

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement)
By Embarq Florida, Inc. Regarding) Docket No. 070649-TL
Implementation of Order No. PSC-07-)
0311-FOF-TL, Rule 25-4.094, F.A.C.) Filed: December 21, 2007
and Embarq's General Exchange)
Tariff Section A5,G)
_____)

**TREVISO BAY DEVELOPMENT, LLC'S REQUEST FOR ORAL ARGUMENT AND
ALTERNATIVE MOTION FOR LEAVE TO ADDRESS THE COMMISSION**

Treviso Bay Development, LLC ("Treviso Bay"), by and through its undersigned counsel, and pursuant to Rules 25-22.058 and 28-106.204, Florida Administrative Code ("F.A.C."), hereby requests oral argument on the issues raised by Embarq Florida, Inc.'s Petition for Declaratory Statement and Treviso Bay Development, LLC's Memorandum of Law in Opposition to Petition for Declaratory Statement. In the alternative,¹ Treviso Bay respectfully moves the Commission for leave to address the Commission at agenda conference on these pleadings and the issues raised therein.

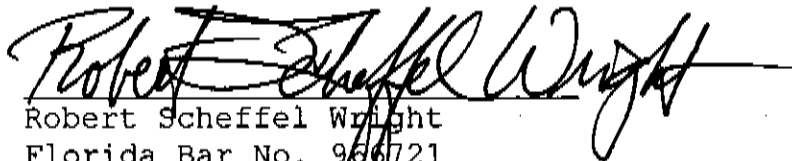
Oral argument will aid the Commission in comprehending and evaluating the somewhat complex array of issues before it, which include the interplay of the statutory Carrier of Last Resort

¹ Commission Rule 25-22.058, F.A.C., Oral Argument, refers only to oral argument upon request of a party to a Section 120.57 formal hearing. Since this is a declaratory statement proceeding pursuant to Section 120.565, Florida Statutes, Treviso Bay is requesting the same relief via its alternative motion.

obligation, Commission rules, and Embarq's tariffs, as well as issues relating to the procedural impropriety of granting a declaratory statement where there are factual issues in dispute.

Moreover, Treviso Bay asserts that where Embarq has previously tried and specifically failed to prove a critical element of its claim for declaratory relief - namely Embarq's claim that providing service to the Treviso Bay development will be uneconomic, which is the basis of its claimed need for relief - Embarq is barred from pursuing the instant petition by the doctrine of collateral estoppel. This doctrine does not arise often in proceedings before the Commission, and accordingly, Treviso Bay believes that oral argument will aid the Commission in comprehending and evaluating its applicability here.

Respectfully submitted this 21st day of December, 2007.



Robert Scheffel Wright
Florida Bar No. 986721
John T. LaVia, III
Florida Bar No. 853666
Young van Assenderp, P.A.
225 South Adams Street, Suite 200
Tallahassee, Florida 32301
(850) 222-7206 Telephone
(850) 561-6834 Facsimile
swright@yvlaw.net

Attorneys for Treviso Bay
Development, LLC

CERTIFICATE OF SERVICE

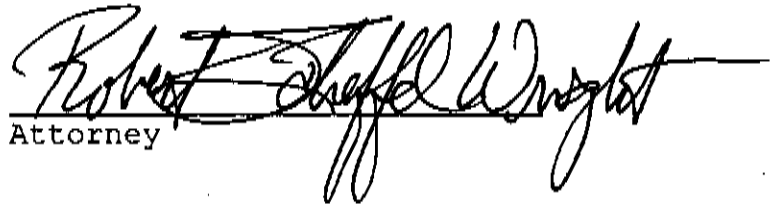
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 21st day of December, 2007, to the following:

Beth Salak
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
bsalak@psc.state.fl.us

Richard Bellak, Esquire
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850
rbellak@psc.state.fl.us

Susan S. Masterton, Esquire
Embarq
1313 Blair Stone Road
Tallahassee, Florida 32301
susan.masterton@embarq.com

Sandra A. Khazraee
Mail code: FLTLHO0201
P. O. Box 2214
Tallahassee, FL 32316-2214
sandy.khazraee@embarq.com


Attorney