

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In the Matter of:)
)
Joint Petition to initiate Rulemaking)
To Adopt New Rule in Chapter 25-24,)
F.A.C., Amend and Repeal Rules in) Docket 080159-TL
Chapter 25-4, F.A.C., and Amend Rules)
in Chapter 25-9, F.A.C., By Verizon) Filed June 20, 2008
Florida LLC, BellSouth Telecommunications,)
Inc. d/b/a AT&T Florida, Embarq Florida,)
Inc., Quincy Telephone Company d/b/a TDS)
Telecom, and Windstream Florida, Inc.)

**JOINT POST-WORKSHOP COMMENTS OF THE OFFICE OF PUBLIC
COUNSEL, OFFICE OF ATTORNEY GENERAL, AND AARP**

The Office of Public Counsel (OPC), Office of Attorney General (OAG), and AARP jointly file the following comments following the staff workshop held on May 14, 2008.

Summary of Comments

Certain rules governing local telecommunications companies are now obsolete and may be repealed without harm to the public interest. The same is not true, however, with respect to quality of service standards. The large local exchange companies -- AT&T, Verizon, and Embarq -- are not providing the quality of service contemplated by the Commission's rules. One of the small local exchange companies, on the other hand, is substantially in compliance with the Commission's quality of service standards. The large local exchange companies must at a minimum bring their service up to the standards

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substantially being met by the smaller local exchange company Windstream before the Commission proceeds further with this rulemaking proceeding.

The Large Local Exchange Companies are Not Providing the Quality of Service Contemplated by the Commission's Rules

Rules 25-4.070(3)(a) and 25-4.070(3)(b) unambiguously set forth certain standards for restoring service. These rules state that repairs "shall be scheduled to insure" certain parameters are met:

"3) Service Objectives:

(a) Service Interruption: Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

(b) Service Affecting: Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be

aggregated on a quarterly basis.”

For new service installations, Rule 25-4.066(2) requires that:

“(2) Where central office and outside plant facilities are readily available, at least 90 percent of all requests for primary service in any calendar month shall normally be satisfied in each exchange of at least 50,00 lines and quarterly in exchanges of less than 50,000 lines within an interval of three working days after receipt of application when all tariff requirements relating thereto have been complied with, except those instances where a later installation date is requested by the applicant or where special equipment or services are involved.”

Local exchange companies must also meet the standard set forth in Rule 25-4.073(1) for answering phone calls from customers:

“(1) Each telephone utility shall provide equipment designed and engineered on the basis of realistic forecasts of growth, and shall make all reasonable efforts to provide adequate personnel so as to meet the following service criteria under normal operating conditions:

(a) At least 90 percent of all calls directed to repair services and 80 percent of all calls to business offices shall be answered within 30 seconds after the last digit is dialed when no menu driven system is utilized.

(b) When a company utilizes a menu driven, automated, interactive answering system (referred to as the system or as an Integrated Voice Response Unit (IVRU)), at least 95 percent of the calls offered shall be answered within 15 seconds after the last digit is dialed. The initial recorded message presented by the system to the customer shall include the option of transferring to a live attendant within the first 30 seconds of the message.

(c) For subscribers who either select the option of transferring to a live assistant, or do not interact with the system for twenty seconds, the call shall be transferred by the system to a live attendant. At least 90 percent of the calls shall be answered by the live attendant prepared to give immediate assistance within 55 seconds of being transferred to the attendant.”

Service guarantee plans, which generally require companies to make payments directly to customers or make payments to a fund when certain agreed-upon criteria are not met, may relieve companies from compliance with some or all of the foregoing rules. Rule 25-4.085 provides:

“A company may petition the Commission for approval of a Service Guarantee Program, which would relieve the company from the rule requirement of each service standard addressed in the approved Service Guarantee

Program. When evaluating a Service Guarantee Program for approval, the Commission will consider the Program's benefits to the customers and whether the Program is in the public interest. The Commission shall have the right to enforce the provisions of the Service Guarantee Plan."

The following comments address the performance of the companies with respect to some of these rules.

Verizon

On May 15, 2008, the Attorney General, Public Counsel and AARP filed a joint petition with the FPSC (Attachment A) alleging that Verizon had willfully violated FPSC service availability rules 262 times during 2007 and requested the Commission to issue a show cause order requiring Verizon to show cause why it should not be fined approximately \$6.5 million. Verizon has no service guarantee plan for its customers.

The petition shows the significant decline in Verizon's response to customer trouble reports for basic local telecommunications services during the 2001 through 2007 time frame, the same period of time when the companies claim that Florida has been experiencing robust growth in competition. The decline in Verizon service quality between 2001 and 2007 is graphically demonstrated in Attachment 6 of the petition.

In 2001 Verizon met or exceeded the 95% standard every single month for out of service reports and failed to meet the standard only one month (April 2001) for service-affecting trouble reports. On a statewide basis, Verizon repaired 97%

of its out of service trouble reports in all of 2001 within the 24 hour limit. Verizon repaired 99% of its service-affecting trouble reports within the 72 hour limit for all of 2001. However, as shown in Attachment 6 to the Show Cause Petition, Verizon's service performance has declined over the past 6 years to a level below the required standards.

In 2007 Verizon failed to meet the 95% standard for the repair of out of service trouble reports on a statewide basis 11 out of 12 months. For all of 2007, the company managed to repair only 89% of its total out of service trouble reports within the standard established by the Commission rule—95%.

Likewise, Verizon failed to respond to customer service-affecting trouble reports on a timely basis 11 out of 12 months and the company managed to repair only 84% of its total service-affecting trouble reports within the standard established by the Commission rule—95%.

AT&T

During the 2001 through 2007 time period, AT&T operated under a service guarantee plan. The plan provided rebates directly to customers when the company failed to meet the FPSC installation and repair standards for: (1) the installation of new service (3 days); (2) the repair of out of service troubles (24 hours); and (3) the repair of service affecting troubles (72 hours). In addition as part of the plan, AT&T made voluntary contributions for the benefit of the Lifeline program when it failed to meet answer time standards.

Improved customer service was a goal of the plan, since the plan provided the company a financial incentive to provide better service. However, such

improvements generally failed to materialize. AT&T provided \$1,830,135 in service rebates directly to customers in 2006 and \$1,576,554 in 2007. The following is a summary of the company's recent performance:

* New primary service installation:

AT&T's 26 large exchanges failed to meet the PSC 3-day standard 309 out of 312 times during 2007.

AT&T's 69 small exchanges failed to meet the PSC 3-day standard 277 out of 277 times during 2007.

* Out of service restoral:

AT&T's 26 large exchanges failed to meet the PSC standard 289 times out of a possible 312 times in 2007.

AT&T's 69 small exchanges failed to meet the PSC standard 264 times out of a possible 277 times in 2007.

* Service affecting troubles and answer time:

AT&T's repair of service-affecting troubles and its performance in call answering to business office and repair have been in compliance with the PSC rule standards for 2007.

Embarq

In 2000, Embarq agreed to a service guarantee plan covering installation, repair, business office and repair answer time standards.

In 2001, Embarq met the PSC installation and repair minimum standards over 90% of the time but missed almost half of the monthly minimum standards for answer time.

In 2002, Embarq continued to meet or exceed most of the installation and repair standards until December, when excessive loads resulted in the company missing the PSC standards in 78 out of 104 exchanges. Answer time performance continued to be a problem for Embarq in 2002 when it failed to meet repair and business office answer time minimum standards 24 times, which was 100% of the opportunities.

Embarq service showed significant declines in 2003 through 2005 when the company failed to meet most of its service quality minimum standards and was required to make substantial service guarantee rebates both to customers and the Lifeline promotion fund. In 2005 alone, Sprint credited customers with over \$2 million in service guarantee rebates for installation and repair failures.

In 2006, the company began to turn its service quality performance back in the right direction and met or exceeded over 70% of the minimum standards in the last five months of the year for its largest exchanges, while falling below the minimum standards for approximately 50% of its smaller exchanges (less than 50,000 access lines) in the fourth quarter. In 2006, Service Guarantee rebates for installation and repair dropped to less than \$1 million.

In 2007, Embarq failed to meet or exceed the minimum standards as follows [Lower is better] [Higher is worse]:

Installation and Repair		
Large Exchanges	(82 failures out of 324)	25%
Small Exchanges	(463 failures out of 1,248)	37%
Answer time	(13 failures out of 24)	54%

In 2007, Embarq Service Guarantee rebates for installation and repair continued to decline, totaling \$605,493, which is a good barometer to gauge the level of service.

Windstream

Like most small local exchange telecommunications companies in Florida, Windstream (formerly ALLTEL) rarely fails to comply with the minimum service quality standards established by the FPSC. The small local exchange telecommunications companies are required to report their results on an annual basis, using the same minimum service quality standards that are established by PSC rules that apply to Verizon, AT&T and Embarq. In 2007, Windstream met or exceeded the installation minimum standards 98% of the time and met or exceeded the repair standards 97% of the time.

In 2007, Windstream opted to introduce the Service Guarantee Plan for its customers, resulting in total rebates to customers for the year amounting to \$11,123 and a one-time contribution to the Lifeline Promotion Program of \$4,000. Windstream provides a \$25 customer rebate when it fails to install new service within 3 days or restore a service outage within 24 hours.

Obsolete Rules

During the workshop held on May 14, staff distributed attachments labeled B & C containing staff comments on a number of rules. Some of the rules in the attachments were listed on "staff's list to repeal," such as Rule 25-4.021 (system maps and records), Rule 25-4.077 (metering and recording equipment), and Rule

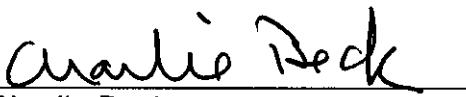
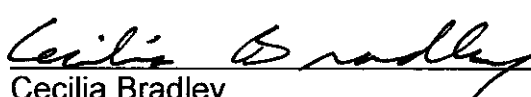
25-4.039 (traffic). OPC, OAG, and AARP support the repeal of the rules specifically identified by staff during the workshop as obsolete.

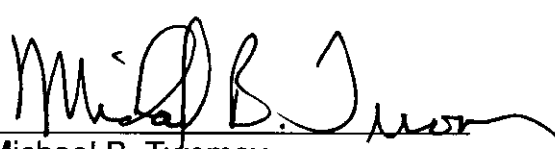
Concluding Comments

While OPC, OAG, and AARP support the repeal of obsolete rules, the quality of service rules provide important protections for customers which insure that customers receive service meeting certain minimum standards. Such standards can be met, as shown by the performance of Windstream and the performance of Verizon during 2001. The large local exchange companies need to bring their level of service up to these same standards, whether or not the companies have a service guarantee plan. Improved service was the primary goal of service guarantee plans, but this has failed to materialize.

Attachment B graphically shows the performance of AT&T, Verizon and Embarq so far in 2008, and it confirms that they still have a long way to go. Until the companies meet the standards contained in the rules, the Commission should not proceed further with the rule making proceeding other than to repeal obsolete rules.

Respectfully submitted,

J.R. KELLY PUBLIC COUNSEL  Charlie Beck Deputy Public Counsel Office of the Public Counsel c/o The Florida Legislature	BILL McCOLLUM ATTORNEY GENERAL  Cecilia Bradley Senior Assistant Attorney General Office of the Attorney General The Capitol – PL01
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111 West Madison Street, Room 812 Tallahassee, Florida 32399-1400 (850) 488-9330 Fax: (850) 488-4491	Tallahassee, Florida 32399-1050 (850) 414-3300 Fax: (850) 488-4872
 Michael B. Twomey Post Office Box 5256 Tallahassee, Florida 32314-5256 (850) 421-9530 Counsel for AARP	

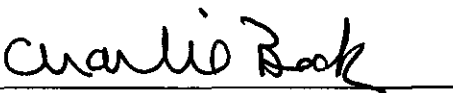
CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 20th day of June, 2008, to the following:

AT&T Florida c/o Mr. Gregory Follensbee 150 South Monroe Street, Suite 400 Tallahassee, FL 32303-1561 Phone: 850-577-5555 FAX: 222-8640 Email: greg.follensbee@att.com	Ausley Law Firm J. Jeffry Wahlen P.O. Box 391 Tallahassee, FL 32302 Phone: 850-224-9115 FAX: 222-7952 Email: jwahlen@ausley.com
Embarq Florida, Inc. Susan S. Masterton Mailstop: FLTLHO0102 1313 Blair Stone Rd.	Radey Thomas Yon Clark Susan Clark 301 S. Bronough Street, Suite 200 Tallahassee, FL 32301

<p>Tallahassee, FL 32301 Phone: 850-599-1560 FAX: 878-0777 Email: susan.masterton@embarq.com</p>	<p>Phone: 850-425-6654 Email: sclark@radeylaw.com</p>
<p>TDS Telecom/Quincy Telephone</p> <p>Mr. Thomas M. McCabe Suite 3, Box 329 1400 Village Square Blvd. Tallahassee, FL 32312-1231 Phone: (850) 875-5207 FAX: 875-5225 Email: Thomas.mccabe@tdstelecom.com</p>	<p>Verizon Florida LLC</p> <p>Mr. David Christian 106 East College Avenue, Suite 710 Tallahassee, FL 32301-7721 Phone: (850) 224-3963 FAX: 222-2912 Email: david.christian@verizon.com</p>
<p>Windstream Florida, Inc.</p> <p>Mr. James White 4651 Salisbury Road, Suite 151 Jacksonville, FL 32256-6187 Phone: (501) 748-5692 FAX: (501) 748-7996 Email: bettye.j.willis@windstream.com</p>	<p>Competitive Carriers of the South, Inc.</p> <p>Vicki Gordon Kaufman c/o Anchors Law Firm 118 North Gadsden Street Tallahassee, FL 32301 Phone: 850-681-3828 FAX: 681-8788 Email: vkaufman@asglegal.com</p>
<p>Florida Cable Telecommunications Association, Inc.</p> <p>David A. Konuch 246 E. 6th Avenue, Suite 100 Tallahassee, FL 32303 Phone: 850-681-1990 FAX: 681-9676 Email: dkonuch@fcta.com</p>	<p>Intrado Communications Inc.</p> <p>Rebecca Ballesteros 1601 Dry Creek Drive Longmont, CO 80503 Phone: 720-494-5800 FAX: 720-494-6600 Email: Rebecca.Ballesteros@Intrado.com</p>
<p>Messer Law Firm</p> <p>Floyd R. Self 2618 Centennial Place Tallahassee, FL 32308 Phone: 850-425-5213 FAX: 224-4359 Email: fself@lawfla.com</p>	<p>Rutledge Law Firm</p> <p>Marsha E. Rule 215 South Monroe St., Suite 420 Tallahassee, FL 32302-0551 Phone: 850-681-6788 FAX: 681-6515 Email: marsha@reuphlaw.com</p>

<p>Sprint Nextel</p> <p>Douglas C. Nelson 233 Peachtree St., NE, Suite 2200 Atlanta, GA 30303 Phone: 404-649-0003 FAX: 404-649-1652 Email: douglas.c.nelson@sprint.com</p>	<p>Department of Management Services</p> <p>Wink Infinger 4030 Esplanade Way, Suite 160C Tallahassee, FL 32399-0950 Phone: 850-921-0041 FAX: 488-9837 Email: Wink.Infinger@dms.myflorida.com</p>
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Charlie Beck
Deputy Public Counsel

ATTACHMENT A

BEFORE THE PUBLIC SERVICE COMMISSION

In re: Joint Petition for the Commission to issue a show cause against Verizon for violation of service availability rule 25-4.070, F.A.C., and impose fines.

Docket No.:

Filed: May 15, 2008

JOINT PETITION REQUESTING THE FLORIDA PUBLIC SERVICE COMMISSION TO ISSUE A SHOW CAUSE ORDER AGAINST VERIZON FLORIDA LLC FOR REPEATED WILLFUL VIOLATION OF TELEPHONE SERVICE QUALITY RULE

Attorney General Bill McCollum (Attorney General), the Citizens of the State of Florida (Citizens), and AARP, by and through undersigned counsel, pursuant to Chapter 120, Florida Statutes (2006), Rule 28-106.201, Florida Administrative Code; and Article IV, Section 4 of the Florida Constitution file this Petition. The Attorney General, Citizens, and AARP allege that Verizon Florida LLC (Verizon) willfully violated the Florida Public Service Commission's (Commission) service availability rule¹ 262 times during 2007 and request the Commission to issue a show cause order requiring Verizon to show cause why it should not be fined approximately \$6.5 million.

Commission Rule 25-4.070 requires Florida incumbent local exchange companies to repair no less than 95% of their service interruption (out of service) repair trouble reports in each exchange within 24 hours and 95% of its service affecting trouble reports in each exchange within 72 hours. For larger exchanges with at least 50,000 access lines, the requirements must be met each month, and for smaller exchanges with fewer than 50,000 access lines the requirements must be met each quarter. Verizon has 9 exchanges with at least 50,000 access lines and 15 exchanges with fewer than 50,000 access lines.

¹ Rule 25-4.070, Florida Administrative Code (Customer Trouble Reports).

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ATTACHMENT A

The last major investigation into Verizon's compliance with the service quality rules (Docket No. 99-1376-TL) was settled in 2001 by Verizon with a \$2 million voluntary contribution to the general revenue fund of the state of Florida. Since then, however, Verizon's compliance with the Commission's service quality rule for repair of telephone line troubles has declined precipitously. The deterioration in Verizon's service performance is graphically illustrated in the attachments to this Petition.

For example in 2001, the Company repaired 97% of its out of service reports within the 24 hour limit on a statewide basis. Even excluding the hurricane months for 2004, the total statewide average performance had declined to 95% in 2004. In 2006, the statewide average had declined to 92.9% for out of service reports. By 2007, the company only repaired 87.8% of its out of service reports within the 24 hour limit.

Thus, according to the Company's own reports, during 2007 Verizon violated the Commission Rule 25-4.070, Florida Administrative Code, 119 times for repair of out-of-service troubles. In addition, Verizon's deteriorating performance during 2007 in the repair of its service-affecting troubles caused Verizon to violate the Commission Rule 25-4.070, Florida Administrative Code, 143 times. In total, Verizon violated Commission Rule 25-4.070, Florida Administrative Code, 262 times in 2007. Based upon \$25,000 per violation for 2007, the fine would be \$6,550,000.

In support of their Petition, the Attorney General, Citizens, and AARP state:

1. The name and address of the agency affected and the agency's file number:

Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850
Docket No.: _____

ATTACHMENT A

2. The Attorney General files this Petition jointly with Citizens and AARP pursuant to Article IV, Section 4 of the Florida Constitution as the chief state legal officer authorized to intervene in all actions affecting the citizens of Florida. *See State ex rel. Landis v. S.H. Kress & Co.*, 155 So. 823 (Fla. 1934); *State ex rel. Shevin v. Yarborough*, 257 So. 2d 891, 893 (Fla. 1972); and *Shevin v. Kerwin*, 279 So. 2d 836, 838 (Fla. 1973).

The Attorney General's address and telephone number are as follows:

Office of the Attorney General
The Capitol – PL01
Tallahassee, Florida 32399-1050
Telephone No.: (850) 414-3300

3. Citizens include customers of Verizon whose substantial interests have been affected by Verizon's violations of Rule 25-4.070, Florida Administrative Code. Pursuant to Section 350.0611, Florida Statutes (2006), Citizens who file this Petition are represented by the Office of Public Counsel ("Citizens" or "OPC") with the following address and telephone number:

Office of Public Counsel c/o The Florida Legislature
111 West Madison Street, Room 812
Tallahassee, Florida 32399-1400
Telephone No.: (850) 488-9330

4. AARP is a nonprofit, nonpartisan membership organization dedicated to addressing the needs and interests of persons 50 and older. AARP has staffed offices in all 50 states, the District of Columbia, Puerto Rico and the U.S. Virgin Islands. AARP has more than 39 million members in total, 3 million of whom reside in the State of Florida. AARP's Florida members reside throughout the state and a significant number of them are necessarily residential telecommunications customers of Verizon. AARP advocates for affordable and accessible telephone services on the federal and state levels.

ATTACHMENT A

Reliable telephone service is crucial to health and personal welfare. This is especially true for older Americans. For example, the ability to contact police, fire, medical and other services in times of emergency is critical to all telecommunications customers, including AARP's members in Florida served by Verizon. The loss of any of these utility services could have devastating consequences. Unnecessary and unwarranted loss of service could result from the failure of a telecommunications company to comply with this Commission's rules including those governing repair of out-of-service troubles and the repair of its service-affecting troubles. AARP's members served by Verizon have substantial interests affected by Verizon's alleged violations of Rule 25-4.070, Florida Administrative Code, as alleged herein. *See Agrico Chemical Company v. Department of Environmental Regulation*, 406 So.2d 478 (Fla. 2nd DCA 1981). AARP is represented by:

Michael B. Twomey
Post Office Box 5256
Tallahassee, Florida 32314-5256
Phone: (850) 421-9530
Email: miketwomey@talstar.com

5. The following facts are at issue in this proceeding:

a. Pursuant to Rule 25-4.070, Florida Administrative Code, Customer Trouble Reports, the Commission set the standard for service objectives for restoration of service to customers.

b. Rule 25-4.070(3)(a), Florida Administrative Code, Service Interruption, states:

Restoration of interrupted service shall be scheduled to insure at least 95 percent shall be cleared within 24 hours of report in each exchange that contains at least 50,000 lines and will be measured on a monthly basis. For exchanges that contain less than 50,000 lines, the results can be

ATTACHMENT A

aggregated on a quarterly basis. For any exchange failing to meet this objective, the company shall provide an explanation with its periodic report to the Commission.

c. Verizon violated Rule 25-4.070(3)(a), Florida Administrative Code, regarding restoration of interrupted service standard 119 times in 2007. For the 9 exchanges with more than 50,000 lines, Verizon failed to meet the 95% restoration of service 70 times. The table below show the number of exchanges by month which failed to meet the standard for the 9 exchanges greater than 50,000 lines:

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total
Out of service	6	9	2	3	2	6	6	9	8	7	7	5	70

d. Verizon failed to meet the 95% restoration of service times 49 times for the 15 exchanges with less than 50,000 lines. In accordance with the rule the violations are based on the quarterly reports submitted by Verizon. The table below shows the number of exchanges that failed to meet the standards by quarter for the 15 exchanges with less than 50,000 lines:

2007	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Out of service	10	9	14	16	49

e. Rule 25-4.070(3)(b), Florida Administrative Code, Service Affecting, states:

ATTACHMENT A

Clearing of service affecting trouble reports shall be scheduled to insure at least 95 percent of such reports are cleared within 72 hours of the report in each exchange which contains at least 50,000 lines and will be measured on a monthly basis. For exchanges which contain less than 50,000 lines, the results can be aggregated on a quarterly basis.

f. Verizon violated Rule 25-4.070(3)(b), Florida Administrative Code, regarding the clearing of service affecting trouble report standard 143 times in 2007. For the 9 exchanges with more than 50,000 lines, Verizon failed to meet the 95% clearing of such reports within 72 hours 88 times. The table below show the number of exchanges by month which failed to meet the standard for the 9 exchanges greater than 50,000 lines:

2007	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	total
Service-affecting	8	6	6	8	4	7	9	9	9	8	8	6	88

g. Verizon failed to meet the 95% clearing of affected service times 55 times for the 15 exchanges with less than 50,000 lines. In accordance with the rule the violations are based on the quarterly reports submitted by Verizon. The table below shows the number of exchanges that failed to meet the standards by quarter for the 15 exchanges with less than 50,000 lines:

2007	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	Total
Service-affecting	14	11	14	16	55

6. Pursuant to section 364.285, Florida Statutes, the Commission may impose upon any entity subject to its jurisdiction which is found to have refused to

ATTACHMENT A

comply with or to have willfully violated any lawful rule of the Commission a penalty for each offense of not more than \$25,000. The phrase "willful violation" can mean *either* an intentional act of commission or one of omission, that is *failing* to act. See, *Nuger v. State Insurance Commissioner*, 238 Md. 55, 67, 207 A.2d 619, 625 (1965)[emphasis added]. As the First District Court of Appeal stated, "willfully" can be defined as:

An act or omission is 'willfully' done, if done voluntarily and intentionally and with the specific intent to do something the law forbids, or *with the specific intent to fail to do something the law requires to be done*; that is to say, with bad purpose either to disobey or to disregard the law.

Metropolitan Dade County v. State Department of Environmental Protection, 714 So.2d 512, 517 (Fla. 1st DCA 1998)[emphasis added]. In other words, a willful violation of a statute, rule or order is also one done with an intentional disregard of, or a plain indifference to, the applicable statute or regulation. See, *L. R. Willson & Sons, Inc. v. Donovan*, 685 F.2d 664, 667 n.1 (D.C. Cir. 1982). In view of the fact that Verizon self-reports its service quality performance to the FPSC every quarter, the company had clear knowledge of its violations of the PSC service quality rule. In addition, Verizon's repeated and worsening violations of the Commission's service quality rule evidences its willful violation of the rule.

7. The Attorney General, Citizens, and AARP request that the Commission issue a Show Cause Order to Verizon for the 262 willful violations of its Rule 25-4.070, Florida Administrative Code. In accordance with Section 364.285, Florida Statutes, the

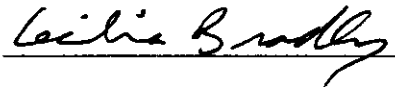
ATTACHMENT A

Attorney General, Citizens, and AARP request the Show Cause Order to require Verizon to show cause why it should not be fined \$25,000 per violation, for a total of \$6,550,000.

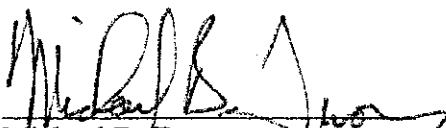
WHEREFORE, the Attorney General, Citizens, and AARP hereby request that the Commission grant its Petition and conduct a review pursuant to the provisions of Chapter 120, Florida Statutes.

Respectfully Submitted,

Bill McCollum
Attorney General



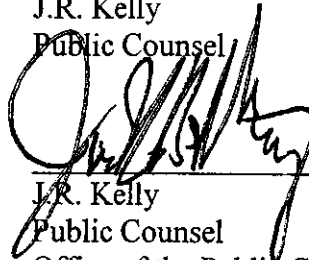
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ATTACHMENT A

CERTIFICATE OF SERVICE


I, **HEREBY CERTIFY** that a true and correct copy of the Office of Public Counsel, AARP and Attorney General's Joint Petition had been furnished by U.S. Mail on this 15th day of May, 2008, to the following:

Florida Public Service Commission
Ann Cole, Commission Clerk
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Michael Cooke
General Counsel
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Tallahassee, FL 32399-0850

Verizon Florida Inc
Dulaney L. O'Roark III
6 Concourse Parkway, Suite 600
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David Christian
106 e. College Avenue Suite 710
Tallahassee, FL 32301-7721



Patricia A. Christensen
Associate Public Counsel

VERIZON REPAIR

PSC RULE VIOLATIONS

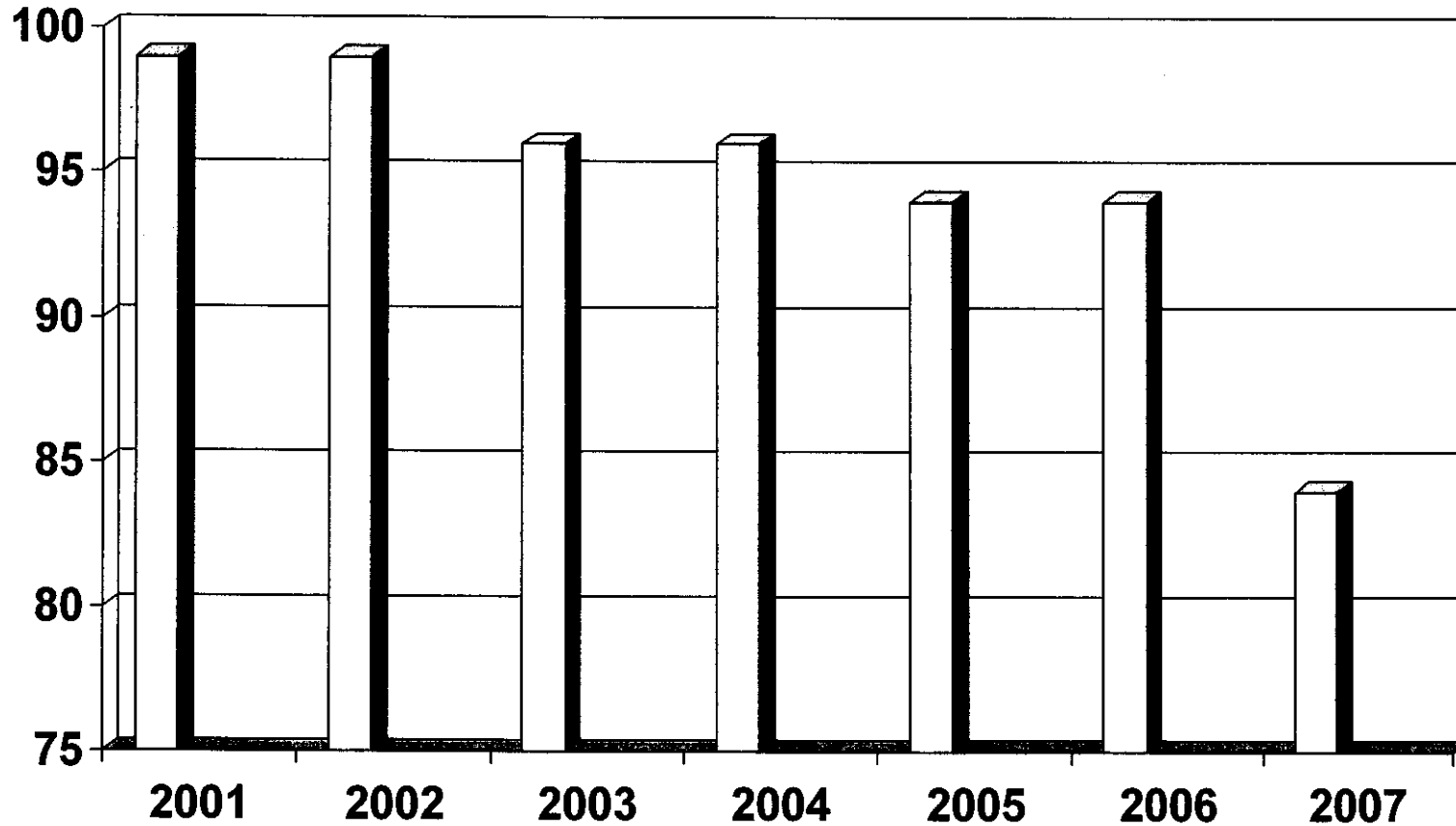
OUT OF SERVICE TROUBLES

SERVICE AFFECTING TROUBLES

Service Affecting Repaired—72 Hrs PSC Rule = 95%

Total State Performance Excluding Hurricanes

ATTACHMENT A

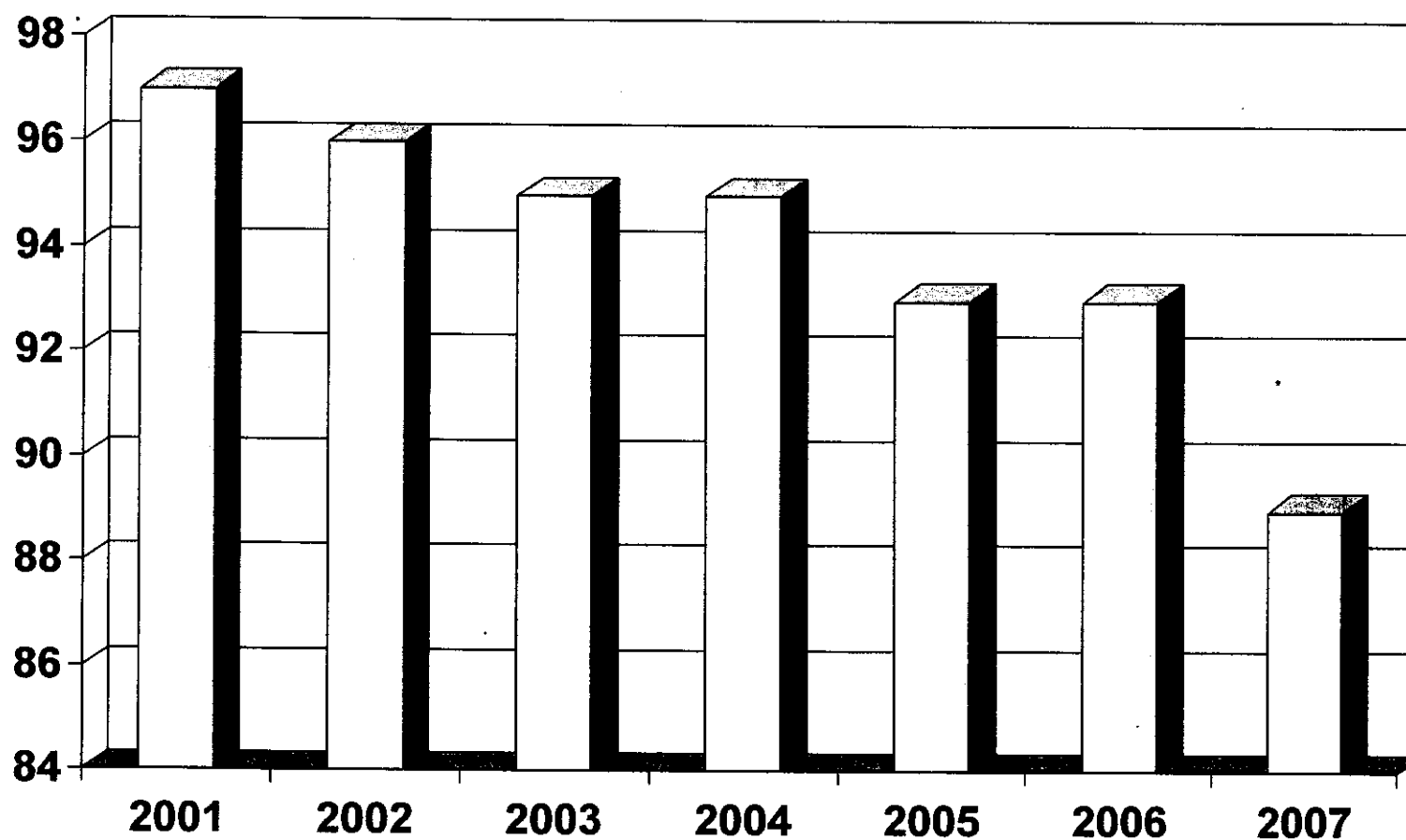


Out of Service Repaired--24 Hrs

PSC Rule = 95%

Total State Performance Excluding Hurricanes

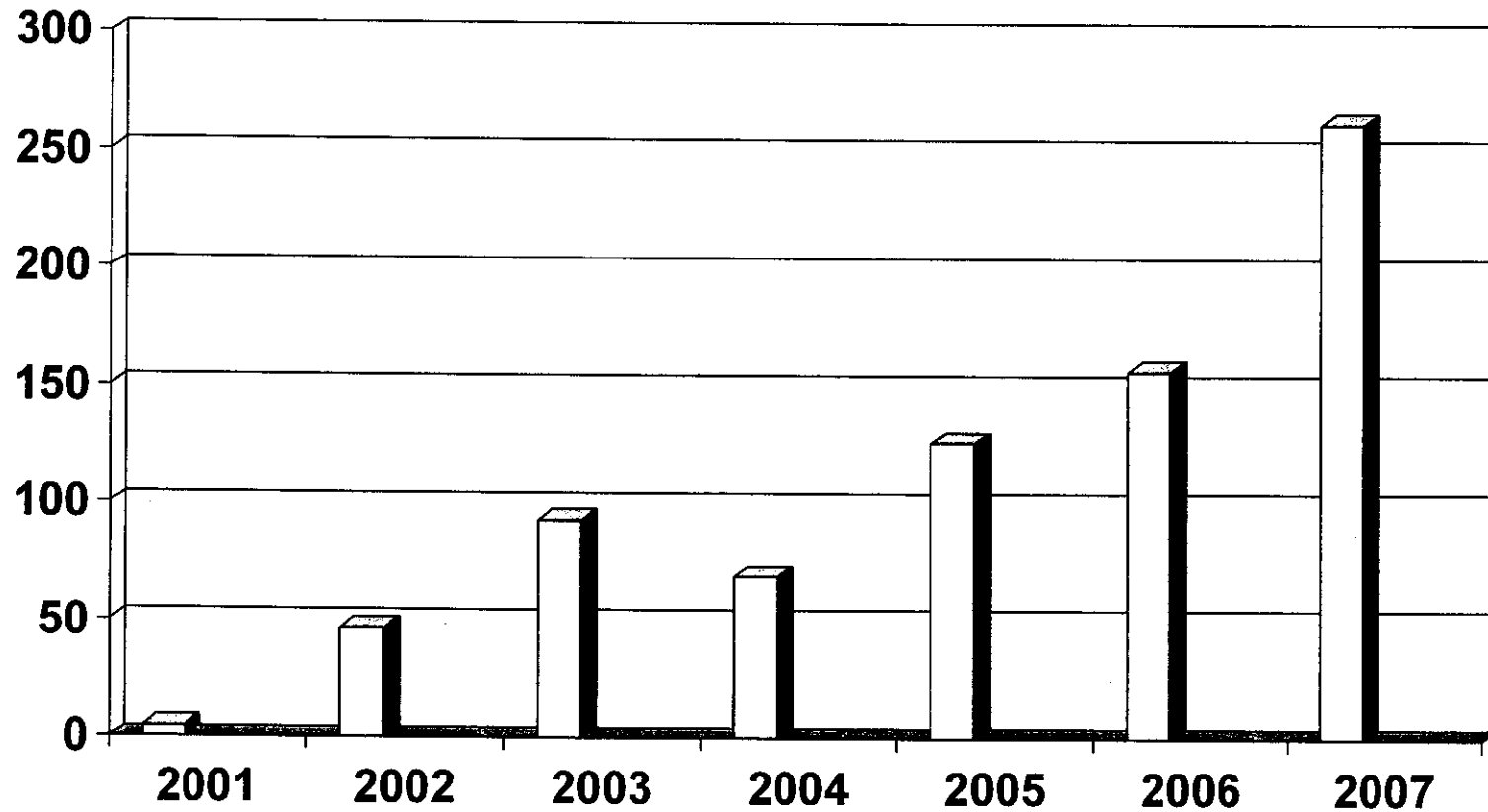
ATTACHMENT A



VERIZON REPAIR

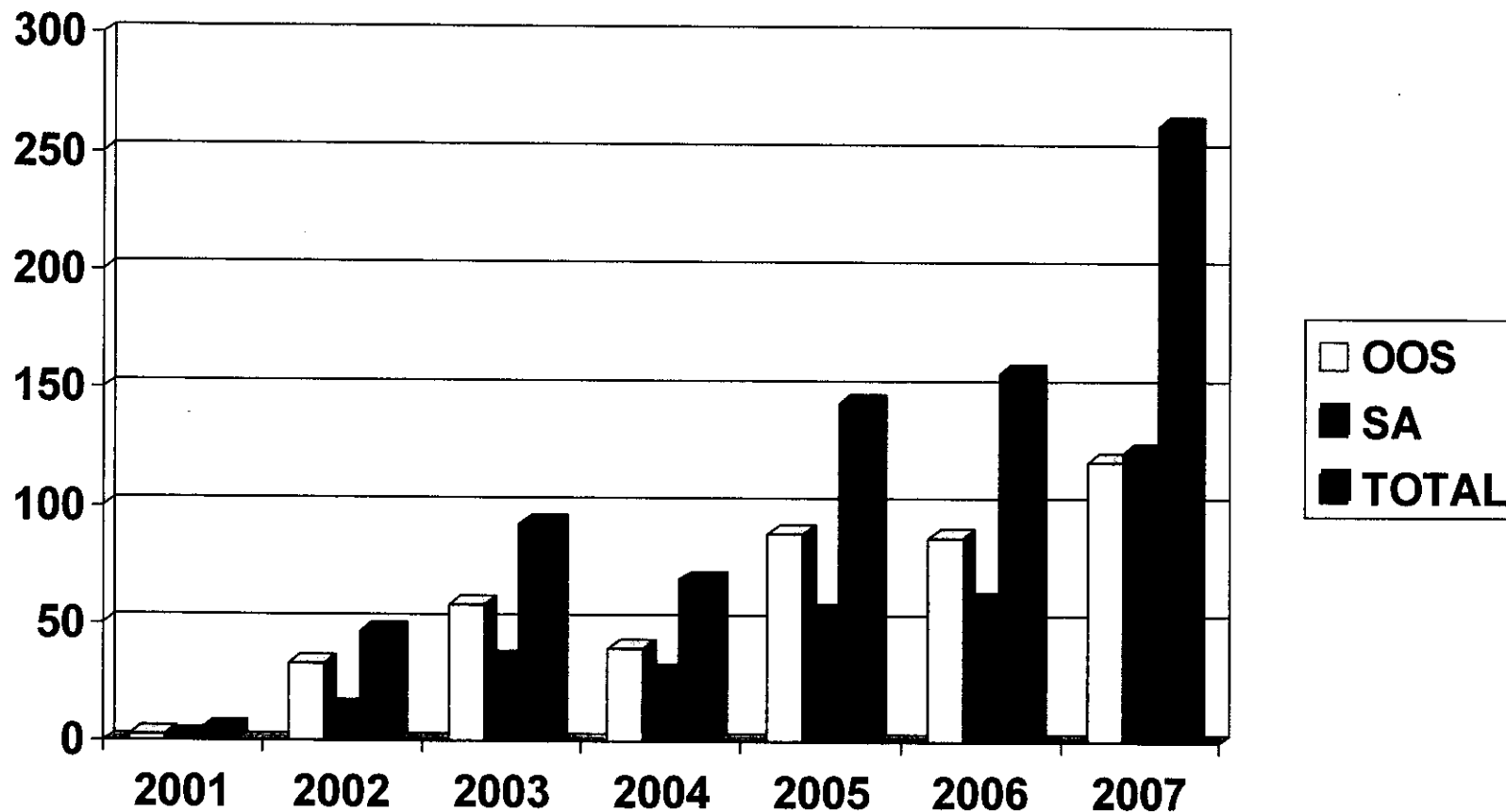
Out of Service/Service Affecting PSC Rule Violations 2001-2007

ATTACHMENT A



Verizon Repair Rule Violations Hurricane Adjusted

ATTACHMENT A



VERIZON**REPAIR QUALITY OF SERVICE****% OUT OF SERVICE (OOS) TROUBLES REPAIRED WITHIN 24 HRS****% SERVICE AFFECTING(SA) TROUBLES REPAIRED WITHIN 72 HRS****TOTAL PERCENT--ALL EXCHANGES**

	2001	2001	2002	2002	2003	2003	2004	2004	2005	2005	2006	2006	2007	2007
	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA
JAN	98	99	96	100	95	99	97	99	92	87	93	93	92	85
FEB	98	99	97	100	97	100	96	98	97	98	88	94	90	90
MAR	96	98	98	100	95	99	96	96	92	86	94	99	94	88
APRIL	98	93	98	100	98	100	97	98	95	96	97	98	94	86
MAY	99	99	98	100	98	100	97	99	95	98	97	99	95	96
JUN	97	100	97	100	85	89	89	91	90	95	92	91	89	86
JUL	96	98	93	99	95	94	*	*	*	*	92	93	80	72
AUG	97	98	97	100	93	83	*	*	*	*	91	89	84	80
SEPT	96	99	96	99	96	90	*	*	91	95	91	83	83	80
OCT	98	100	96	100	97	99	*	*	90	96	96	96	85	77
NOV	98	100	96	99	95	98	*	*	92	96	92	93	86	80
DEC	97	100	86	88	97	99	90	93	92	95	92	94	92	93
AVG	97	99	96	99	95	96	95	96	93	94	93	94	89	84

Red indicates months when total statewide results failed to meet requirements of rules.

*Year 2004 and year 2005 data excludes hurricane-impacted months

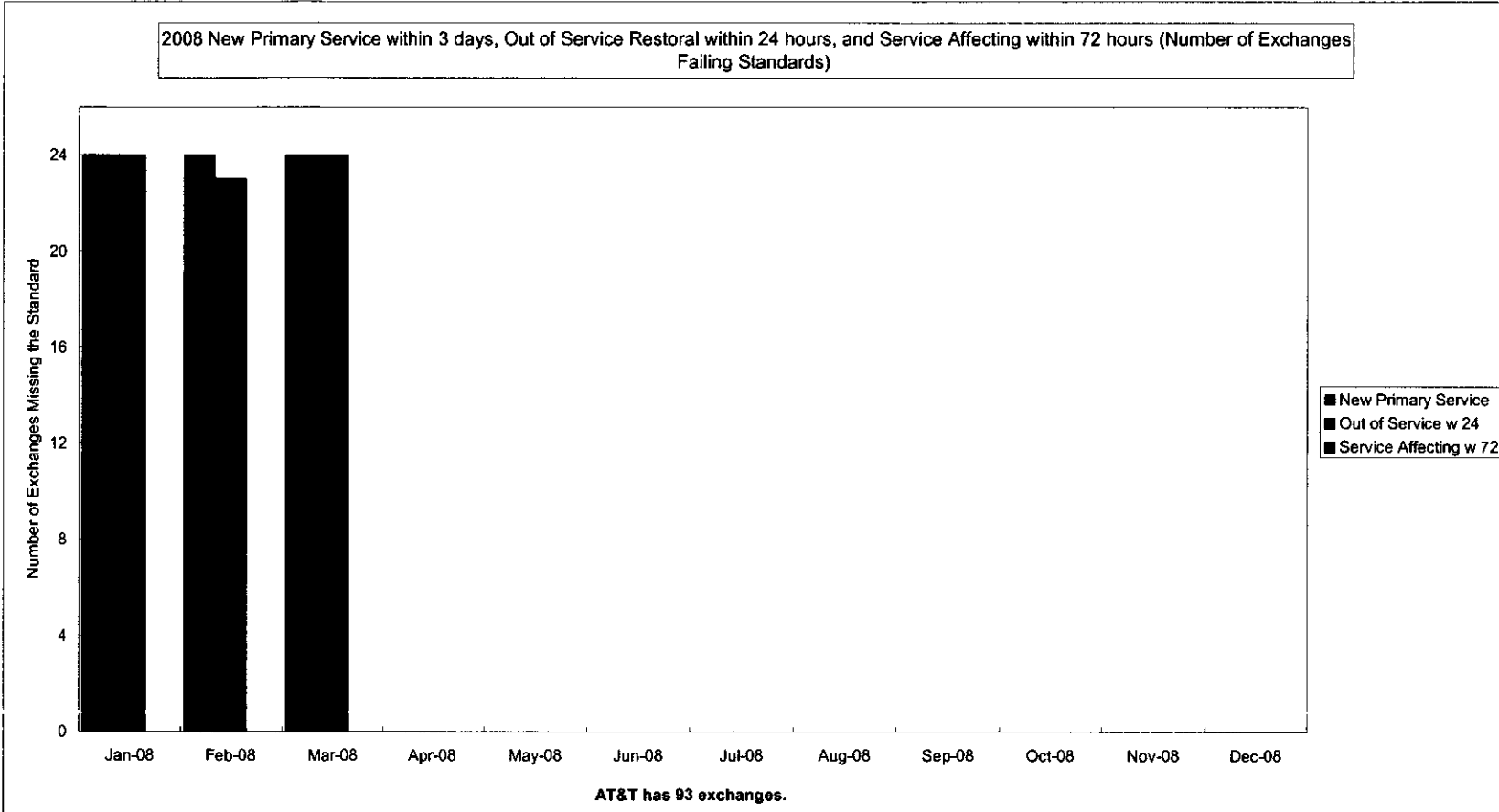
BellSouth Telecommunications, Inc. dba AT&T Florida

Exchanges greater than 50,000 access lines which is reported by Month

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Failing Standards)

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Totals
New Primary Service	24	24	24										72
Out of Service w 24	24	23	24										71
Service Affecting w 72	0	0	0										0

Schedules 2 & 11



1st Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

2nd Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

3rd Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

4th Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

DOCUMENT NUMBER-DATE
05303 JUN 20 08

FPSC-COMMISSION CLERK

ATTACHMENT B

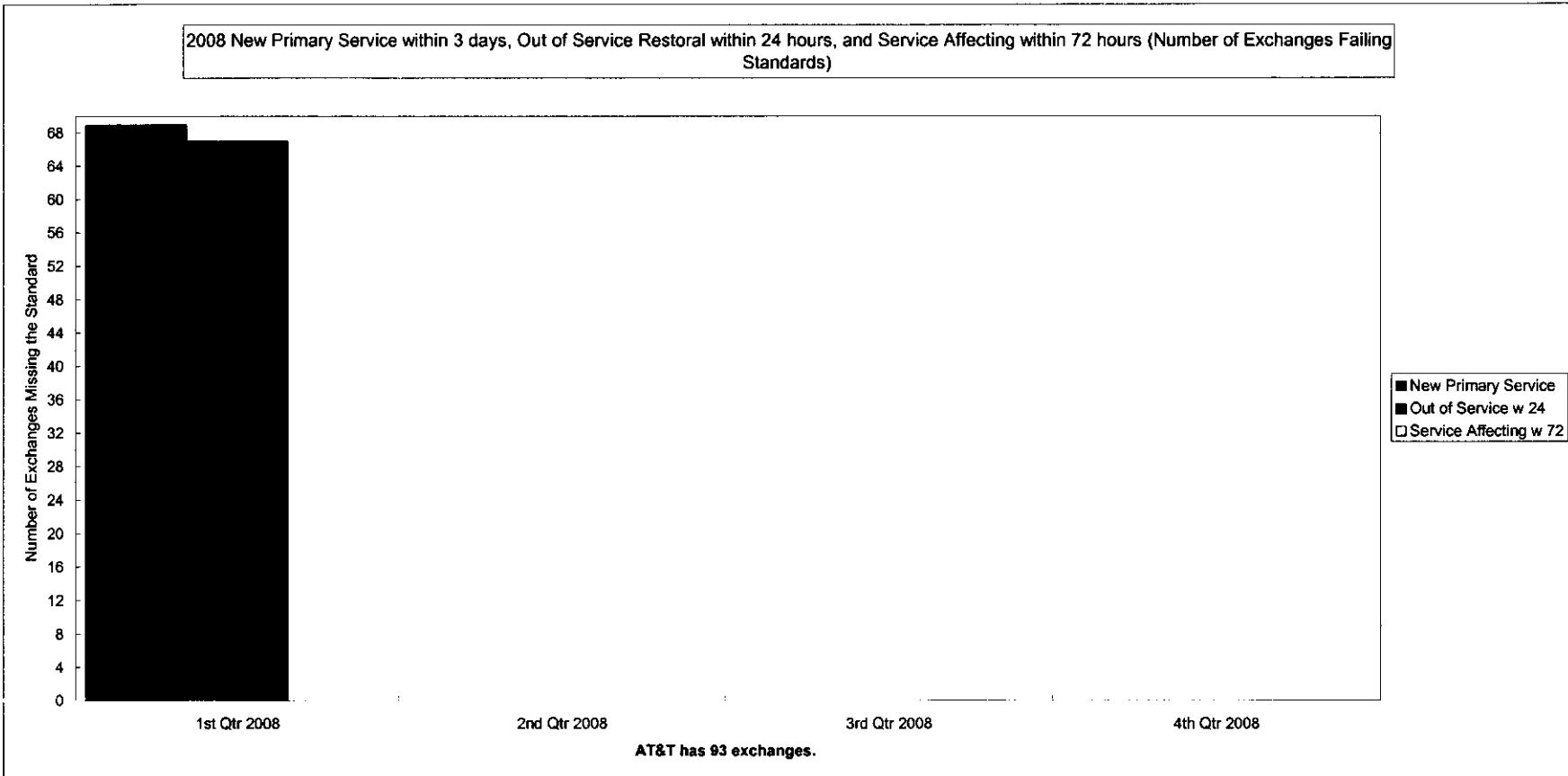
BellSouth Telecommunications, Inc. dba AT&T Florida

Exchanges less than or equal to 50,000 access lines which is reported by Quarter

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Failing Standards)

Schedules 2 & 11

	1st Qtr 2008	2nd Qtr 2008	3rd Qtr 2008	4th Qtr 2008	Totals
New Primary Service	69				69
Out of Service w 24	67				67
Service Affecting w 72	0				0



1st Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

3rd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

2nd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

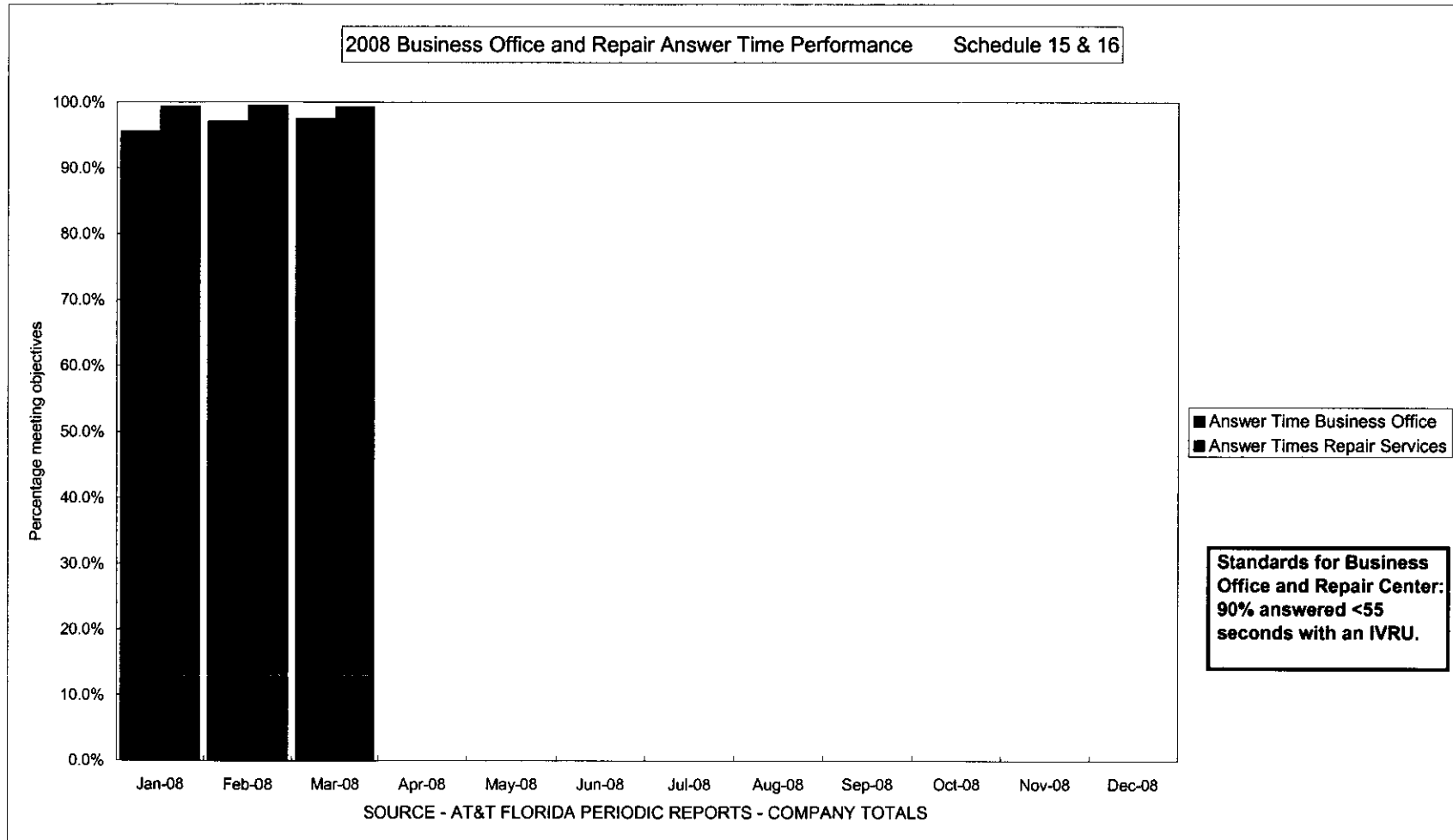
4th Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
93	24	69

ATTACHMENT B

BellSouth Telecommunications, Inc. dba AT&T Florida

2008 Business Office and Repair Answer Time Performance Schedule 15 & 16

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	No. Months Missed
Answer Time Business Office	95.6%	97.2%	97.5%										0
Answer Times Repair Services	99.4%	99.5%	99.3%										0



ATTACHMENT B

Embarq Florida, Inc.

Exchanges greater than 50,000 access lines which is reported by Month

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Falling Standards)

Month	New Primary Service	Out of Service w 24	Service Affecting w 72
Jan-08	0	5	1
Feb-08	0	3	1
Mar-08	0	0	2
Apr-08	0	0	0
May-08	0	0	0
Jun-08	0	0	0
Jul-08	0	0	0
Aug-08	0	0	0
Sep-08	0	0	0
Oct-08	0	0	0
Nov-08	0	0	0
Dec-08	0	0	0
Totals	0	9	4

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Falling Standards)



- New Primary Service
- Out of Service w 24
- Service Affecting w 72

1st Qrt	104	5	99
Total Exchange		Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
3rd Qrt	104	5	99
Total Exchange		Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines

2nd Qrt	104	5	99
Total Exchange		Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
4th Qrt	104	5	99
Total Exchange		Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines

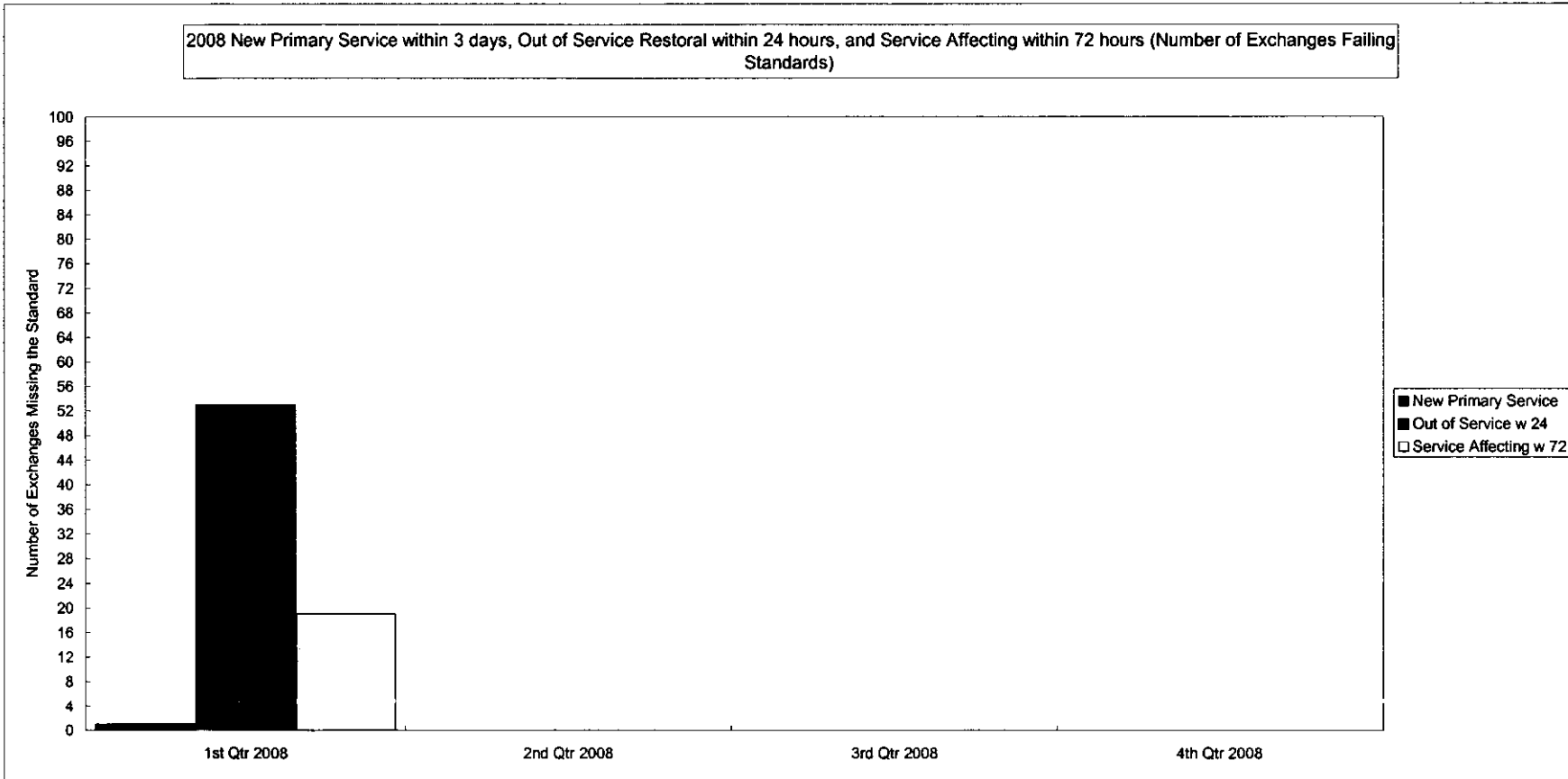
Embarq Florida, Inc.

Exchanges less than or equal to 50,000 access lines which is reported by Quarter

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Failing Standards)

Schedules 2 & 11

	1st Qtr 2008	2nd Qtr 2008	3rd Qtr 2008	4th Qtr 2008	Totals
New Primary Service	1				1
Out of Service w 24	53				53
Service Affecting w 72	19				19



1st Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
104	5	99

2nd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
104	5	99

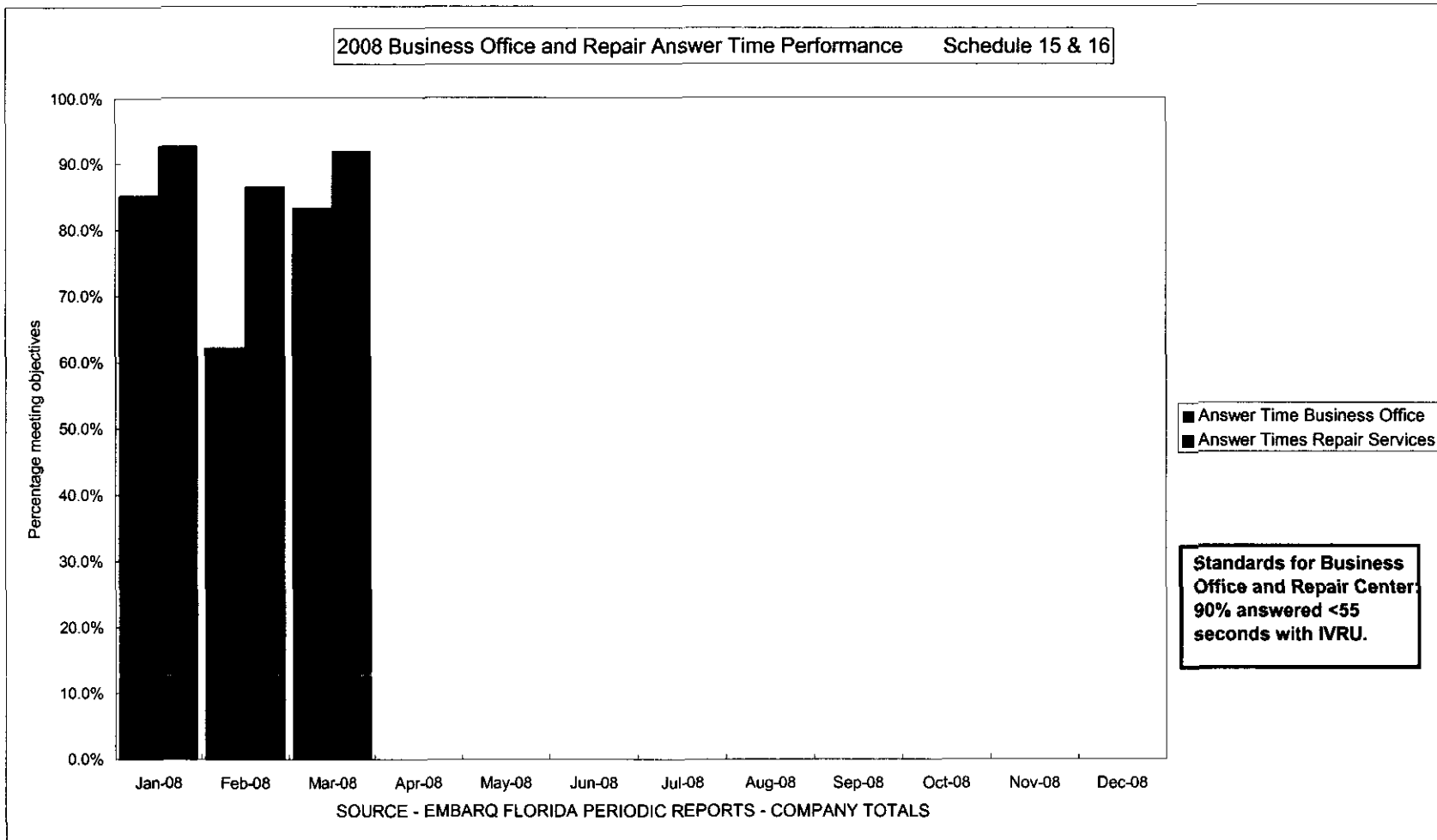
3rd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
104	5	99

4th Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
104	5	99

Embarq Florida, Inc.

2008 Business Office and Repair Answer Time Performance Schedule 15 & 16

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	No. Months Missed
Answer Time Business Office	85.2%	62.2%	83.3%										3
Answer Times Repair Services	92.7%	86.5%	91.9%										1



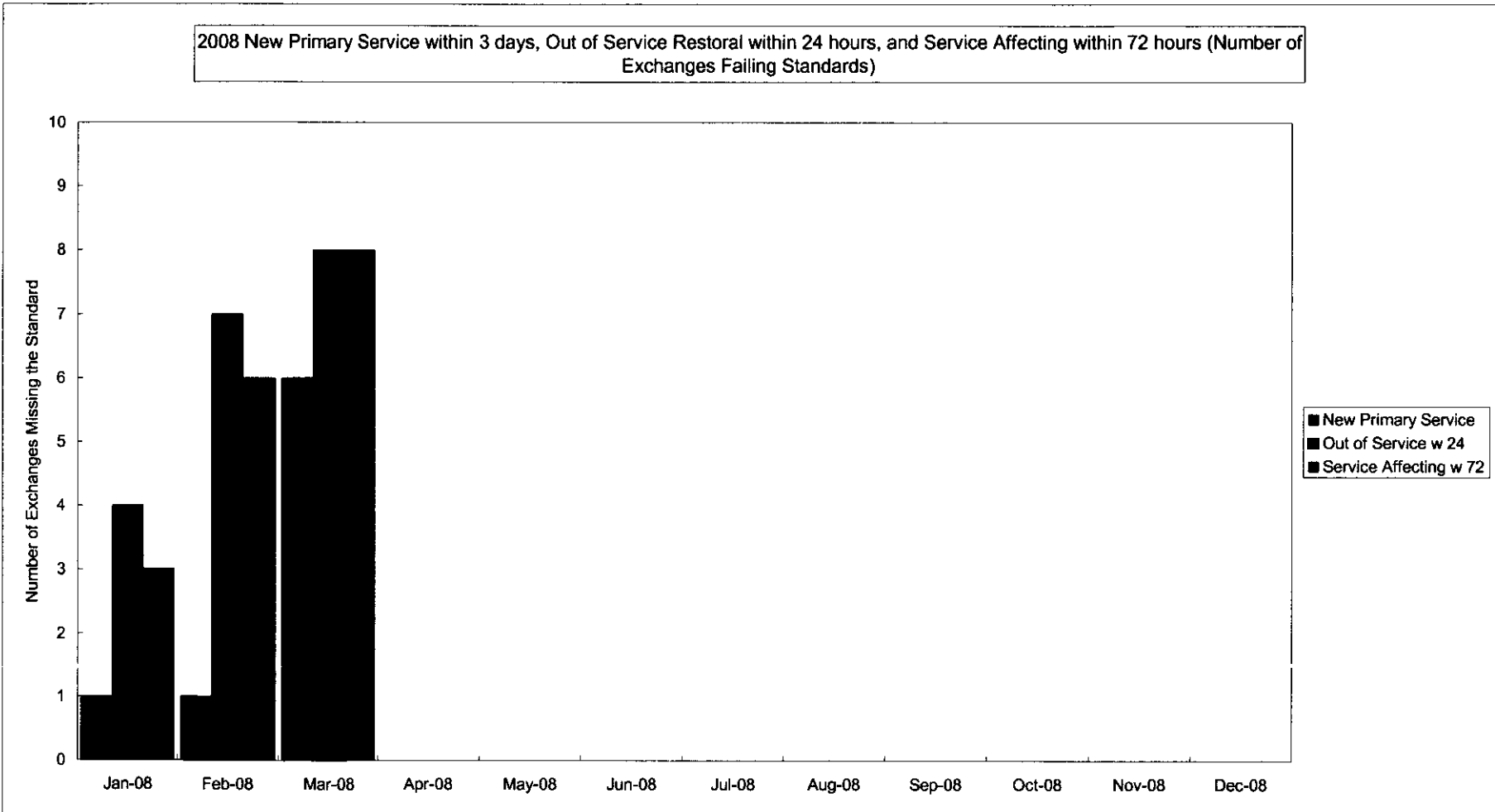
VERIZON Florida

Exchanges greater than 50,000 access lines which is reported by Month

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Failing Standards)

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Totals
New Primary Service	1	1	6										8
Out of Service w 24	4	7	8										19
Service Affecting w 72	3	6	8										17

Schedules 2 & 11



ATTACHMENT B

1st Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

2nd Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

3rd Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

4th Qrt		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

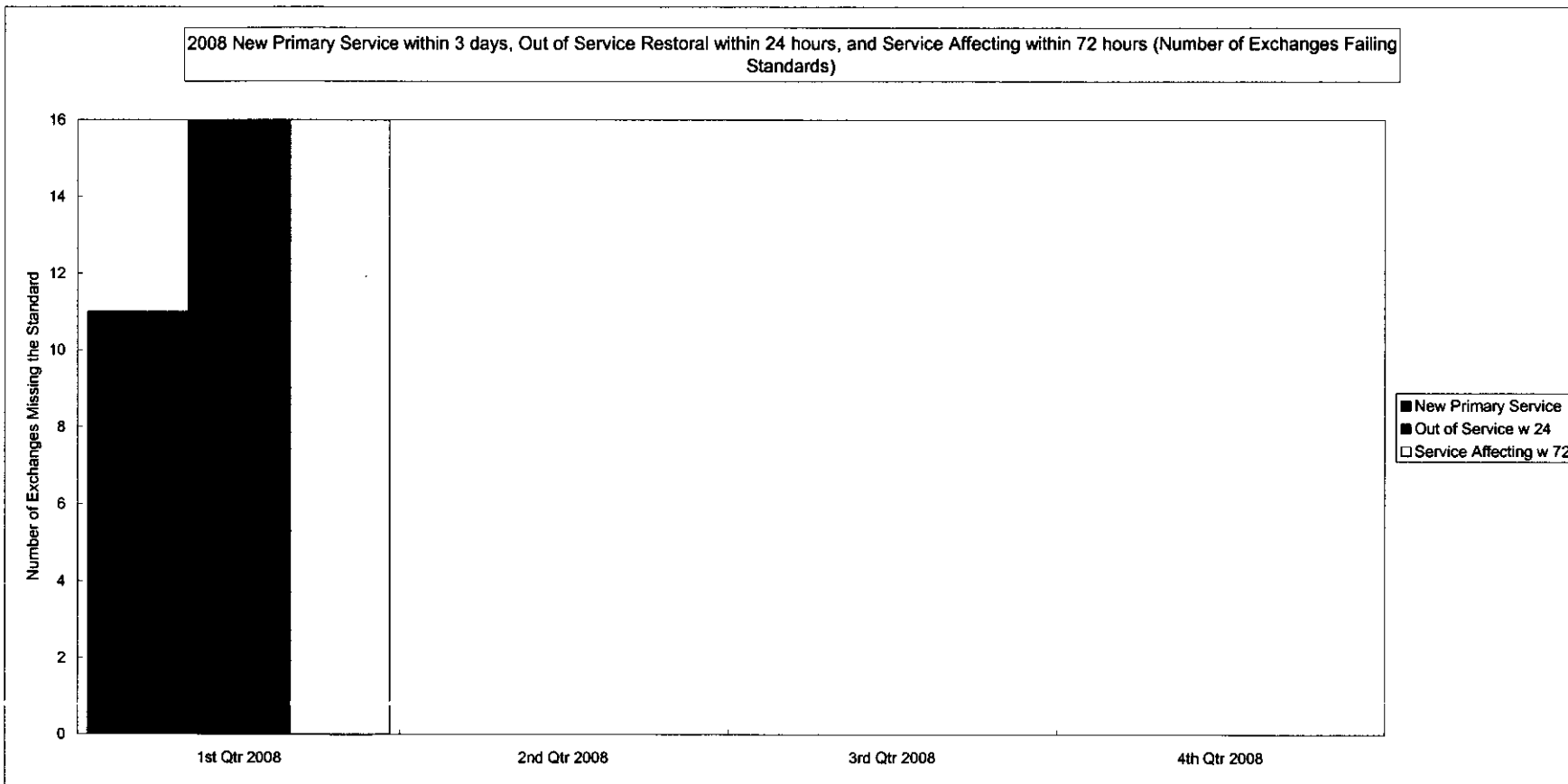
VERIZON Florida

Exchanges less than or equal to 50,000 access lines which is reported by Quarter

2008 New Primary Service within 3 days, Out of Service Restoral within 24 hours, and Service Affecting within 72 hours (Number of Exchanges Failing Standards)

Schedules 2 & 11

	1st Qtr 2008	2nd Qtr 2008	3rd Qtr 2008	4th Qtr 2008	Totals
New Primary Service	11				11
Out of Service w 24	16				16
Service Affecting w 72	16				16



ATTACHMENT B

1st Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

2nd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

3rd Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

4th Qtr		
Total Exchange	Exchanges > 50,000 access lines	Exchanges <= 50,000 access lines
24	8	16

VERIZON Florida

2008 Business Office and Repair Answer Time Performance Schedule 15 & 16

	Jan-08	Feb-08	Mar-08	Apr-08	May-08	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	No. Months Missed
Answer Time Business Office	78.4%	89.6%	83.3%										3
Answer Times Repair Services	91.5%	91.1%	93.4%										0

