schedule 8 does not include stand-alone unbundled loops or unbundled loops provided as part of EEL combinations. For these reasons, witness Blake states that Schedule 8 data cannot be used to determine the number of wholesale loops to be assessed the storm surcharge and explains why audit staff was unable to verify the unbundled loop calculation.

Witness Blake explains that BellSouth determined the number of unbundled loops that would be assessed the line-item charge from information from BellSouth's wholesale data warehouse, which is fed by the systems used to bill the CLEC for the loops. Using the USOCs assigned to each type of unbundled loop, BellSouth extracted information from its wholesale data warehouse and determined the number of loops in-service as of June 2006. We agree with witness Blake that Schedule 8 data is not appropriate for use in determining the number of assessable wholesale loops.

In response to witness Wood's contention that CLECs have no practical market mechanism to impose a storm surcharge on their customers, witness Blake asserts that CLECs have the ability to pass on their costs or choose not to. Witness Blake explains that the statute allows BellSouth to assess the line-item charge per access line for wholesale unbundled loop customers. The witness asserts that in the wholesale world, one unbundled loop could be used to provide services that are equivalent to more than a single access line. For example, a DS0 loop is equivalent to one voice grade loop; a DS1 loop is equivalent to 24 voice grade equivalent loops; and a DS3 loop is equivalent to 672 voice grade equivalent loops. BellSouth witness Blake claims that witness Wood is mistaken that BellSouth is using the term "per-DS0" to mean something different than "per access line."

As further support for BellSouth's position, witness Blake notes that we previously found in the Change of Law proceeding, that a DS1 unbundled loop equates to 24 DS0s or 24 voice grade equivalent loops. Therefore, surmises the witness, we have already determined that the capacity of a wholesale unbundled loop determines the equivalent number of access lines.

With respect to witness Wood's contention that BellSouth's proposed application of the storm surcharge is not competitively neutral and that BellSouth is applying the surcharge to wholesale and retail customers differently, BellSouth witness Blake asserts that this is not true. If a retail customer and wholesale loop customer both have a single line or single loop, both will be charged $0.50. If a retail customer has more than one line, BellSouth will assess the

surcharge to its retail customers for each activated voice channel/access line. Because BellSouth is unable to determine the number of activated channels a CLEC is using in a high capacity loop, BellSouth relied on the FCC's definition of access line, this Commission's decision in the Change of Law proceeding, and the definition of access line set forth in Rule 25-4.003, FAC. As such, BellSouth witness Blake contends, it was appropriate to count the full capacity of such loops. However, in an effort to address the CLECs' concerns, BellSouth is not opposed to applying an alternative methodology in which BellSouth would apply its utilization percentage for high-capacity retail services to wholesale high capacity unbundled loops. BellSouth's current utilization factor is 47%, meaning that, on average, 47% of the available bandwidth (or channels) associated with high-capacity retail services is currently being used by BellSouth's retail customers. BellSouth witness Blake explains that BellSouth obtained data from its billing systems that identified, by Florida wire center, the maximum system channel capacity retail services. BellSouth then obtained data identifying the quantity of retail services (utilized capacity) being provided to retail customers over these high capacity retail arrangements. The utilization factor of 47% was calculated by dividing the total utilized capacity for the high capacity retail arrangements in each qualifying Florida wire center by the total maximum capacity for these same retail services in the same Florida wire centers.

Accordingly, BellSouth's alternative proposal is to apply the 47% utilization factor to the maximum capacity of DS1 and DS3 unbundled loops to determine the number of line-item surcharges to be assessed, regardless of actual usage. Each DS1 unbundled loop would be assessed 11 line-item charges (DS1 capacity is 24, 24 x 47% = 11); each DS3 unbundled loop would be assessed 315 line-item charges (DS1 capacity is 672, 672 x 47% = 315) Witness Blake believes that this alternative approach addresses all of CompSouth witness Wood's concerns, contending that it ensures that retail and wholesale customers purchasing high capacity loops are assessed a line-item surcharge in the same manner. Using a 47% utilization factor, the number of wholesale unbundled loops as of June 2006 is 477,648. For retail customers obtaining high capacity services from BellSouth, such as MegaLink Channel Service, the surcharge will be assessed based on the presence of the initial mileage USOC for the local channel element and for each service or access line that is being provided over the MegaLink Channel Service. Thus, the witness believes, BellSouth's proposal for assessing retail and wholesale customers is consistent with Commission precedent and ensures that the charge is applied on a consistent and competitively neutral basis.

In contrast to witness Wood's allegation that BellSouth is redefining access lines to increase the costs of CLECs, BellSouth witness Blake asserts that application of the 47% utilization factor, coupled with a consistent line-item charge to retail high capacity customers, illustrates that BellSouth is treating all customers in a consistent manner and on a competitively neutral basis.

D. Analysis (Technical)

BellSouth defines "access line" as voice equivalents or activated channels. BellSouth witness Blake asserts that BellSouth relied on Rule 25-4.003, Florida Administrative Code, and the FCC's definition of a business line when determining its access line counts. Witness Blake asserts that activated channels (capacity) is also consistent with the way the Miami-Dade

manhole ordinance is assessed on an ISDN (per channel basis). BellSouth's proposal is to apply the line item storm charge on each retail customer for each activated channel/access line, regardless of whether the customer has entered into a retail term commercial agreement. For interconnection agreements, BellSouth believes the line item charge can be imposed without amending said agreements. BellSouth also proposes to assess its DSL customers because such customers also subscribe to a BellSouth voice service. In this instant proceeding, BellSouth asserts that it does not have any DSL customers who do not also subscribe to a voice service.

However, BellSouth is not proposing to apply the line item charge on resale, special access, or wholesale commercial agreement customers because Section 364.051(4)(b)6, Florida Statutes, provides that the charge could apply to wholesale unbundled network element customers. As further explanation of its exclusion of loops purchased under commercial agreements, in this instant proceeding, BellSouth asserted that these loops are not within our jurisdiction. BellSouth did note that it would not be opposed to applying the storm recovery surcharge on resale, special access, or commercial agreement customers if so ordered.

Witness Wood asserts that an unbundled loop can provide, just as retail loop can provide, more than one voice grade channel. However, the underlying facility identifies the customer line or the access line or the unbundled loop. In other words, there is a one-to-one relationship.

BellSouth's Change of Law proceeding involved the identification of impairment and the application of 47 CFR 51.5. Witness Wood asserts that impairment has little relevance with identifying a number of unbundled loops or access lines. It has to do with counting lines for impairment purposes in a given central office. Witness Wood believes that an access line is the underlying facility. According to witness Wood, the FCC defined an access line in its Triennial Review Order as a facility, not as a voicegrade equivalent. Anything other than the underlying facility is at odds with the FCC's use of the term. This Commission's definition of an access line is also the facility; the circuit is the facility. Whether using the FCC's definition, standard industry usage; the circuit, loop, access line is the facility. The cost to BellSouth for the restoration is not a function of the number of active channels or the amount of capacity.

BellSouth's Proposals

BellSouth's proposal for its retail high capacity loops is to count the number of activated channels as well as in some cases, adding an additional surcharge for the loop itself (e.g. MegaLink and LightGate). However, BellSouth is not able to determine how many channels of a CLEC's high capacity loop are activated.

In BellSouth's original proposal for wholesale unbundled loops, the loops were to be assessed at their capacity, i.e., a DS0 has a maximum capacity of one channel while DS1 loop has a maximum of 24 channels and a DS3 loop has a maximum of 672 channels, resulting 1, 24, and 672 surcharges per month, respectively.

BellSouth's alternative proposal is to assess the storm recovery surcharge on 47 percent of the capacity of the CLECs' unbundled loops. For example, BellSouth would assess a CLEC DS1 loop 11 surcharges (24 multiplied by 47 percent). A CLEC DS3 loop would be assessed

315 surcharges. BellSouth developed the 47 percent utilization factor by dividing the number of activated retail channels by the retail loops' capacity as of June, 2006, resulting in the average retail activated channel percentage of 47 percent.

The 47 percent utilization factor is an average, which means that the retail utilization rate may range from 1 percent to 100%. According to the redacted version of BellSouth's Late Filed Deposition Exhibit, Item No. 8, retail customer channel utilization ranges from 6 percent to 100% in each of the CLLI (switch) codes listed.

When CompSouth witness Wood was asked during his deposition whether the CLEC industry was homogenous enough so that the 47% would be fair, he responded that he did not "have any reason to believe that customer utilization of channels on a T1, for example, provided by one CLEC versus another would be different or whether there would be any reason to expect that that kind of utilization for CLEC customers would be different than for BellSouth retail customers."

We have two primary concerns about this factor: 1) BellSouth does not intend to update the factor, and 2) the implication that CLECs whose actual utilization is not 47% will pay less or more than comparable retail customers. One way to improve the accuracy and appropriateness of the 47 percent factor, addressing our first concern, is for BellSouth to recalculate it monthly using the most recent retail billing period data. Addressing the second concern, CompSouth witness Wood was asked if CLECs would be willing to self-report the number of active channels (because BellSouth does not have that information), witness Wood stated that he did not know.

When CompSouth witness Wood was asked in his deposition if the 47 percent factor would be acceptable to CompSouth, he replied that he could provide his opinion, but that he couldn't "give you what's acceptable and unacceptable to CompSouth." Witness Wood characterized the 47 percent proposal as "an improvement over the original BellSouth proposal."

CompSouth witness Wood's alternative

Although CompSouth witness Wood does not agree with BellSouth's proposal to apply the surcharge to unbundled loops, he stated in his deposition that if the surcharge is to be applied, "you have to apply it on a per line basis, per loop basis, whatever you want to call it. But it's not something that's capacity specific." Using witness Wood's approach, then a DS1 and a DS3 should each be assessed one surcharge ($0.50 per month). This approach would apply the surcharge to both retail and wholesale customers based on the physical attributes of the loop; a line is a line. Although witness Wood did not speak to retail lines, it appears as if using his recommendation, a residential customer with two phone lines would be assessed a monthly surcharge of $0.50 for each line for a total of $1.00. A retail or wholesale DS3 customer would be assessed $0.50; however, the capacity of a DS3 is 672 voice channels.

Applying the surcharge to the loop or line without regard to capacity might appear to treat retail and wholesale customers fairly; however, this approach is likely to result in inequities for the following reasons:

- A single line residential or business customer pays the same surcharge as a large business or CLEC customer for a single loop or line even though the loop can provide as many as 672 voice channels.
- A residential or business customer with two lines pays $1.00 compared to the $0.50 a large business or CLEC customer would pay for a 672 channel capacity loop.

Subscriber Line Charge – ISDN PRI Assessment

A utilization factor, similar to BellSouth's proposed 47 percent, is used under federal rules when applying the Subscriber Line Charge (SLC) to ISDN PRI service. According to BellSouth's FCC Interstate Tariff No. 1, page 4-7, effective October 3, 2006, BellSouth retail ISDN PRI customers are charged five times the Multiline Business SLC rate of $6.77. ISDN PRI customers have access to 23 (B) channels, thus for SLC purposes, these customers are assessed the SLC at a utilization rate of 21.7 percent. When asked whether BellSouth had considered using the SLC surcharge rate, BellSouth witness Blake stated that "using the definition of an access line and reading the statute as to how we can apply the storm recovery charge, along with the FCC's definition, this Commission's definition, what is being used of our network to provide service to our retail basic and nonbasic customers, we felt it was most appropriate to assess it using those definitions."

If the ISDN PRI SLC utilization factor of 21.7 percent were to be adopted for calculation of the storm recovery surcharge, then a DS1 would have 5.2 or five surcharges applied to it, for a total assessment of $2.50 per month. For a DS3, 145.8 or 146 surcharges would be applied to it, for a total assessment of $73 per month.

An advantage to using the SLC 21.7 percent utilization factor for high capacity lines or loops is that SLC charges are a familiar and relatively longstanding charge, making an assessment based on the ISDN PRI SLC utilization factor easily understandable to customers and consistent with another assessment. The primary disadvantage to using the SLC 21.7 percent utilization factor is that it is not based on actual market data unlike BellSouth's 47 percent utilization factor.

E. Conclusion

There is no completely equitable method to assess this surcharge because BellSouth does not know how many channels are activated on CLEC high-capacity loops. Without knowing whether CLECs are able to or would self-report the number of activated channels, the appropriate method for assessing the storm recovery surcharge on retail and wholesale high capacity lines/loops is one that shall not advantage large business and wholesale customers at the expense of residential and small business customers; it shall be based on actual channel utilization as much as possible, and to the extent possible it shall not provide an advantage to either retail high capacity customers or wholesale unbundled loop customers.

Of the proposals (alternatives) described above, all result in potential inequities. Our analysis has focused on minimizing potential inequities. In determining which is the best proposal, we reject the following proposals:

- BellSouth's original proposal shall be rejected because it applies the assessment without any regard for the channel activation or utilization of the wholesale unbundled loops.
- CompSouth witness Wood's alternative shall be rejected because it provides an advantage to the customer or CLEC that purchases high capacity loops over residential and small business customers.
- The SLC 21.7 percent utilization factor shall be rejected because it is not based on actual market data.

BellSouth's 47 percent utilization factor is the only proposal based on actual market data. This fact outweighs disadvantages that cannot be fixed without actual CLEC utilization data. However, using a constant 47 percent factor is troublesome because the factor will not be able to reflect future changes in the retail high capacity market.

We find that BellSouth shall use the 47% factor in calculating the number of storm recovery line item surcharges applied to each high capacity loop. BellSouth shall recalculate the factor monthly, using its most recently available retail billing data, and use the recalculated factor when applying storm recovery line item surcharges to high capacity loops.

A single storm recovery line item surcharge shall be applied to each of the following loops:

- 4-wire 19.2, 56 or 64 Kbps Digital Grade Loop
- 2-wire Analog Voice Grade Loop – Service Level 2
- 4-wire Analog Voice Grade Loop
- 2-wire ISDN Digital Grade Loop
- 2-wire High Bit Rate Digital Subscriber Line (HDSL) Compatible Loop
- 2-wire Asymmetrical Digital Subscriber Line (ADSL) Compatible Loop
- 2-wire Analog Voice Grade Loop – Service Level 1
- 2-wire and 4-wire Unbundled Copper Loop
- 2-wire Unbundled Copper Loop – Non-designed

The 47% factor, updated monthly, shall be applied to the following high capacity loops so that, using the 47% factor, 11 storm recovery line item surcharges shall be assessed to each DS1 loop and 315 storm recovery line item surcharges shall be assessed to each DS3 loop. The updated factor shall be rounded in a consistent manner with the methodology used in computing the 11 and 315 surcharges, that is for a DS1, 47 percent x 24 channels = 11.28 surcharges, rounded down to 11. For a DS3, 47 percent x 672 channels = 315.84 surcharges, rounded down to 315. Following are the high capacity loops:

- 4-wire Unbundled DS1/ISDN Digital Grade Loop
- 4-wire Unbundled DS1/ISDN Digital Grade Loop in EEL Combination
- DS3 Unbundled Digital Loop
- DS3 Unbundled Digital Loop in EEL Combination

The total number of line item surcharges (or loop equivalents) to be assessed as of June 2006 is 477,648.

VI. Line Item Charge Per Access Line

A. Parties' Arguments

BellSouth asserts that Florida Statutes allow for recovery of storm related expenses, including incremental interest and expenses, through a line item surcharge of up to 50 cents. Witness Blake testified that the 50 cents charge should be assessed on BellSouth's retail basic telecommunications service customers and retail nonbasic customers.[10] Additionally, BellSouth believes that wholesale loop unbundled network element customers should be included in the assessment of line-item charges.[11]

Comp-South believes there should be no line item charge assessed on wholesale UNE-P customers. Specifically, witness Wood believes that BellSouth is attempting to (1) impose a surcharge on some access lines that is much greater than the permitted $0.50 per line charge permitted by Florida Statutes, (2) apply the surcharge in a way that is not competitively neutral by assessing wholesale lines but not retail line based on the same kind of local loop, (3) apply a surcharge to wholesale unbundled network element (UNE) loops that is not permitted by the Federal Telecommunications Act and FCC pricing rules, and (4) impose the surcharge on assess lines purchased pursuant to a commercial agreement.

B. Analysis

Section 364.051(4)(b), Florida Statutes provides that "The Commission may determine the amount of any increase that the company may charge its customers, but the charge per line item may not exceed 50 cents per month per customer line for a period of not more than 12 months." It also states that "the Commission may order the company to add an equal line-item charge per access line to the billing statement of the company's retail basic local telecommunications service customers, its retail nonbasic telecommunications service customers, and, to the extent the Commission determines appropriate, its wholesale loop unbundled network element customers."

C. Conclusion

This issue is a calculation based on the decisions in Issues 2, 3A and 3B. The appropriate monthly line item charge per access line is the amount approved in Issue 2 divided by the appropriate number of access lines, approved in Issues 3A and 3B, divided by 12, as long as this

[10] BellSouth defines its retail customers as customers that subscribe to flat-rate residential service (i.e. 1FR) or flat-rate single line business services (i.e. 1 FB). Customers that subscribe to multi-line business services, payphone access lines, PBX trunk lines, Network Access Registers (NARs) and B channels of both Basic-Rate ISDN and ISDN PRI are considered retail nonbasic telecommunications service customers.

[11] See Issue 3B for more in-depth analysis of the utilization rate.

amount does not exceed the statutory limitation of $0.50 per month per customer line as defined in Section 364.051(4), Florida Statutes. Therefore, the appropriate line item charge per access line is $0.50 per month for 12 months.

VII. Assessment of Line Item Charge on Wholesale Customers

A. Parties' Arguments

BellSouth asserts the charge should become effective as soon as possible after our approval, taking into consideration time for BellSouth to modify its billing processes necessary to implement the our order. Accordingly, it is BellSouth's proposal that the assessment of the line-item charge begin approximately 60 days following a final order. Once BellSouth begins billing the line-item charge, it should be allowed to apply the charge for 12 consecutive months, as permitted by the statute.

CompSouth argues that if we approve any storm charge, it should not be applicable to wholesale UNE customers. If any charge is applied to wholesale customers, which it should not be, such a charge cannot be applied unless and until any applicable interconnection agreements are amended. Finally, any charge must end 12 months after its effective date.

B. Analysis

At the administrative hearing held on December 6, 2006, we approved stipulated language in Issue 5 as it relates to retail customers.

The parties offer no reason for the effective and ending dates of any charges pertaining to wholesale UNE Loops to differ from those stipulated in the language for retail lines. The same language shall be used to establish the controlling dates for wholesale UNE Loops.

C. Conclusion

Regarding the effective and ending dates of any charges pertaining to wholesale UNE Loops, the charge may be assessed at BellSouth's earliest convenience, but no earlier than 30 days from December 19, 2006. The charge shall be effective for 12 consecutive months. BellSouth shall provide our staff the wording to be used on its bill regarding the storm charge prior to issuance.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that the specific findings set forth in this Order are approved in every respect. It is further

ORDERED that this docket shall remain open for a period of time to allow us to verify the collected amount does not exceed the amount authorized.

By ORDER of the Florida Public Service Commission this 10th day of January, 2007.

BLANCA S. BAYÓ, Director
Division of the Commission Clerk
and Administrative Services

(SEAL)

AJT

NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Any party adversely affected by the Commission's final action in this matter may request: 1) reconsideration of the decision by filing a motion for reconsideration with the Director, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850, within fifteen (15) days of the issuance of this order in the form prescribed by Rule 25-22.060, Florida Administrative Code; or 2) judicial review by the Florida Supreme Court in the case of an electric, gas or telephone utility or the First District Court of Appeal in the case of a water and/or wastewater utility by filing a notice of appeal with the Director, Division of the Commission Clerk and Administrative Services and filing a copy of the notice of appeal and the filing fee with the appropriate court. This filing must be completed within thirty (30) days after the issuance of this order, pursuant to Rule 9.110, Florida Rules of Appellate Procedure. The notice of appeal must be in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

Matilda Sanders

PSC-07-0075-CFO-TL

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COMMISSION CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5 pgs

atts not online

~~TEN~~ NINE ORDERS GRANTING CONFIDENTIALITY have been moved to GC Orders for issuance today. The Orders are signed and each has a one to three page labeled attachment. Please expect on the 1:30 run.

File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067 through PSC-07-0075 4 mailed -

Matilda Sanders

PSC-07-0074-CFO-TL

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5 pgs
atts not online

NINE
~~TEN~~ ORDERS GRANTING CONFIDENTIALITY have been moved to GC Orders for issuance today. The Orders are signed and each has a one to three page labeled attachment. Please expect on the 1:30 run.

File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-070067
-through
PSC-07-0075
4 included.

PSC-07-0073-CFO-TL

Matilda Sanders

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

6 pgs

atts not online

~~NINE~~ TEN ORDERS GRANTING CONFIDENTIALITY have been moved to GC Orders for issuance today. The Orders are signed and each has a one to three page labeled attachment. Please expect on the 1:30 run.

File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067 through PSC-07-0075

4 included

Matilda Sanders

PSC-07-0072-CFO-TL

RECEIVED-FPSC

07 JAN 26 PM 1:50

COMMISSION CLERK

From: Jackie Schindler
Sent: Friday, January 26, 2007 11:39 AM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 1/26/2007 11:37:00 AM
Docket Number: 060598-tl
Filename / Path: see below

5 pgs atts not online

NINE ~~TEN~~ ORDERS GRANTING CONFIDENTIALITY have been moved to GC Orders for issuance today. The Orders are signed and each has a one to three page labeled attachment. Please expect on the 1:30 run.

File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067 through PSC-07-0075 issued.

Matilda Sanders

PSC-07-0071-CFO-TL

RECEIVED-FPSC

07 JAN 26 PM 1:50

COMMISSION CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5 pgs

att's not on-line

NINE ~~TEN~~ ORDERS GRANTING CONFIDENTIALITY have been moved to GC Orders for issuance today. The Orders are signed and each has a one to three page labeled attachment. Please expect on the 1:30 run.

File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067 through PSC-07-0075

4 mailed

Matilda Sanders

PSC-07-0070-CFO-TL

RECEIVED-FPSC

07 JAN 26 PM 1:50

COMMISSION CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5pgs atts not on-line

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File names:

Conf2, conf 3, conf 4, conf 5, conf 6, conf 7, conf 8, conf 9 and conf 10

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067
-thru-
PSC-07-0075

11 included

Matilda Sanders

PSC-07-0069-CFO-TL

RECEIVED-FPSC

07 JAN 26 PM 1:51

COMMISSION CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5 pgs

atts not on-line

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File names:

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Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067 through PSC-07-0075

4 included.

PSC-07-0068-CFO-TL

Matilda Sanders

RECEIVED-FPSC

07 JAN 26 PM 1:51

COMMISSION
CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**1/26/2007 11:37:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**see below**

5 pgs

att's not on line

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Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

PSC-07-0067
through
PSC-07-0075

4 mailed

Matilda Sanders

PSC-07-0067-CFO-TL

RECEIVED-FPSC

07 JAN 26 PM 1:51

COMMISSION CLERK

From:	**Jackie Schindler**
Sent:	**Friday, January 26, 2007 11:39 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
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Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

4 - mailed.

PSC-07-0067 through PSC-07-0075

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 27, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, AGENDA HELD 12/19/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 11760-06, 12/26/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

Kimberley Pena

060598

From: Donna Jones
Sent: Friday, December 15, 2006 3:10 PM
To: Commissioners & Staffs; All PSC Staff
Subject: Items of Interest at Upcoming Agenda Conference 12/19/06

A news release was distributed to the daily newspapers this afternoon, 12/15/06, and is now available on the PSC website:

http://www.psc.state.fl.us/home/news/index.aspx?id=203

State of Florida

Public Service Commission

NEWS RELEASE

12/15/2006 **Contact: 850-413-6482**

Items of Interest at Upcoming Agenda Conference 12/19/06

TALLAHASSEE — The following items are among those scheduled for consideration by the Commission at the December 19, 2006, Agenda Conference:

ITEM 5: DOCKET NO. 060508-EI – PROPOSED ADOPTION OF NEW RULE REGARDING NUCLEAR POWER PLANT COST RECOVERY. The Commission will consider a staff recommendation proposing the adoption of a new rule as directed by statute to promote electric utility investment in nuclear power plants by establishing alternative recovery methods for prudently incurred costs associated with the siting, design, licensing, and construction of nuclear power plants.

ITEM 8: DOCKET NO. 060598-TL – PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC. The Commission will consider a staff recommendation addressing BellSouth's request to implement a charge of $0.50 per customer line per month for one year for the recovery of 2005 hurricane and severe storm related costs, pursuant to Florida Statute.

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State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 11, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, HEARING HELD 12/06/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 11235-06, 12/07/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 11, 2006

TO: Blanca Bayó, Director, Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Hearing Reporter Services Section

RE: DOCKET NO. 060598-TL, HEARING HELD 12/06/06.

Attached for filing are exhibit 1 through 21, representing a complete filing of the exhibits identified and admitted into the record during the proceedings held in the above docket.

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 11, 2006

TO: Blanca Bayó, Director, Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Hearing Reporter Services Section

RE: DOCKET NO. 060598-TL, MIAMI SERVICE HEARING HELD 11/30/06.

Attached for filing is exhibit 1, representing a complete filing of the exhibits identified and admitted into the record during the proceedings held in the above docket.

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 6, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, MIAMI SERVICE HEARING HELD 11/30/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 11105-06, 12/04/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 6, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, FT. LAUDERDALE SERVICE HEARING HELD 11/29/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 11104-06, 12/04/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: December 6, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, WEST PALM BEACH SERVICE HEARING HELD 11/29/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 11103-06, 12/04/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

Kimberley Pena

060598

From: Todd Brown
Sent: Monday, November 27, 2006 4:15 PM
To: All PSC Staff; Commissioners & Staffs
Subject: Customer Hearings Set for BellSouth

A news release was distributed to the daily newspapers this afternoon, 11/27/06, and is now available on the PSC web site:

http://www.psc.state.fl.us/home/news/index.aspx?id=195

State of Florida

Public Service Commission

NEWS RELEASE

11/27/2006 **Contact: 850-413-6482**

Customer Hearings Set for BellSouth

TALLAHASSEE — The Florida Public Service Commission (PSC) will conduct three customer service hearings November 29-30, 2006, regarding a BellSouth petition to recover costs associated with the 2005 hurricane season. BellSouth is seeking to recover fifty cents per customer line per month for 2005 storm damage. If approved, the surcharge would appear on customers' bills for one year commencing January 1, 2007. BellSouth is a telecommunications company serving approximately five million access lines in 93 exchanges in Florida.

The purpose of the meetings is to provide customers an opportunity to address the proposed surcharge and service provided by the company. Customers are invited to attend one of the following meetings:

Wednesday, November 29, 2006
11:00 a.m.
Jane Thompson Memorial Chambers
Palm Beach County Governmental Center
301 North Olive Avenue
West Palm Beach, Florida

5:00 p.m.
County Commission Chambers
Broward County Governmental Center
115 South Andrews Avenue
Fort Lauderdale, Florida

Thursday, November 30, 2006
11:00 a.m.
City Commission Chambers
Miami City Hall
3500 Pan American Drive
Miami, Florida

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State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 27, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, PREHEARING HELD 11/20/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT No: 10767-06, 11/22/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M FPSC-COMMISSION CLERK
CORRESPONDENCE
Administrative Parties Consumer
DOCUMENT NO. 09033-07
DISTRIBUTION:

DATE: November 21, 2006

TO: Dan Hoppe, Director, Division of Regulatory Compliance and Consumer Assistance

FROM: Denise N. Vandiver, Chief of Auditing, Division of Regulatory Compliance and Consumer Assistance

RE: Docket No. 060598-TL, Copy of Confidential Information; Document No. 09896-06 and 08753-06, and Volume 2 of 2 of Supplemental audit work papers

10765-06 NH

Pursuant to APM 11.04(C)(6)(c) I request approval to make two copies of Confidential Document Number 09896-06 and 08753-06, and Volume 2 of 2 of the supplemental audit work papers. These documents are the confidential work papers in the staff audit of BellSouth Telecommunications, Inc. request to recover 2005 tropical system related costs and expenses. I am requesting one copy for the staff auditor to use to prepare for his deposition and testimony at hearing. Because the staff analysts will also need to work with the documents, I request a copy so that Charleston Winston may work with it and then return it to the Division of Commission Clerk and Administrative Services when he is finished with it.

The second copy is in response to a request by Ms. Vicki Gordon Kaufman, on behalf of the Competitive Carriers of the South, Inc. Ms. Kaufman has requested a copy of the company responses to each of 34 staff audit requests. This request will require copies of only those work papers that include responses to the audit requests.

12-29-06
Shredded

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 3, 2006

TO: Blanca S. Bayó, Director, Division of the Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Office of Hearing Reporter Services, Division of the Commission Clerk and Administrative Services

RE: DOCKET NO. 060598-TL, SERVICE HEARING HELD 10/25/06.

Re: PETITION TO RECOVER 2005 TROPICAL SYSTEM RELATED COSTS AND EXPENSES, BY BELLSOUTH TELECOMMUNICATIONS, INC.

DOCUMENT NO: 10080-06, 11/01/06

The transcript for the above proceedings has been completed and is forwarded for placement in the docket file, including attachments.

Please note that Staff distribution of this transcript was made to:

LEGAL, CMP

Acknowledged BY:

JF/rlm

State of Florida

Public Service Commission

-M-E-M-O-R-A-N-D-U-M-

DATE: November 2, 2006

TO: Blanca Bayó, Director, Commission Clerk and Administrative Services

FROM: Jane Faurot, Chief, Hearing Reporter Services Section

RE: DOCKET NO. 060598-TL, SERVICE HEARING HELD 10/25/06.

Attached for filing is exhibit 1, representing a complete filing of the exhibits identified and admitted into the record during the proceedings held in the above docket.

Acknowledged BY:

JF/rlm

Kay Flynn

060598-TL

From: Donna Jones
Sent: Monday, October 23, 2006 4:13 PM
To: All PSC Staff; Commissioners & Staffs
Subject: Press Releases

The following press releases were distributed this afternoon, 10/23/06, and are now available on the PSC website:

Customer Meeting Set for Sanlando Utilities Corp.
http://www.psc.state.fl.us/home/news/index.aspx?id=176

Customer Meeting Set For BellSouth in Pensacola
http://www.psc.state.fl.us/home/news/index.aspx?id=177

State of Florida

Public Service Commission

060598-TL

NEWS RELEASE

10/23/2006 **Contact: 850-413-6482**

Customer Meeting Set For BellSouth in Pensacola

TALLAHASSEE — The members and staff of the Florida Public Service Commission (PSC) will conduct a customer meeting on Wednesday, October 25, 2006, in Pensacola for customers of BellSouth. BellSouth is a telecommunications company serving approximately five million access lines in 93 exchanges in Florida. BellSouth is seeking to recover fifty cents per customer line per month for 2005 storm damage. If approved, the surcharge would appear on customers' bills for a year commencing January 1, 2007.

The purpose of the meeting is to provide customers an opportunity to comment on the proposed surcharge and other issues relevant to the company. Customers are invited to attend the meeting at the following time and location:

Wednesday, October 25, 2006
4:00 p.m. – 6:00 p.m.
Hagler Auditorium, Room 252
Pensacola Jr. College
1000 College Boulevard
Pensacola, Florida

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State of Florida

Public Service Commission

CAPITAL CIRCLE OFFICE CENTER • 2540 SHUMARD OAK BOULEVARD
TALLAHASSEE, FLORIDA 32399-0850

-M-E-M-O-R-A-N-D-U-M-

DATE: October 17, 2006

TO: Chairman Lisa Polak Edgar
Commissioner J. Terry Deason
Commissioner Isilio R. Arriaga
Commissioner Matthew M. Carter II
Commissioner Katrina J. Tew

FROM: Sandy Simmons, Scheduling Coordinator SS

RE: Docket No. 060598-TL – Petition to recover 2005 tropical system related costs and expenses by BellSouth Telecommunications, Inc.

Locations have been reserved on the following dates and times for the purpose of holding customer service hearings as reflected below.

Wednesday, October 25, 2006, 4:00 PM – 6:00 PM (CST)
Pensacola Jr. College
Hagler Auditorium (Room 252)
1000 College Blvd.
Pensacola, FL
Contact: Sharon Ward 850-484-1157

Wednesday, November 29, 2006, 11:00 AM – 1:00 PM
Palm Beach County Governmental Center
Jane Thompson Memorial Chambers (6th Floor)
301 N. Olive Avenue
West Palm Beach, FL
Contact: Tonya Johnson 561-355-6726

Wednesday, November 29, 2006, 5:00 PM – 7:00 PM
Broward County Commission Chambers (Room 422)
115 S. Andrews Avenue
Ft. Lauderdale, FL
Contact: Daphne Sewell 954-357-7351

Thursday, November 30, 2006, 11:00 AM – 1:00 PM
Miami City Hall (Dinner Key Hall)
City Commission Chambers
3500 Pan American Drive
Miami, FL
Contact: Anel Rodriguez 305-416-2037

For your convenience, attached are directions and maps to the locations. If you any questions please contact me at 413-6008.

Cc: Office of General Counsel (Wiggins, Teitzman)
Division of Competitive Markets and Enforcement (Salak)
Division of Regulatory Compliance and Consumer Assistance (Brunson)
Office of Public Information (Bloom)
Office of Hearing Reporter Services (Faurot)
Division of Commission Clerk & Administrative Services (Bayo, Purvis, Docket File)

Attachment

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

IN RE: Docket 060598 - Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

SUBPOENA DUCES TECUM WITHOUT DEPOSITION

THE STATE OF FLORIDA

TO BellSouth Telecommunications, Inc., c/o Ms. Nancy Sims, 150 South Monroe Street, Suite 400, Tallahassee, FL 32301.

YOU ARE COMMANDED to appear at the Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399, on Thursday, September 21, 2006, by 5:00 p.m., or at such other time and place as may be mutually agreed upon by counsel, and to have with you at that time and place the following:

A list of the CLECs that BellSouth has access agreements with and the number of wholesale lines for each as of June, 2006.

These items will be inspected and may be copied at that time. You will not be required to surrender the original items. You may comply with this subpoena by providing legible copies of the items to be produced to the attorney whose name appears on this subpoena on or before the scheduled date of production. You may mail or deliver the copies to the attorney whose name appears on this subpoena and thereby eliminate your appearance at the time and place specified above. You have the right to object to the production pursuant to this subpoena at any time before production by giving written notice to the attorney whose name appears on this subpoena. THIS WILL NOT BE A DEPOSITION. NO TESTIMONY WILL BE TAKEN.

YOU ARE SUBPOENAED by the following attorney to (1) appear as specified, or (2) furnish the records instead of appearing as provided above, and, unless excused from this subpoena by this attorney or the Commission, you shall respond to this subpoena as directed.

DATED on September 18, 2006.

Blanca S. Bayó, Director
Division of the Commission Clerk and
Administrative Services
Florida Public Service Commission

(SEAL)

By: Kay Flynn
Kay Flynn, Chief, Bureau of Records

Adam Teitzman
2540 Shumard Oak Boulevard, Tallahassee,
Florida 32399-0850
Attorney for
Florida Public Service Commission

CCA OFFICIAL DOCUMENT...

Kimberley Pena

From: Kimberley Pena
Sent: Monday, September 18, 2006 12:54 PM
To: Adam Teitzman
Subject: RE: Subpoena

The subpoena is available for pickup.

We will place this e-mail and a copy of the subpoena in the correspondence file of this docket.

Thank you.

-----Original Message-----
From: Adam Teitzman
Sent: Monday, September 18, 2006 12:53 PM
To: Kimberley Pena
Cc: Jackie Schindler
Subject: RE: Subpoena

The information listed below is correct.

-----Original Message-----
From: Kimberley Pena
Sent: Monday, September 18, 2006 12:52 PM
To: Adam Teitzman
Cc: Jackie Schindler
Subject: Subpoena
Importance: High

Sir, I would like to confirm that you have requested a subpoena duces tecum without deposition with the following information:

In re: **Docket 060598**

To: **BellSouth c/o Nancy Sims**

Date: **Thursday, September 21, 2006**

Time: **By 5 p.m.**

Location: **FPSC, Gunther Building**

Provide: **A list of CLECs that BellSouth has access agreements with and the number of wholesale lines for each as of June, 2006.**

Marguerite Lockard

060598-TL

From: Marguerite Lockard
Sent: Tuesday, June 05, 2007 4:27 PM
To: Richard Bellak
Subject: RE: US Appeal - 060598-TL/060644-TL

ok, great...thanks for checking on that !!

From: Richard Bellak
Sent: Tuesday, June 05, 2007 4:20 PM
To: Marguerite Lockard
Subject: RE: US Appeal - 060598-TL/060644-TL

As to confidential information, don't include. Thanks.

From: Marguerite Lockard
Sent: Tuesday, June 05, 2007 11:24 AM
To: Richard Bellak
Subject: US Appeal - 060598-TL/060644-TL

Richard,

attached to this e-mail are plaintiffs directions to the clerk (DN 04161-07), BellSouth's supplemental directions to clerk
(DN 04385-07, and the index i've prepared.

can you check & make sure that i have all the attorney's listed correctly on the 2nd page of the index ?

also, should i include all the confidential information pertaining to Kathy Blake and Kent Dickerson's depositions, even if it was not specifically on the list ?

Marguerite.

CCA OFFICIAL DOCUMENT...

From: **Adam Teitzman**

STATE OF FLORIDA

DIVISION OF THE COMMISSION CLERK &
ADMINISTRATIVE SERVICES
BLANCA S. BAYÓ
DIRECTOR
(850) 413-6770 (CLERK)
(850) 413-6330 (ADMIN)

Public Service Commission

September 5, 2006

James Meza III
BellSouth Telecommunications, Inc.
150 South Monroe Street
Tallahassee, Florida 32301

ADMINISTRATIVE

Re: Docket No. 060598-TL

Dear Mr. Meza:

This will acknowledge receipt of a petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc., which was filed in this office on September 1, 2006, and assigned the above-referenced docket number. Appropriate staff members will be advised.

Mediation may be available to resolve any dispute in this docket. If mediation is conducted, it does not affect a substantially interested person's right to an administrative hearing. For more information, contact the Office of General Counsel at (850) 413-6248 or FAX (850) 413-7180.

Bureau of Records

I:\Records\acklet-no-app2.doc

Case Assignment and Scheduling Record

Section 1 - Bureau of Records Complet

Docket No. 060598-TL Date Docketed: 09/01/2006 Title: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.

FPSC, CLK - CORRESPONDENCE
X Administrative Parties Consumer
DOCUMENT NO. 09033-07
DISTRIBUTION: _____

Official Filing Date: _____ Expiration: _____
Last Day to Suspend: _____

Referred to: ("()" indicates OPR)	CCA	(CMP)	ECR	GCL	PIF	RCA	SCR	SGA	
		X		X					

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A19

Staff Assignments

OPR Staff

Staff Counsel

OCRs

Time Schedule

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

[0] Current CASR revision level

		Due Dates Previous	Current
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Recommended assignments for hearing and/or deciding this case:

Full Commission ___ Commission Panel ___
Hearing Examiner ___ Staff ___

Date filed with CCA: _____

Initials OPR _____
Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: _____
Date:

PSC/CCA015-C (Rev. 01/03)

* COMPLETED EVENTS

Case Assignment and Scheduling Record

Section 1 - Bureau of Records Comple

Docket No. 060598-TL Date Docketed: 09/01/2006 Title: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to: ("()" indicates OPR)	CCA	(CMP)	ECR	GCL	PIF	RCA	SCR	SGA	
		X		X					

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A19

Staff Assignments

OPR Staff: B Casey, J Maduro; D Mailhot, J Mann; R Moses, B Salak; M Watts, R Wright

Staff Counsel: A Teitzman, L Tan; F West, P Wiggins

OCRs

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel __
Hearing Examiner __ Staff __

Date filed with CCA: 09/06/2006

Initials OPR _____
Staff Counsel _____

Time Schedule

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION:(850) 413-6770

[0] Current CASR revision level

		Due Dates Previous	Current
1.	Petition Filed	NONE	09/01/2006
2.	Close Docket or Revise CASR	NONE	09/29/2006
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Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED Hurst
Date: 09/06/2006

PSC/CCA015-C (Rev. 01/03) * COMPLETED EVENTS

Case Scheduling/Rescheduling Advice

Last Revised 09/20/2006 at 3:24 p.m.

To:

[X] Commissioner Deason	[X] Deputy Executive Director	[ ] Economic Regulation
[X] Commissioner Arriaga	[X] General Counsel	[X] Court Reporter
[X] Commissioner Carter	[ ] Strategic Analysis & Gov. Affairs	[X] Staff Contact - Adam Teitzman
[X] Commissioner Tew	[X] Commission Clerk & ADM Services	[ ]
[X] Executive Director	[X] Competitive Markets/Enforcement	[ ]
[X] Public Information Officer	[X] Reg. Compliance/Consumer Asst.	[ ]

From: Office of Chairman Lisa Edgar

Docket Number: 060598-TL -- Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

1. Schedule Information

Event	Former Date	New Date	Location / Room	Time
Prehearing Conference		11/20/2006	Tallahassee / E-148	1:30 p. - 3:00 p.
Hearing		12/06/2006	Tallahassee / E-148	9:30 a. - 5:00 p.

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					
ED	DS	AR	CT	TW	ADM

Commissioners					
ED	DS	AR	CT	TW	ADM
	X				

Remarks: PSC-06-0783-PCO-TL, 9/20/06

Case Scheduling/Rescheduling Advice

Last Revised 09/26/2006 at 11:17 a.m.

To:

[X] Commissioner Deason	[X] Deputy Executive Director	[ ] Economic Regulation
[X] Commissioner Arriaga	[X] General Counsel	[X] Court Reporter
[X] Commissioner Carter	[ ] Strategic Analysis & Gov. Affairs	[X] Staff Contact - Adam Teitzman
[X] Commissioner Tew	[X] Commission Clerk & ADM Services	[ ]
[X] Executive Director	[X] Competitive Markets/Enforcement	[ ]
[X] Public Information Officer	[X] Reg. Compliance/Consumer Asst.	[ ]

From: Office of Chairman Lisa Edgar

Docket Number: 060598-TL -- Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

1. Schedule Information

Event	Former Date	New Date	Location / Room	Time
Service Hearing		10/25/2006	Pensacola	4:00 p. - 6:00 p.

2. Hearing/Prehearing Assignment Information

Former Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		
			X				

Current Assignments

Hearing Officers

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		
	X	X		X	X		

Prehearing Officer

Commissioners					
ED	DS	AR	CT	TW	ADM

Prehearing Officer

Commissioners					
ED	DS	AR	CT	TW	ADM
	X				

Remarks: Service hearing 4:00 p.m., central time

Case Assignment and Scheduling Record

Section 1 - Bureau of Records Complete

Docket No. 060598-TL Date Docketed: 09/01/2006 Title: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to: ("()" indicates OPR)

CCA	(CMP)	ECR	GCL	PIF	RCA	SCR	SGA	
	X		X		X			

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A19

Staff Assignments

OPR Staff	B Casey, E Broussard
	J Maduro, D Mailhot
	J Mann, R Moses
	B Salak, M Watts
	R Wright
Staff Counsel	A Teitzman, L Tan
	F West, P Wiggins
OCRs (RCA)	L Deamer

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel __
Hearing Examiner __ Staff __

Date filed with CCA: 09/29/2006

Initials OPR _____
Staff Counsel _____

Time Schedule

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

[1] Current CASR revision level

		Due Dates Previous	Current
1.	Revised CASR Due	NONE	10/06/2006
2.	Order on Motion to Amend Petition	NONE	10/06/2006
3.			
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Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED / [illegible]
Date: 09/29/2006

PSC/CCA015-C (Rev. 01/03) * COMPLETED EVENTS

Case Scheduling/Rescheduling Advice

Last Revised 10/05/2006 at 4:09 p.m.

To:

[X] Commissioner Deason	[X] Deputy Executive Director	[ ] Economic Regulation
[X] Commissioner Arriaga	[X] General Counsel	[X] Court Reporter
[X] Commissioner Carter	[ ] Strategic Analysis & Gov. Affairs	[X] Staff Contact - Adam Teitzman
[X] Commissioner Tew	[X] Commission Clerk & ADM Services	[ ]
[X] Executive Director	[X] Competitive Markets/Enforcement	[ ]
[X] Public Information Officer	[X] Reg. Compliance/Consumer Asst.	[ ]

From: Office of Chairman Lisa Edgar

Docket Number: 060598-TL -- Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

1. Schedule Information

Event	Former Date	New Date	Location / Room	Time
Service Hearing		11/29/2006	West Palm Beach	11:00 a. - 1:00 p.
Service Hearing		11/29/2006	Fort Lauderdale	5:00 p. - 7:00 p.
Service Hearing		11/30/2006	Miami	11:00 a. - 1:00 p.

2. Hearing/Prehearing Assignment Information

Hearing Officers

Former Assignments

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		

Current Assignments

Commissioners						Hearing Exam.	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					
ED	DS	AR	CT	TW	ADM

Commissioners					
ED	DS	AR	CT	TW	ADM
	X				

Remarks:

Case Assignment and Scheduling Record

Section 1 - Bureau of Records Completes

Docket No. 060598-TL Date Docketed: 09/01/2006 Title: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to: ("()" indicates OPR)	CCA	(CMP)	ECR	GCL	PIF	RCA	SCR	SGA	
		X		X		X			

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A19

Staff Assignments

OPR Staff	R Wright, E Broussard
	B Casey, J Maduro
	D Mailhot, J Mann
	R Moses, B Salak
	M Watts
Staff Counsel	A Teitzman, L Tan
	F West, P Wiggins
OCRs (RCA)	L Deamer

Time Schedule

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

[2] Current CASR revision level

		Due Dates Previous	Current
1.	FAW Notice Filed - Service Hearings	NONE	10/10/2006
2.	Testimony and Exhibits - Staff	NONE	10/20/2006
3.	Testimony and Exhibits - Rebuttal	NONE	10/20/2006
4.	FAW Notice Filed for Prehearing	NONE	10/24/2006
5.	Service Hearing - Pensacola	NONE	10/25/2006
6.	Issue Identification Conference	NONE	10/26/2006
7.	FAW Notice Filed for Hearing	NONE	11/03/2006
8.	Notice of Prehearing and Hearing	NONE	11/07/2006
9.	Prehearing Statements	NONE	11/13/2006
10.	Testimony and Exhibits - Surrebuttal	NONE	11/17/2006
11.	Prehearing	NONE	11/20/2006
12.	Transcript of Prehearing Due	NONE	11/23/2006
13.	Prehearing Order	NONE	11/23/2006
14.	Service Hearing - West Palm Beach	NONE	11/29/2006
15.	Service Hearing - Ft. Lauderdale	NONE	11/29/2006
16.	Discovery Actions Complete	NONE	11/29/2006
17.	Service Hearing - Miami	NONE	11/30/2006
18.	Hearing	NONE	12/06/2006
19.	Staff Recommendation	NONE	12/07/2006
20.	Transcript of Hearing Due	NONE	12/11/2006
21.	Agenda	NONE	12/19/2006
22.	Final Order	NONE	01/08/2007
23.	Revised CASR Due	10/06/2006	02/08/2007
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Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel __
Hearing Examiner __ Staff __

Date filed with CCA: 10/06/2006

Initials OPR _____
Staff Counsel _____

Section 3 - Chairman Completes Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	DS	AR	CT	TW		
X							

Prehearing Officer

Commissioners					ADM
ED	DS	AR	CT	TW	
	X				

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED
Date: 10/06/2006

* COMPLETED EVENTS

Case Assignment and Scheduling Record

Section 1 - Bureau of Records Complet

Docket No. 060598-TL Date Docketed: 09/01/2006 Title: Petition to recover 2005 tropical system related costs and expenses, by BellSouth Telecommunications, Inc.

Company: BellSouth Telecommunications, Inc.

Official Filing Date: _____ Expiration: _____

Last Day to Suspend: _____

Referred to: ("()" indicates OPR)	CCA	CMP	ECR	(GCL)	PIF	RCA	SCR	SGA	
		X		X		X			

Section 2 - OPR Completes and returns to CCA in 10 workdays.

Program Module A19

Staff Assignments

OPR Staff	R Bellak
Staff Counsel	R Bellak, L Tan
	A Teitzman, P Wiggins
OCRs (CMP)	B Casey, D Dowds, P Lee
	D Mailhot, J Mann
	R Moses, S Ollila
	B Salak, P Vickery
	M Watts, R Wright
(RCA)	L Deamer

Recommended assignments for hearing and/or deciding this case:

Full Commission X Commission Panel __
Hearing Examiner __ Staff __

Date filed with CCA: 03/01/2007

Initials OPR _____
Staff Counsel _____

Time Schedule

WARNING: THIS SCHEDULE IS AN INTERNAL PLANNING DOCUMENT IT IS TENTATIVE AND SUBJECT TO REVISION. FOR UPDATES CONTACT THE RECORDS SECTION: (850) 413-6770

[3] Current CASR revision level

		Due Dates Previous	Current
1.	Staff Recommendation	NONE	03/01/2007
2.	Agenda	NONE	03/13/2007
3.	Standard Order	NONE	04/02/2007
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Section 3 - Chairman Completes

Assignments are as follows:

- Hearing Officer(s)

Commissioners						Hrg Exam	Staff
ALL	ED	CT	MM	C1	C2		
X							

Prehearing Officer

Commissioners					ADM
ED	CT	MM	C1	C2	
X					

Where panels are assigned the senior Commissioner is Panel Chairman: the identical panel decides the case.
Where one Commissioner, a Hearing Examiner or a Staff Member is assigned the full Commission decides the case.

Approved: ED/hmf
Date: 03/01/2007

PSC/CCA015-C (Rev. 01/03) * COMPLETED EVENTS

Matilda Sanders PSC-07-0291-FOF-TL

From: Jackie Schindler
Sent: Tuesday, April 03, 2007 4:48 PM
To: CLK - Orders / Notices; Adam Teitzman; Lee Eng Tan
Subject: Order / Notice Submitted

5/1

Date and Time: 4/3/2007 4:47:00 PM
Docket Number: 060598-TL
Filename / Path: order granting joint motion.doc

An ORDER GRANTING JOINT MOTION TO MODIFY ORDER NO. PSC-07-0036-FOF-TL has been moved to GC Orders for issuance on Wednesday.

Thanks!

js

Jacqueline Schindler
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399
850-413-6754

Matilda Sanders PSC-07-0036-FOF-TL

From: Pauline Evans
Sent: Tuesday, January 09, 2007 2:05 PM
To: CCA - Orders / Notices
Subject: Order / Notice Submitted 26

Date and Time: 1/9/2007 2:03:00 PM
Docket Number: 060598-TL
Filename / Path: 060598fo.doc

ORDER ON BELLSOUTH STORM COST RECOVERY

Please see order attached. Jackie had to leave on a family emergency, thus the delay in getting it to you. Please give Patrick Wiggins a call with any questions. Thank you.

Pauline Evans
Office of the General Counsel
Florida Public Service Commission
2540 Shumard Oak Blvd
Tallahassee, FL 32399-0850
850-413-6195
pevans@psc.state.fl.us

Smiled

Matilda Sanders PSC-06-1002-CFO-TL

From:	**Jackie Schindler**
Sent:	**Monday, December 04, 2006 11:57 AM**
To:	**CCA - Orders / Notices; Lee Eng Tan; Adam Teitzman**
Subject:	**Order / Notice Submitted** 4
Date and Time:	**12/4/2006 11:56:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**conf1.doc**
Order Type:	**Signed / Hand Deliver**

attach' not online

An ORDER GRANTING CONFIDENTIALITY TO DOC. NO. 08753-09 has been signed and moved to GC Order for issuance today...should come on 1:30 run.

3/1

Matilda Sanders PSC-06-1001-PHO-TL

From:	**Jackie Schindler**
Sent:	**Monday, December 04, 2006 10:50 AM**
To:	**CCA - Orders / Notices; Adam Teitzman; Lee Eng Tan**
Subject:	**Order / Notice Submitted**
Date and Time:	**12/4/2006 10:48:00 AM**
Docket Number:	**060598**
Filename / Path:	**phorder.doc**
Order Type:	**Signed / Hand Deliver**

18

A PREHEARING ORDER has been SIGNED and moved to GC Orders for issuance today. It should have been delivered on our 10:30 run.

PLEASE HAVE THE PRINT SHOP MAKE 30 EXTRA COPIES OF THE ISSUED ORDER FOR THE HEARING. The copies can come to me via interoffice.

Thanks so much!

js

2 Pick-ups
Moyle + Bellsouth
2 mailed

Matilda Sanders FSC-06-0941-PCO-TL

10:36am mas

From:	**Jackie Schindler**
Sent:	**Wednesday, November 08, 2006 1:43 PM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted** 3
Date and Time:	**11/8/2006 1:42:00 PM**
Docket Number:	**060598-tl**
Filename / Path:	**SECOND ORDER ON PROCUDURE.doc**
Order Type:	**Signed / Hand Deliver**

attach online

Second Order on Procedure has been moved to GC Orders for issuance today.

Thanks!
js

3/1

Matilda Sanders

From:	**Jackie Schindler**
Sent:	**Tuesday, November 07, 2006 12:23 PM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**11/7/2006 12:23:00 PM**
Docket Number:	**060598-TL**
Filename / Path:	**notice-hrg-phrg.doc**

CCS✓

3

A NOTICE OF COMMISSION HEARING AND PREHEARING has been moved to GC Orders for issuance today. Thanks.

js

33/4 mailed
+304 clerks (TL720)
MCD Hearings Telecom

Marguerite Lockard

From: Jackie Schindler
Sent: Tuesday, October 31, 2006 3:06 PM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 10/31/2006 3:00:00 PM
Docket Number: 060598-TL
Filename / Path: 060598 11.1 meeting.doc
Notice Type: Memo for Issuance

A MEMO noticing a meeting for TOMORROW has been moved to GC Orders for issuance TODAY. I apologize for the late notice but this memo MUST be faxed to all parties TODAY.

Thanks.
Jackie

4/1

Matilda Sanders

From:	**Jackie Schindler**
Sent:	**Wednesday, October 11, 2006 9:29 AM**
To:	**CCA - Orders / Notices; Adam Teitzman; Felicia West; Lee Eng Tan**
Subject:	**Order / Notice Submitted**
Date and Time:	**10/11/2006 9:27:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**060598 issue id.dco**
Notice Type:	**Memo for Issuance**

1 PO

A MEMO noticing an issue id meeting has been moved to GC Orders for issuance and faxing - thanks!
js

4/1

Matilda Sanders

From:	**Jackie Schindler**
Sent:	**Tuesday, October 10, 2006 9:09 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**10/10/2006 9:07:00 AM**
Docket Number:	**060598-tl**
Filename / Path:	**servicehearings-commission.doc**
Notice Type:	**Hearing**

CCS ✓

A NOTICE OF CUSTOMER SERVICE HEARINGS has been moved to GC Orders for issuance.

Thanks.

js

33|4

303
Public officials.

Matilda Sanders PSC-06-0818-PCO-TL

From:	**Jackie Schindler**
Sent:	**Wednesday, October 04, 2006 9:50 AM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**10/4/2006 9:49:00 AM**
Docket Number:	**060598-TL**
Filename / Path:	**leaveord.doc**
Order Type:	**Signed / Hand Deliver**

4

An ORDER GRANTING MOTION FOR LEAVE TO FILE AMENDED PETITION AND MODIFYING PROCEDURAL SCHEDULE has been SIGNED and moved to GC Orders for issuance today. The signed order should come to you on our 10:30 run.

js

311

Matilda Sanders

From:	**Jackie Schindler**
Sent:	**Wednesday, September 27, 2006 2:45 PM**
To:	**CCA - Orders / Notices; Adam Teitzman**
Subject:	**Order / Notice Submitted**
Date and Time:	**9/27/2006 2:44:00 PM**
Docket Number:	**060598-TL**
Filename / Path:	**pensacola-commission notice.doc**
Notice Type:	**Hearing**

CCS ✓

A NOTICE OF CUSTOMER SERVICE HEARING has been moved to GC Orders for issuance.

Thanks.

js

303 Public Notices
33/4 TL720

Matilda Sanders PSC-06-0792-PCO-TL

From: Jackie Schindler
Sent: Friday, September 22, 2006 8:32 AM
To: CCA - Orders / Notices; Adam Teitzman 2
Subject: Order / Notice Submitted

Date and Time: 9/22/2006 8:30:00 AM
Docket Number: 060598-TL
Filename / Path: see below

Three INTERVENTION ORDERS have been moved to GC Orders for issuance today:

Nuvox.doc

Opc.doc

Compsouth.doc

Thanks.

js

311

Matilda Sanders PSC-06-0791-PCO-TL

From: Jackie Schindler
Sent: Friday, September 22, 2006 8:32 AM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 9/22/2006 8:30:00 AM
Docket Number: 060598-TL
Filename / Path: see below

Three INTERVENTION ORDERS have been moved to GC Orders for issuance today:

Nuvox.doc

Opc.doc

Compsouth.doc

Thanks.

js

311

Matilda Sanders PSC-06-0790-PCO-TL

From: Jackie Schindler
Sent: Friday, September 22, 2006 8:32 AM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 9/22/2006 8:30:00 AM
Docket Number: 060598-TL
Filename / Path: see below

Three INTERVENTION ORDERS have been moved to GC Orders for issuance today:

Nuvox.doc

Opc.doc

Compsouth.doc

Thanks.

js

2

311

Timolyn Henry PSC-06-0783-PCO-TL

9

From: Jackie Schindler
Sent: Wednesday, September 20, 2006 9:40 AM
To: CCA - Orders / Notices; Adam Teitzman
Subject: Order / Notice Submitted

Date and Time: 9/20/2006 9:39:00 AM
Docket Number: 060598-TL
Filename / Path: 060598OEP.DOC
Order Type: Signed / Hand Deliver

An OEP has been signed and moved to GC Orders for issuance today. Thanks.

js

I'll be down there with the order in a couple minutes.

411