

State of Florida



Public Service Commission

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TALLAHASSEE, FLORIDA 32399-0850

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

DATE: December 4, 2008

TO: Office of Commission Clerk (Cole)

FROM: Office of the General Counsel (Tan, Teitzman)
Division of Regulatory Compliance (Curry, Kennedy)
Division of Service, Safety & Consumer Assistance (Moses)

Tan AT
RC KUC
Moses

RE: Docket No. 080278-TL – Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

AGENDA: 12/16/08 – Regular Agenda – Initiation to Show Cause - Interested Persons May Participate

COMMISSIONERS ASSIGNED: All Commissioners

PREHEARING OFFICER: Skop

CRITICAL DATES: None

SPECIAL INSTRUCTIONS: None

FILE NAME AND LOCATION: S:\PSC\GCL\WP\080278.RCM.DOC

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COMMISSION
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Case Background

In 2001 in Docket No. 991376-TL, In Re: Initiation of Show Cause Proceedings Against GTE Florida Incorporated for Violation of Service Standards, Verizon agreed to make a voluntary contribution to the General Revenue Fund in the amount of \$2 million to settle the company's apparent violation of Rule 25-4.070(3)(a), Florida Administrative Code (F.A.C.), Restoration of Interrupted Service, and Rule 25-4.066, F.A.C., Installation of Primary Service, for the years 1996 through 1999. In Order No. PSC-02-0146-AS-TL, issued February 1, 2002,

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the Commission approved the company's settlement offer. From 2001 through 2004, Verizon successfully met or exceeded the requirements of the Commission's service quality standards.

On May 15, 2008, Attorney General Bill McCollum (Attorney General), the Citizens for the State of Florida (Citizens), and the American Association of Retired Persons (AARP), (collectively, the Petitioners) filed a joint petition requesting that the Florida Public Service Commission (Commission) issue a Show Cause Order against Verizon Florida LLC (Verizon) requiring Verizon to show cause why it should not be penalized approximately \$6.5 million for the company's apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports. The Petitioners allege that the rate at which Verizon meets the performance standard for Rule 25-4.070, F.A.C., has declined in recent years and is below the required 95% compliance standard. The Petitioners allege that Verizon willfully violated the Commission's telephone service quality rule, Rule 25-4.070, F.A.C., two hundred and sixty-two (262) times in 2007. On June 9, 2008, Verizon filed a response and answer to the Joint Petition. Verizon requests that the Commission deny the Petitioners request to issue a Show Cause Order.

Impact on Wholesale Quality of Service

By Order No. PSC-03-0761-PAA-TP, issued on June 25, 2003, in Docket No. 000121C-TP, In Re: Investigation into the establishment of operations support systems permanent performance measures for incumbent local exchange telecommunications companies. (VERIZON FLORIDA TRACK), the Commission approved a Verizon wholesale performance measurement plan to ensure that competitive local exchange companies (CLECs) receive nondiscriminatory access to Verizon's operations support systems (OSS), and consequently, foster the continued development of competition in Florida's telecommunications market. Verizon's Performance Measurement Plan (PMP) identifies and establishes performance measurements in key operational areas that CLECs and this Commission use to measure Verizon's performance for the purpose of detecting and correcting any degradation of service provided to CLECs. A critical component of assessing the quality of service provided to CLECs is the level of performance that Verizon provides to its retail customers.

Specific performance measurement standards established within the PMP are used by CLECs and the Commission to measure the level of service Verizon provides to its wholesale customers versus the level of performance Verizon provides to its retail customers. These performance standards are known as retail analogs and are critical to the monitoring of retail-wholesale relationships. Verizon is required to provide, at a minimum, the same level of service to CLECs as Verizon provides to its retail customers. A decline in the retail quality of service may result in a decline in Verizon's wholesale performance level obligation. Consequently, CLEC customers may also experience a decline in service quality as a result of Verizon's decline in retail quality of service.

Authority

The Commission is vested with jurisdiction of these matters pursuant to Sections 364.01(4), 364.03, 364.17, 364.18, and 364.285, Florida Statutes.

Discussion of Issues

Issue 1: Should the Commission order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$25,000 per violation, for a total of \$6.55 million, for two hundred sixty-two apparent violations of Rule 25-4.070, F.A.C., during 2007 as requested by the Petitioners?

Recommendation: No, the Commission should order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$10,000 per violation, for a total of \$2.62 million, for two hundred sixty-two apparent violations of Rule 25-4.070, F.A.C., during 2007. **(Curry, Kennedy, Moses, Tan)**

Staff Analysis:

Joint Petition

During 2007, the Petitioners allege that Verizon's reports to the Commission show that Verizon failed to achieve 95% compliance with the restoration of interrupted service interval, as required by Rule 25-4.070(3)(a), F.A.C., a total of 119 times. Verizon's reports indicate that it failed to meet the service interval 70 times for exchanges with more than 50,000 access lines and 49 times for exchanges with less than 50,000 access lines.

The Petitioners also allege that in 2007 Verizon failed to clear 95% of service affecting trouble reports within 72 hours, as required by Rule 25-4.070(3)(b), F.A.C., a total of 143 times. In exchanges with less than 50,000 access lines, the company reported that it failed 55 times to clear 95% of the service affecting trouble reports within 72 hours. In exchanges with greater than 50,000 access lines, the company reported that it failed to meet the rule requirement 88 times.

Verizon's Response

Verizon argues that the Petitioners' claim that the company's performance has been unsatisfactory is flawed for several reasons. Verizon believes that the Petitioners have drawn the wrong conclusions from the company's performance reports based on their misunderstanding of Rule 25-4.070, F.A.C., and their failure to recognize critical information in the reports that demonstrate the company's compliance with the rule. Verizon argues that Rule 25-4.070, F.A.C., does not authorize the Commission to impose penalties whenever the Incumbent Local Exchange Company (ILEC) does not achieve a 95% service level. Instead, Verizon argues that the rule is only designed to enable the Commission to monitor performance rather than penalize for lack of performance.

Verizon asserts that the Petitioners have failed to take into consideration Verizon's investment in its fiber-to-the-premises (FTTP) network in Florida. Lastly, Verizon argues that

the Petitioners have failed to recognize the competitiveness of the telecommunications market and that consumers are the ultimate regulators.¹

Staff's Analysis of the Petition and the Response by Verizon

Petition

The Petitioners' conclusions were based upon the analysis of the information that was self-reported to the Commission by Verizon. Based upon staff's review of the same information reported to the Commission for both the service interruption and service affecting measures, staff agrees with the Petitioners that Verizon apparently violated Rule 25-4.070, F.A.C., 262 times in 2007.

The Petitioners note that Verizon's performance has deteriorated over time. As reported by Verizon, the following table displays Verizon's out-of-service (OOS) and service affecting (SA) total percentages of troubles timely cleared, by year, for all exchanges from 2001-2007. Verizon's performance in 2007, as indicated in the table below, is significantly worse than any of the previous six years.

Year	2001		2002		2003		2004*		2005*		2006		2007	
	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA	OOS	SA
% Averages	97	99	96	99	95	96	95	96	92	94	93	93	89	84

**Note: Years 2004 and 2005 data excludes hurricane-impacted months*

Verizon's Response

Rule Interpretation: Rule 25-4.070, F.A.C., requires that each telephone company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt (service interruption) or affect (service affecting) customers' telephone service. Service interruptions occur when the customer loses dial tone, e.g., the service does not work. Trouble conditions that affect telephone service are those that do not disrupt dial tone, but affect the service. For example, a customer may have noise on the line making it difficult to conduct a conversation. The Commission has defined the service objectives in Rule 25-4.070, F.A.C., and the rule is provided in its entirety as Attachment E.

The service objectives provided in Rule 25-4.070(3) (a) and (b), F.A.C., are:

(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

¹ Staff notes that in Docket Nos. 080641-TP and 080159-TP, Verizon has asked for modification of all service standard rules.

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.

In its response to the petition, Verizon argues that Rule 25-4.070, F.A.C., does not establish absolute requirements for restoring service and clearing service-affecting troubles. Rather, it provides that ILECs must make "all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect customer telephone service."

While the rule does in fact state the above, Rule 25-4.070(3)(a), F.A.C., also clearly states that restoration of interrupted service **shall** be scheduled to insure that at least 95 percent **shall** be cleared within 24 hours of report in each exchange. In addition, Rule 25-4.070(3)(b), F.A.C., states in part, that clearing of service-affecting trouble reports **shall** be scheduled to insure that at least 95 percent of such reports are cleared within 72 hours of the report in each exchange.

Prior to 2005 incumbent local exchange companies were required to clear at least 95% of all trouble reports for service interruptions within 24 hours (or 72 hours for trouble affecting service) on a monthly basis with no consideration for the size of the exchange, i.e., how many access lines were in each exchange. In exchanges with less than 50,000 access lines, companies often had difficulty meeting the 95% service objective on a monthly basis due to the lower number of trouble reports for small exchanges. In the smaller exchanges, missing one or two trouble reports in a month would often cause the company to miss the service objective for that month.

To address this problem with smaller exchanges, Rule 25-4.070, F.A.C., was revised in 2005 to allow the companies, for exchanges with less than 50,000 access lines, to aggregate the results on a quarterly basis instead of monthly. This change enabled the companies to manage their resources in the smaller exchanges more efficiently and made the service objectives less stringent for the company. On March 16, 2005, Order No. PSC-05-0282-FOF-TP was issued, adopting the rule amendments. The current rule became effective on April 3, 2005.

Also in 2005, Rule 25-4.085, F.A.C., Service Guarantee Program, was promulgated which allows a company to have some flexibility in quality of service plans that meet the changing needs of the companies with the caveat that the Commission must find the plan to be beneficial to customers and in the public interest. Staff notes that the service guarantee plans for AT&T and Embarq include a limited waiver of Rules 25-4.066 and 25-4.070, F.A.C. Verizon has chosen to continue operation under these rules and has not sought a waiver.

Critical Information in Verizon's Reports: On a quarterly basis, Verizon submits a report entitled "Explanation of Missed Service Standards" to Commission staff. The quarterly report

contains Schedule 11, which addresses repair service (out-of-service trouble reports) and service-affecting trouble reports. For exchanges with greater than 50,000 access lines, Verizon explains on a monthly basis and for exchanges less than 50,000 access lines Verizon explains on a quarterly basis why the service standards were not met.

Staff has reviewed these schedules for 2007 and believes that Verizon's explanations for missing a service standard can be generally placed in three categories. The three categories are:

1. For service-affecting trouble reports for exchanges greater than and less than 50,000 access lines, Verizon provided the same explanation sixteen times (twelve monthly responses and four quarterly responses) for missing service standards. Verizon's explanation was that the misses were due to manpower being reallocated from service-affecting trouble to out-of-service conditions. Although staff cannot be sure, a conclusion may be drawn that Verizon did not have adequate personnel to address both the level of service-affecting trouble reports and the level of out-of-service trouble reports that were concurrently experienced in 2007. Verizon may have redirected its field personnel to support other objectives.

For out-of-service trouble reports for exchanges greater than and less than 50,000 access lines, Verizon provided the following statement for 29 exchanges that missed the standard during 2007: "(exchange name) experienced several outages which contributed to the missed objective by diverting manpower from other trouble to clear the outages." Typically, there were no additional amplifying remarks included with this statement.

2. In this category, Verizon's various explanations for missing out-of-service standards include equipment outages caused by lightning, wet splices/cables, cable cuts, vandalism, excessive rain/thunderstorms, fire, limited holiday manpower, etc. Overall, it appears that approximately 55 exchanges were affected by a combination of these causes. Staff believes that Verizon most likely was subjected to these same types of experiences prior to 2007, during years in which the service standard objectives were met.

3. In reviewing the reports, staff noted that Verizon frequently explained that the reason for missing the out-of-service standard was an increase in the number of outages in a particular exchange as compared to the same month in the prior year. This particular explanation was provided for more than 50 exchanges during 2007.

Verizon's FTTP Network: Verizon states that the Petitioners have failed to take into account the company's massive investment in its FTTP network. The company believes that its investment in the FTTP network demonstrates its commitment to its consumers and exhibits the company's more than reasonable efforts to meet the service quality objectives. Verizon also believes that as more customers move from the existing copper network to the FTTP network, the customers' overall service quality should improve. Verizon made no mention of the FTTP network in its 2007 reports. Other than by mention in the reports that Verizon continues to utilize a fluid workforce (construction and fiber), staff does not know if Verizon's workforce was shifted from work on the copper network to work on the FTTP network. Staff understands that approximately 80% of Verizon's customers are still served by the copper network.

Verizon has indicated that the rate of service line troubles has dropped by almost 95% where the copper network was replaced by fiber. The company also indicated that the FTTP network, in significant part, has contributed to a 34% reduction in out-of-service and service-affecting trouble reports from the fourth quarter of 2005 through 2007. Staff notes that despite the reduction in out-of-service and service-affecting trouble reports due to the FTTP network, Verizon's overall service quality declined during the same timeframe. It is staff's view that an investment in the FTTP network is not a justifiable reason for Verizon's failure to maintain and support its copper network, which currently serves the vast majority of Verizon's customers.

Competition in the Telecommunications Market: Verizon asserts that in the competitive telecommunications market the consumers are the ultimate regulators and impose the ultimate penalty by choosing another provider when they are dissatisfied with the company's performance. Staff notes that in 2006 Verizon reported an eleven percent (11%) decrease in the number of residential access lines for the period June 1, 2005 through May 31, 2006. For the period June 1, 2006 through December 31, 2007, the company reported a 19% decrease in the number of residential access lines.² Much of the decrease is due to customers choosing a competitor which staff believes could be due, in part, to customer dissatisfaction in Verizon's quality of service.

Staff's Analysis of Verizon's Performance for 2007

Verizon operates 24 exchanges for delivery of local exchange telecommunications services to its customers in Florida. Typically, nine exchanges serve more than 50,000 access lines and fifteen exchanges serve less than 50,000 access lines. Over time, the number of exchanges serving more or less than 50,000 access lines may vary due to the addition or loss of access lines in an exchange.

In the paragraphs that follow, staff presents information that identify and quantify the number of exchanges in which Verizon has failed to meet the Commission's restoration of interrupted service standards and the standards for service-affecting trouble reports. Also, staff quantifies the number of access lines that were impacted when Verizon failed to achieve the 95% standard for repair in 24 hours and failed to achieve the 95% standard for clearing trouble service-affecting within 72 hours.

Service Interruption Performance - 2007

Exchanges with More than 50,000 Access Lines: For exchanges with access lines greater than 50,000, Verizon reported that it did not meet the restoration of service standard interval, as required by Rule 25-4.070 (3)(a), F.A.C., a total of 70 times in 2007. Table 1 shows the number of exchanges for which Verizon failed to achieve 95% compliance with the restoration of service standard interval, as required by month, for exchanges with greater than 50,000 access lines.

² Statutory requirements set forth in Section 364.386 and Section 364.161(4), F.S., require the Commission to report "the status of competition in the telecommunications industry" to the Legislature. The information listed was submitted by the company to be included in the report to the Legislature.

Exchange	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Times Standard Missed
Bradenton		X					X	X	X	X	X	X	7
Clearwater	X	X		X		X		X		X	X		7
Lakeland	X	X	X	X	X	X	X	X	X	X	X		11
New Port Richey		X						X	X		X	X	5
Sarasota	X	X				X	X	X	X	X	X	X	9
St. Petersburg		X				X		X	X	X			5
Tampa	X	X	X	X		X	X	X	X	X	X	X	11
Venice	X	X					X	X	X	X	X	X	8
Winter Haven	X	X			X	X	X	X	X				7
Note: Winter Haven had less than 50,000 access lines in the 4 th Quarter 2007. X - Missed Objective												Total Missed	70

The Commission's service standard rules require Verizon to restore 95% of out-of-service access lines per exchange, measured on a monthly basis. For the exchanges and time periods identified in Table 1, Verizon did not restore service within 24 hours for 24,612 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely restore 14,381 of these 24,612 access lines. The total number of access lines not timely restored to service and the total number of access line timely restorations required to satisfy the rule were derived from the 2007 data presented in Attachment A.

The following methodology was used to calculate the 2007 total access line numbers presented above for exchanges greater than 50,000 access lines. The relevant data are highlighted on the first page of Attachment A for the example that follows. For January 2007, the Clearwater Exchange shows 2,650 out-of-service cases reported. Verizon reported that it cleared 2,427 cases; thus, 223 access lines were not restored to service within 24 hours. To achieve 95% compliance in the Clearwater Exchange for January, Verizon should have cleared 2,518 of the 2,650 cases. Therefore, Verizon fell 91 cases short of achieving 95% compliance for the Clearwater Exchange. The monthly calculations for all exchanges were added together to determine the annual totals.

Exchanges with Less than 50,000 Access Lines: In 2007 Verizon reported that it failed to achieve 95% compliance with the restoration of service standard interval, as required by Rule 25-4.070 (3)(a), F.A.C., a total of 49 times in exchanges with less than 50,000 access lines. Table 2 identifies Verizon's exchanges with less than 50,000 access lines and identifies each quarter, by exchange, where Verizon failed to timely restore 95% of the access lines that were out-of-service.

Exchange	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Times Standard Missed
Bartow	X	X	X	X	4
Englewood			X	X	2
FrostProof	X		X	X	3
Haines City	X	X	X	X	4
Hudson			X	X	2
Indian Lakes	X	X	X	X	4
Lake Wales	X	X	X	X	4
Mulberry	X	X	X	X	4
Myakka	X	X	X	X	4
North Port Charlotte				X	1
Palmetto	X		X	X	3
Plant City	X	X	X	X	4
Polk City	X	X	X	X	4
Tarpon Springs		X	X	X	3
Winter Haven				X	1
Zephyrhills			X	X	2
Winter Haven exceeded 50,000 access lines in the 1 st , 2 nd , and 3 rd Quarters 2007					
X - Missed Objective				Total Missed	49

For the exchanges and time periods identified in Table 2, Verizon did not restore service within 24 hours for 8,948 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely restore 5,724 of these 8,948 access lines. See Attachment B.

Service-Affecting Performance - 2007

Exchanges with More than 50,000 Access Lines: Table 3 shows the number of exchanges in 2007 for which Verizon failed to clear 95% of the service-affecting reports within 72 hours, by month, for exchanges with greater than 50,000 access lines. Verizon reported that it did not meet the clearing of service-affecting reports standard, as required by Rule 25-4.070 (3)(b), F.A.C., a total of 88 times in 2007.

For the exchanges and time periods identified in Table 3, Verizon did not clear service-affecting trouble reports within 72 hours on 14,104 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely clear service-affecting trouble reports for 9,714 of these 14,104 access lines. See Attachment A.

Exchange	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Times Standard Missed
Bradenton	X						X	X	X	X	X		6
Clearwater	X	X	X	X	X	X	X	X	X	X	X	X	12
Lakeland	X	X	X	X	X	X	X	X	X	X	X	X	12
New Port													
Richey	X	X	X	X	X	X	X	X	X	X	X	X	12
Sarasota	X	X	X	X		X	X	X	X	X	X	X	11
St. Petersburg	X	X	X	X		X	X	X	X	X	X	X	11
Tampa				X		X	X	X	X	X	X		7
Venice	X			X			X	X	X	X	X	X	8
Winter Haven	X	X	X	X	X	X	X	X	X				9
Total Missed												88	

Note: Winter Haven had less than 50,000 access lines in the 4th Quarter 2007. X - Missed

Exchanges with Less than 50,000 Access Lines: Table 4 identifies exchanges in 2007 for which Verizon failed to clear 95% of the service affecting reports within 72 hours, by quarter, for exchanges with less than 50,000 access lines. Verizon did not meet the clearing of service-affecting reports standard, as required by Rule 25-4.070 (3)(b), F.A.C., a total of 55 times in 2007 for exchanges less than 50,000 access lines.

Exchange	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Times Standard Missed
Bartow			X	X	2
Englewood	X			X	2
FrostProof	X	X	X	X	4
Haines City	X	X	X	X	4
Hudson	X	X	X	X	4
Indian Lakes	X	X	X	X	4
Lake Wales	X	X	X	X	4
Mulberry	X	X	X	X	4
Myakka	X		X	X	3
North Port Charlotte	X		X	X	3
Palmetto	X	X	X	X	4
Plant City	X	X	X	X	4
Polk City	X	X	X	X	4
Tarpon Springs	X	X	X	X	4
Winter Haven				X	1
Zephyrhills	X	X	X	X	4
Total Missed					55

Note: Winter Haven had greater than 50,000 access lines in 1st, 2nd, and 3rd Quarters 2007. X - Missed Objective

For the exchanges and time periods identified in Table 4, Verizon did not clear service-affecting trouble reports within 72 hours on 4,329 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely clear service-affecting trouble reports for 3,134 of these 4,329 access lines. See Attachment B.

2007 Performance Summary: To summarize for 2007, Verizon failed to meet 95% compliance with the standard for restoration of service for 20,105 access lines on which service was interrupted and 12,848 access lines experiencing service-affecting conditions.

Legal Analysis

Rule 25-4.070, F.A.C., establishes specific parameters for Customer Trouble Reports, and defines requirements for service restoration and service objectives. While mitigating factors can be considered by this Commission, Rule 25-4.070, F.A.C, explicitly states that Verizon shall meet or exceed a 95% clearance rate for restoration of interrupted service and service affecting trouble reports.

Verizon has argued that Rule 25-4.070, F.A.C., is designed only to enable the Commission to monitor performance rather than penalize for lack of performance. Verizon attempts to state that its failure to meet the parameter and service objections is simply a conditional lack of performance rather than a failure to meet the rule's requirements. Rule 25-4.070, F.A.C., specially addresses the responsibility of each telecommunications company to provide and maintain specific service to its customers. Looking at the rule in its entirety, the rule not only requires the company to make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect customer telephone service, it also establishes an absolute requirement that the company meet the service objectives. Staff believes that Verizon has misinterpreted Rule 25-4.070, F.A.C., by failing to look at the rule in its entirety.

The Commission, pursuant to Section 364.285, F.S, has the power to impose a penalty upon any entity subject to its jurisdiction under Chapter 364 which is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission.

Section 364.285(1), F.S., authorizes the Commission to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have *refused to comply with* or *to have willfully violated* any lawful rule or order of the Commission, or any provision of Chapter 364, Florida Statutes, or revoke any certificate issued by it for any such violation.

Section 364.285(1), F.S., however, does not define what it is to "willfully violate" a rule or order. Nevertheless, it appears plain that the intent of the statutory language is to penalize those who affirmatively act in opposition to a Commission order or rule. See, Florida State Racing Commission v. Ponce de Leon Trotting Association, 151 So.2d 633, 634 & n.4 (Fla. 1963); c.f., McKenzie Tank Lines, Inc. v. McCauley, 418 So.2d 1177, 1181 (Fla. 1st DCA 1982) (there must be an intentional commission of an act violative of a statute with knowledge that such an act is likely to result in serious injury) [citing Smit v. Geyer Detective Agency, Inc., 130

So.2d 882, 884 (Fla. 1961)]. Thus, a "willful violation of law" at least covers an act of purposefulness.

However, "willful violation" need not be limited to acts of commission. 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).

Thus, Verizon's failure to meet the service quality requirements listed in Rule 25-4.070, F.A.C., meets the standard for a "refusal to comply" and a "willful violation" as contemplated by the Legislature when enacting Section 364.285, Florida Statutes. It is uncontroverted that Verizon has knowledge of both the service quality objectives and its continued failure to meet these objectives.

Conclusion

Based on the information that Verizon reported to the Commission in 2007, staff believes that for the year 2007, Verizon has failed to comply with the provisions of Rule 25-4.070 (3)(a) and (b), F.A.C., a total of 262 times. Each time an exchange, by month and/or by quarter, does not meet the requirements of Rule 25-4.070 (3)(a) and (b), F.A.C., staff considers it to be a separate violation. Staff notes that if an exchange does not meet the rule requirement due to extreme weather conditions, such as a hurricane, the miss is not considered a violation. Staff believes that Verizon is fully aware of the quality of service rule requirements and has demonstrated its capability of meeting those requirements in the past. Verizon was previously found to be violating these rules so this is the second proceeding to deal with this issue.

Staff recommends that the Commission should order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$10,000 per violation, for a total of \$2.62 million, for total of two hundred sixty-two apparent violations of Rule 25-4.070, F.A.C., during 2007.

Other alternatives that the Commission may consider in this show-cause proceeding and this Issue are as follows:

Docket No. 080278-TL
Date: December 4, 2008

1. Agree with the Petitioners and order Verizon to show cause why it should not be penalized in the amount of \$25,000 per violation, for a total of \$6.55 million, for two hundred sixty-two apparent violations of Rule 25-4.070, F.A.C., during 2007; or
2. Double the per-violation settlement amount of \$2,587 per violation (\$2M settlement for 773 service standard failures) paid by Verizon to settle Docket No. 991376-TL and order Verizon to show cause why it should not be penalized in the amount of \$5,174 per violation, for a total of \$1,355,588, for two hundred sixty-two apparent violations of Rule 25-4.070, F.A.C., during 2007.

Issue 2: For the year 2008, should the Commission order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$10,000 per violation, for a total of \$1.94 million, for one hundred ninety-four (194) apparent violations of Rule 25-4.070, F.A.C.?

Recommendation: Yes, the Commission should order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$10,000 per violation, for a total of \$1.94 million, for one hundred ninety-four (194) apparent violations of Rule 25-4.070, F.A.C., during 2008. **(Curry, Kennedy, Moses, Tan)**

Staff Analysis: Rule 25-4.070, F.A.C., requires that each telephone company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt (service interruption) or affect (service affecting) customers' telephone service. Service interruptions occur when the customer loses dial tone, e.g., the service does not work. Trouble conditions that affect telephone service are those that do not disrupt dial tone, but affect the service. For example, a customer may have noise on the line making it difficult to conduct a conversation. The Commission has defined the service objectives in Rule 25-4.070, F.A.C.

The service objectives provided in Rule 25-4.070(3) (a) and (b), F.A.C., are:

(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.

Staff analyzed the information that Verizon reported to the Commission in 2008 for both service interruption and service-affecting performance. Staff determined that Verizon apparently violated Rule 25-4.070, F.A.C., a total of one hundred ninety-four (194) times from January through September of 2008.

For 2008, Verizon has reported that it failed to achieve 95% compliance with the restoration of service standard interval, as required by Rule 25-4.070(3)(a) F.A.C., a total of 100 times. For exchanges with less than 50,000 access lines, Verizon reported that it failed to meet the rule requirement 49 times. For exchanges with greater than 50,000 access lines, the company reported that it did not meet the rule requirement 51 times.

For 2008, Verizon has reported that it failed to achieve 95% compliance with the clearing of service-affecting trouble reports, as required by Rule 25-4.070(3)(b), F.A.C., a total of 94 times. For exchanges with less than 50,000 access lines, Verizon reported that it failed to meet the rule requirement 49 times. For exchanges with greater than 50,000 access lines, the company reported that it did not meet the rule requirement 45 times.

Staff's Analysis of Verizon's Performance for 2008

Verizon operates 24 exchanges for delivery of local exchange telecommunications services to its customers in Florida. Typically, nine exchanges serve more than 50,000 access lines and fifteen exchanges serve less than 50,000 access lines. Over time, the number of exchanges serving more or less than 50,000 access lines may vary due to the addition or loss of access lines in an exchange.

In the paragraphs that follow, staff presents information that identify and quantify the number of exchanges in which Verizon has failed to meet the Commission's restoration of interrupted service standards and the standards for service-affecting trouble reports. Also, staff quantifies the number of access lines that were impacted when Verizon failed to achieve the 95% standard for repair in 24 hours and failed to achieve the 95% standard for clearing service-affecting troubles within 72 hours.

Service Interruption Performance - 2008

Exchanges with More than 50,000 Access Lines: For exchanges with access lines greater than 50,000, Verizon reported that it did not meet the restoration of service standard interval, as required by Rule 25-4.070 (3)(a), F.A.C., a total of 51 times in 2008. Table 5 identifies the exchanges in 2008 for which Verizon failed to achieve 95% compliance with the restoration of service standard interval, as required by month, for exchanges with greater than 50,000 access lines.

Exchange	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Times Standard Missed
Bradenton	X		X	X	X	X		X		6
Clearwater	X	X	X	X		X	X	X	X	8
Lakeland		X	X	X		X	X	X	X	7
New Port Richey		X	X							2
Sarasota	X	X	X	X		X	X	X	X	8
St. Petersburg		X	X	X					X	4
Tampa		X	X	X		X	X	X	X	7
Venice	X	X	X	X	X	X	X	X	X	9
Total Missed									51	

Note: New Port Richey had less than 50,000 access lines in the 2nd and 3rd Quarters 2008. X- Missed Objective

For the exchanges and time periods identified in Table 5, Verizon did not restore service within 24 hours for 19,605 access lines. To achieve 95% compliance across all exchanges and

measurement periods, as required by rule, Verizon would have needed to timely restore 13,531 of these 19,605 access lines. See Attachment C.

The total number of access lines not timely restored to service and the total number of access line timely restorations required to satisfy the rule were derived from the 2008 data presented in Attachment C. For example, for January 2008, the Clearwater Exchange shows 2,242 out-of-service cases reported. To meet the 95% standard, Verizon needed to clear 2,130 of the 2,242 cases. Verizon reported that it cleared 2,116 cases, which fell 14 cases short of meeting the 95% standard. The monthly calculations for all exchanges were added together to determine the annual totals.

Exchanges with Less than 50,000 Access Lines: In 2008, Verizon has reported that it failed to achieve 95% compliance with the restoration of service standard interval, as required by Rule 25-4.070 (3) (a) F.A.C., a total of 49 times for exchanges with less than 50,000 access lines. Table 6 identifies Verizon's exchanges with less than 50,000 access lines and identifies each quarter, by exchange, where Verizon failed to timely restore 95% of the access lines that were out-of-service.

Exchange	1st Quarter	2nd Quarter	3rd Quarter	Times Standard Missed
Bartow	X	X	X	3
Englewood	X	X	X	3
FrostProof	X	X	X	3
Haines City	X	X	X	3
Hudson	X	X	X	3
Indian Lakes	X	X	X	3
Lake Wales	X	X	X	3
Mulberry	X	X	X	3
Myakka	X	X	X	3
New Port Richey		X	X	2
North Port Charlotte	X	X	X	3
Palmetto	X	X	X	3
Plant City	X	X	X	3
Polk City	X	X	X	3
Tarpon Springs	X	X	X	3
Winter Haven	X	X	X	3
Zephyrhills	X	X		2
Total Missed				49

Note: New Port Richey had greater than 50,000 access lines in the 1st Quarter 2008. X - Missed Objective

For the exchanges and time periods identified in Table 6, Verizon did not restore service within 24 hours for 7,910 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely restore 5,354 of these 7,910 access lines. See Attachment D.

Service-Affecting Performance - 2008

Exchanges with More than 50,000 Access Lines: Table 7 shows the number of exchanges in 2008 for which Verizon failed to clear 95% of the service affecting reports within 72 hours, by month, for exchanges with greater than 50,000 access lines. Verizon reported that it did not meet the clearing of service-affecting reports standard, as required by Rule 25-4.070 (3)(b), F.A.C., a total of 45 times in 2008.

For the exchanges and time periods identified in Table 7, Verizon did not clear service-affecting trouble reports within 72 hours on 6,143 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely clear service-affecting trouble reports for 3,725 of these 6,143 access lines. See Attachment C.

Exchange	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Times Standard Missed
Bradenton			X	X				X	X	4
Clearwater	X	X	X	X		X	X	X		7
Lakeland		X	X	X		X	X	X	X	7
New Port Richey	X		X							2
Sarasota		X	X	X			X	X	X	6
St. Petersburg		X	X	X				X	X	5
Tampa		X	X	X		X	X	X		6
Venice	X	X	X	X		X	X	X	X	8
Note: New Port Richey had less than 50,000 access lines in the 2 nd Quarter 2008. X - Missed Objective									Total Missed	45

Exchanges with Less than 50,000 Access Lines: Table 8 shows the number of exchanges in 2008 for which Verizon failed to clear 95% of the service-affecting reports within 72 hours, by month, for exchanges with less than 50,000 access lines. Verizon reported that it did not meet the clearing of service-affecting reports standard, as required by Rule 25-4.070 (3)(b), F.A.C., a total of 49 times in 2008.

For the exchanges and time periods identified in Table 8, Verizon did not clear service-affecting trouble reports within 72 hours on 2,590 access lines. To achieve 95% compliance across all exchanges and measurement periods, as required by rule, Verizon would have needed to timely clear service-affecting trouble reports for 1,590 of these 2,590 access lines. See Attachment D.

Table 8 – Exchanges Service-Affecting (SA) Misses Per Quarter - 2008 (Less Than 50,000 Access Lines)				
Exchange	1st Quarter	2nd Quarter	3rd Quarter	Times Standard Missed
Bartow	X	X	X	3
Englewood	X	X	X	3
FrostProof	X	X	X	3
Haines City	X	X	X	3
Hudson	X	X	X	3
Indian Lakes	X	X	X	3
Lake Wales	X	X	X	3
Mulberry	X	X	X	3
Myakka	X	X	X	3
New Port Richey		X	X	2
North Port Charlotte	X	X	X	3
Palmetto	X	X	X	3
Plant City	X	X	X	3
Polk City	X	X	X	3
Tarpon Springs	X	X	X	3
Winter Haven	X	X	X	3
Zephyrhills	X	X		2
Note: New Port Richey had greater than 50,000 access lines in the 1 st Quarter 2008. X - Missed Objective			Total Missed	49

2008 Performance Summary: To summarize the first three quarters of 2008, Verizon failed to meet 95% compliance with the standard for restoration of service for 18,885 access lines on which service was interrupted and 5,315 access lines experiencing service-affecting conditions.

Legal Analysis

Rule 25-4.070, F.A.C., establishes specific parameters for Customer Trouble Reports, and defines requirements for service restoration and service objectives. While mitigating factors can be considered by this Commission, Rule 25-4.070, F.A.C, explicitly states that Verizon shall meet or exceed a 95% clearance rate for restoration of interrupted service and service affecting trouble reports.

Verizon has argued that Rule 25-4.070, F.A.C., is designed only to enable the Commission to monitor performance rather than penalize for lack of performance. Verizon attempts to state that its failure to meet the parameter and service objections is simply a conditional lack of performance rather than a failure to meet the rule’s requirements. Rule 25-4.070, F.A.C., specially addresses the responsibility of each telecommunications company to provide and maintain specific service to its customers. The Commission, pursuant to Section 364.285, F.S., has the power to impose a penalty upon any entity subject to its jurisdiction under Chapter 364 which is found to have refused to comply with or to have willfully violated any lawful rule or order of the Commission.

Section 364.285(1), F.S., authorizes the Commission to impose upon any entity subject to its jurisdiction a penalty of not more than \$25,000 for each day a violation continues, if such entity is found to have *refused to comply with* or to have *willfully violated* any lawful rule or order of the Commission, or any provision of Chapter 364, Florida Statutes, or revoke any certificate issued by it for any such violation.

Section 364.285(1), F.S., however, does not define what it is to “willfully violate” a rule or order. Nevertheless, it appears plain that the intent of the statutory language is to penalize those who affirmatively act in opposition to a Commission order or rule. See, Florida State Racing Commission v. Ponce de Leon Trotting Association, 151 So.2d 633, 634 & n.4 (Fla. 1963); c.f., McKenzie Tank Lines, Inc. v. McCauley, 418 So.2d 1177, 1181 (Fla. 1st DCA 1982) (there must be an intentional commission of an act violative of a statute with knowledge that such an act is likely to result in serious injury) [citing Smit v. Geyer Detective Agency, Inc., 130 So.2d 882, 884 (Fla. 1961)]. Thus, a “willful violation of law” at least covers an act of purposefulness.

However, “willful violation” need not be limited to acts of commission. 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).

Thus, Verizon’s failure to meet the service quality requirements listed in Rule 25-4.070, F.A.C., meets the standard for a “refusal to comply” and a “willful violation” as contemplated by the Legislature when enacting Section 364.285, Florida Statutes. It is uncontroverted that Verizon has knowledge of both the service quality objectives and its continued failure to meet these objectives.

Conclusion

Based on the information that Verizon has reported to the Commission, as required by Rule 25-4.070, F.A.C., staff believes that for the first nine months of calendar year 2008, Verizon has failed to comply with the provisions of Rule 25-4.070, F.A.C., a total of 194 times. Each time an exchange, by month and/or by quarter, does not meet the requirements of Rule 25-4.070, F.A.C., staff considers it to be a separate violation. Staff believes that Verizon is fully

aware of the quality of service rule requirements and has demonstrated its capability of meeting those requirements in the past. Verizon was previously found to be violating these rules so this is the second proceeding to deal with this issue.

Based on the aforementioned, staff recommends that the Commission should order Verizon Florida LLC to show cause, in writing within 21 days from the issuance of the Commission's Show Cause Order, why it should not be penalized in the amount of \$10,000 per violation, for a total of \$1.94 million, for total of one hundred ninety-four apparent violations of Rule 25-4.070, F.A.C., during 2008.

As in Issue 1, staff offers several alternatives that the Commission may consider, which are:

1. Agree with the Petitioners position as described in Issue 1 and order Verizon to show cause why it should not be penalized in the amount of \$25,000 per violation, for a total of \$4.85 million, for one hundred ninety-four apparent violations of Rule 25-4.070, F.A.C., during 2008; or
2. Double the per-violation settlement amount of \$2,587 per violation paid by Verizon to settle Docket No. 991376-TL and order Verizon to show cause why it should not be penalized in the amount of \$5,174 per violation, for a total of \$1,003,756, for one hundred ninety-four apparent violations of Rule 25-4.070, F.A.C., during 2008.

Docket No. 080278-TL
Date: December 4, 2008

Issue 3: Should this docket be closed?

Recommendation: If the Commission approves staff's recommendations, Verizon will have 21 days from the issuance of the Commission's Show Cause Order to respond in writing why it should not be penalized for its apparent violation of Rule 25-4.070, F.A.C. If the company timely responds to the show cause order, this docket should remain open pending resolution of the show cause proceedings. If Verizon fails to respond to the show cause order or request a hearing pursuant to Sections 120.569 and 120.57, Florida Statutes, within the 21-day response period, the facts shall be deemed admitted, the right to a hearing waived, and the penalties should be deemed assessed. If the company fails to respond to the order to show cause and the penalty is not paid within ten (10) business days after the expiration of the show cause response period, the penalty should be referred to the Department of Financial Services for collection, and this docket should be closed administratively. **(Tan)**

Staff Analysis: Staff recommends that the Commission take action as set forth in the above staff recommendation.

Verizon 2007 Performance Measures - Residential Retail Services
Exchanges with More Than 50,000 Access Lines

Exchange	Out of Service						Service Affecting					
	Out of Service Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 24 Hours	Cases not Cleared in 24 Hours	Performance Deviation from 95% Standard	Service Affecting Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 72 Hours	Cases not Cleared in 72 Hours	Performance Deviation from 95% Standard
January 2007												
Bradenton	1,927	1,831	95%	1,823	104	Pass	852	809	90%	770	82	-39
Clearwater	2,650	2,518	92%	2,427	223	-91	1,229	1,168	74%	907	322	-261
Lakeland	1,607	1,527	91%	1,459	148	-68	730	694	83%	608	122	-86
New Port Richey	643	611	97%	621	22	Pass	412	391	80%	329	83	-62
Sarasota	2,243	2,131	91%	2,047	196	-84	1,137	1,080	81%	918	219	-162
St. Petersburg	2,775	2,636	95%	2,632	143	Pass	1,196	1,136	67%	797	399	-339
Tampa	6,483	6,159	92%	5,993	490	-166	3,608	3,428	95%	3,424	184	Pass
Venice	813	772	89%	722	91	-50	406	386	81%	327	79	-59
Winter Haven	1,111	1,055	89%	988	123	-67	500	475	85%	424	76	-51
Totals	20,252	19,239	92%	18,712	1,540	-526	10,070	9,567	84%	8,504	1,566	-1,059
February 2007												
Bradenton	1,277	1,213	93%	1,186	91	-27	571	542	96%	549	22	Pass
Clearwater	1,753	1,665	87%	1,519	234	-146	775	736	92%	714	61	-22
Lakeland	1,278	1,214	90%	1,150	128	-64	608	578	89%	539	69	-39
New Port Richey	894	849	63%	566	328	-283	308	293	82%	252	56	-41
Sarasota	1,851	1,758	93%	1,723	128	-35	953	905	86%	818	135	-87
St. Petersburg	2,033	1,931	93%	1,897	136	-34	920	874	79%	730	190	-144
Tampa	5,341	5,074	92%	4,914	427	-160	2,761	2,623	96%	2,650	111	Pass
Venice	614	583	93%	569	45	-14	290	276	95%	276	14	Pass
Winter Haven	1,206	1,146	91%	1,094	112	-52	331	314	89%	296	35	-18
Totals	16,247	15,435	90%	14,618	1,629	-817	7,517	7,141	1	6,824	693	-351
March 2007												
Bradenton	1,329	1,263	95%	1,260	69	Pass	608	578	95%	579	29	Pass
Clearwater	1,707	1,622	95%	1,620	87	Pass	838	796	71%	599	239	-197
Lakeland	1,363	1,295	93%	1,270	93	-25	592	562	82%	487	105	-75
New Port Richey	541	514	97%	524	17	Pass	313	297	70%	219	94	-78
Sarasota	1,645	1,563	95%	1,570	75	Pass	840	798	93%	778	62	-20
St. Petersburg	1,778	1,689	96%	1,706	72	Pass	845	803	70%	590	255	-213
Tampa	5,763	5,475	92%	5,291	472	-184	2,938	2,791	96%	2,833	105	Pass
Venice	624	593	95%	590	34	Pass	339	322	95%	323	16	Pass
Winter Haven	881	837	95%	837	44	Pass	346	329	89%	309	37	-20
Totals	15,631	14,849	94%	14,668	963	-209	7,659	7,276	88%	6,717	942	-603
April 2007												
Bradenton	1,100	1,045	95%	1,050	50	Pass	528	502	95%	503	25	Pass
Clearwater	1,876	1,782	91%	1,698	178	-84	812	771	75%	605	207	-166
Lakeland	1,288	1,224	92%	1,184	104	-40	586	557	81%	476	110	-81
New Port Richey	542	515	97%	526	16	Pass	295	280	74%	218	77	-62
Sarasota	1,428	1,357	95%	1,358	70	Pass	837	795	90%	754	83	-41
St. Petersburg	1,711	1,625	97%	1,662	49	Pass	938	891	78%	728	210	-163
Tampa	6,652	6,319	93%	6,158	494	-161	2,944	2,797	90%	2,639	305	-158
Venice	548	521	96%	524	24	Pass	301	286	93%	279	22	-7
Winter Haven	967	919	96%	928	39	Pass	356	338	85%	304	52	-34
Totals	16,112	15,306	94%	15,088	1,024	-285	7,597	7,217	86%	6,506	1,091	-713

**Verizon 2007 Performance Measures - Residential Retail Services
Exchanges with More Than 50,000 Access Lines**

Exchange	Out of Service Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 24 Hours	Cases not Cleared in 24 Hours	Performance Deviation from 95% Standard	Service Affecting Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 72 Hours	Cases not Cleared in 72 Hours	Performance Deviation from 95% Standard
May 2007												
Bradenton	845	803	98%	824	21	Pass	490	466	98%	482	8	Pass
Clearwater	1,347	1,280	97%	1,313	34	Pass	826	785	94%	773	53	-12
Lakeland	1,417	1,346	93%	1,316	101	-30	587	558	90%	528	59	-30
New Port Richey	433	411	98%	424	9	Pass	291	276	91%	264	27	-12
Sarasota	1,419	1,348	97%	1,376	43	Pass	772	733	98%	755	17	Pass
St. Petersburg	1,484	1,410	98%	1,459	25	Pass	868	825	99%	863	5	Pass
Tampa	5,860	5,567	95%	5,572	288	Pass	2,936	2,789	97%	2,848	88	Pass
Venice	425	404	96%	407	18	Pass	257	244	98%	253	4	Pass
Winter Haven	780	741	91%	712	68	-29	342	325	94%	322	20	-3
Totals	14,010	13,310	96%	13,403	607	-59	7,369	7,001	96%	7,088	281	-57
June 2007												
Bradenton	1,002	952	95%	956	46	Pass	489	465	97%	472	17	Pass
Clearwater	2,018	1,917	91%	1,836	182	-81	914	868	83%	756	158	-112
Lakeland	1,966	1,868	82%	1,620	346	-248	659	626	71%	465	194	-161
New Port Richey	549	522	95%	522	27	Pass	295	280	85%	251	44	-29
Sarasota	1,494	1,419	94%	1,400	94	-19	762	724	92%	700	62	-24
St. Petersburg	2,320	2,204	88%	2,038	282	-166	856	813	72%	614	242	-199
Tampa	7,220	6,859	91%	6,546	674	-313	3,321	3,155	91%	3,038	283	-117
Venice	441	419	95%	418	23	Pass	260	247	96%	249	11	Pass
Winter Haven	1,029	978	89%	912	117	-66	304	289	83%	253	51	-36
Totals	18,039	17,137	90%	16,248	1,791	-893	7,860	7,467	86%	6,798	1,062	-678
July 2007												
Bradenton	1,318	1,252	75%	994	324	-258	498	473	77%	382	116	-91
Clearwater	1,642	1,560	95%	1,556	86	Pass	796	756	73%	578	218	-178
Lakeland	2,426	2,305	75%	1,823	603	-482	609	579	50%	305	304	-274
New Port Richey	552	524	96%	528	24	Pass	248	236	76%	188	60	-48
Sarasota	2,177	2,068	79%	1,718	459	-350	758	720	73%	554	204	-166
St. Petersburg	1,945	1,848	96%	1,865	80	Pass	810	770	69%	555	255	-215
Tampa	11,869	11,276	75%	8,865	3,004	-2,411	3,801	3,611	76%	2,899	902	-712
Venice	584	555	88%	515	69	-40	272	258	85%	232	40	-26
Winter Haven	1,552	1,474	84%	1,299	253	-175	352	334	67%	237	115	-97
Totals	24,065	22,862	80%	19,163	4,902	-3,716	8,144	7,737	73%	5,930	2,214	-1,807
August 2007												
Bradenton	1,342	1,275	86%	1,160	182	-115	611	580	84%	514	97	-66
Clearwater	2,359	2,241	80%	1,889	470	-352	887	843	65%	577	310	-266
Lakeland	1,887	1,793	77%	1,461	426	-332	731	694	82%	596	135	-98
New Port Richey	693	658	86%	595	98	-63	254	241	66%	168	86	-73
Sarasota	2,238	2,126	90%	2,004	234	-122	983	934	82%	804	179	-130
St. Petersburg	2,289	2,175	90%	2,063	226	-112	918	872	73%	670	248	-202
Tampa	10,068	9,565	81%	8,164	1,904	-1,401	3,867	3,674	84%	3,252	615	-422
Venice	685	651	93%	640	45	-11	334	317	94%	315	19	-2
Winter Haven	1,080	1,026	89%	964	116	-62	431	409	85%	368	63	-41
Totals	22,641	21,509	84%	18,940	3,701	-2,569	9,016	8,565	81%	7,264	1,752	-1,301

**Verizon 2007 Performance Measures - Residential Retail Services
Exchanges with More Than 50,000 Access Lines**

Exchange	Out of Service Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 24 Hours	Cases not Cleared in 24 Hours	Performance Deviation from 95% Standard	Service Affecting Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 72 Hours	Cases not Cleared in 72 Hours	Performance Deviation from 95% Standard	
September 2007													
Bradenton	1,105	1,050	87%	957	148	-93		528	502	94%	497	31	-5
Clearwater	1,580	1,501	95%	1,500	80	Pass		637	605	61%	386	251	-219
Lakeland	1,981	1,882	56%	1,109	872	-773		590	561	68%	403	187	-158
New Port Richey	639	607	93%	594	45	-13		245	233	67%	165	80	-68
Sarasota	1,617	1,536	88%	1,419	198	-117		770	732	85%	657	113	-75
St. Petersburg	1,878	1,784	94%	1,756	122	-28		731	694	89%	653	78	-41
Tampa	7,589	7,210	82%	6,226	1,363	-984		3,239	3,077	85%	2,758	481	-319
Venice	503	478	89%	448	55	-30		268	255	92%	246	22	-9
Winter Haven	1,022	971	86%	879	143	-92		305	290	67%	203	102	-87
Totals	17,914	17,018	83%	14,888	3,026	-2,129		7,313	6,947	82%	5,968	1,345	-979
October 2007													
Bradenton	1,357	1,289	84%	1,143	214	-146		568	540	78%	444	124	-96
Clearwater	1,992	1,892	94%	1,873	119	-19		793	753	63%	497	296	-256
Lakeland	1,648	1,566	83%	1,360	288	-206		574	545	77%	441	133	-104
New Port Richey	1,283	1,219	96%	1,231	52	Pass		325	309	68%	221	104	-88
Sarasota	1,985	1,886	80%	1,589	396	-297		848	806	73%	615	233	-191
St. Petersburg	1,908	1,813	94%	1,800	108	-13		775	736	76%	592	183	-144
Tampa	6,533	6,206	87%	5,660	873	-546		3,087	2,933	88%	2,722	365	-211
Venice	898	853	75%	670	228	-183		366	348	75%	275	91	-73
Totals	17,604	16,724	87%	15,326	2,278	-1,410		7,336	6,969	79%	5,807	1,529	-1,162
November 2007													
Bradenton	1,073	1,019	82%	881	192	-138		603	573	78%	470	133	-103
Clearwater	1,698	1,613	94%	1,592	106	-21		701	666	75%	523	178	-143
Lakeland	1,228	1,167	89%	1,097	131	-70		507	482	79%	398	109	-84
New Port Richey	582	553	93%	541	41	-12		298	283	64%	192	106	-91
Sarasota	2,412	2,291	66%	1,595	817	-696		861	818	72%	622	239	-196
St. Petersburg	1,664	1,581	96%	1,598	66	Pass		710	675	82%	582	128	-93
Tampa	4,926	4,680	91%	4,478	448	-202		2,514	2,388	91%	2,296	218	-92
Venice	682	648	77%	527	155	-121		358	340	79%	282	76	-58
Totals	14,265	13,552	86%	12,309	1,956	-1,260		6,552	6,224	82%	5,365	1,187	-859
December 2007													
Bradenton	1,276	1,212	89%	1,139	137	-73		569	541	95%	541	28	Pass
Clearwater	1,774	1,685	95%	1,685	89	Pass		757	719	87%	658	99	-61
Lakeland	1,113	1,057	96%	1,063	50	Pass		503	478	94%	472	31	-6
New Port Richey	469	446	92%	432	37	-14		290	276	83%	240	50	-36
Sarasota	1,786	1,697	93%	1,654	132	-43		730	694	94%	683	47	-11
St. Petersburg	1,863	1,770	98%	1,821	42	Pass		716	680	91%	652	64	-28
Tampa	5,941	5,644	89%	5,269	672	-375		2,449	2,327	96%	2,346	103	Pass
Venice	635	603	94%	599	36	-4		341	324	94%	321	20	-3
Totals	14,857	14,114	92%	13,662	1,195	-509		6,355	6,037	93%	5,913	442	-144
GRAND TOTALS 2007				24,612		-14,381					14,104		-9,714

**Verizon 2007 Performance Measures - Residential Retail Services
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Exchange	Out of Service Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 24 Hours	Cases not Cleared in 24 Hours	Performance Deviation from 95% Standard	Service Affecting Cases	Required to Meet 95% Standard	Actual Performance	Cases Cleared in 72 Hours	Cases not Cleared in 72 Hours	Performance Deviation from 95% Standard
Third Quarter 2007												
Bartow	1,244	1,182	74%	917	327	-265	399	379	71%	284	115	-95
Englewood	776	737	94%	729	47	-8	243	231	97%	236	7	Pass
Frostproof	499	474	82%	407	92	-67	146	139	68%	100	46	-39
Haines City	3,016	2,865	81%	2,458	558	-407	895	850	78%	695	200	-155
Hudson	1,876	1,782	82%	1,532	344	-250	574	545	58%	334	240	-211
Indian Lakes	128	122	81%	104	24	-18	44	42	80%	35	9	-7
Lake Wales	1,769	1,681	82%	1,457	312	-224	407	387	71%	291	116	-96
Mulberry	416	395	73%	303	113	-92	151	143	75%	114	37	-29
Myakka	970	922	85%	821	149	-101	196	186	77%	150	46	-36
N P Charlotte	1,976	1,877	96%	1,897	79	Pass	436	414	93%	406	30	-8
Palmetto	2,007	1,907	84%	1,680	327	-227	572	543	78%	447	125	-96
Plant City	2,943	2,796	68%	1,988	955	-808	790	751	63%	498	292	-253
Polk City	427	406	86%	368	59	-38	129	123	63%	81	48	-42
Tarpon Springs	926	880	89%	820	106	-60	457	434	74%	338	119	-96
Zephyrhills	1,744	1,657	83%	1,451	293	-206	429	408	74%	318	111	-90
Totals	20,717	19,681	82%	16,932	3,785	-2,769	5,868	5,575	74%	4,327	1,541	-1,253
Fourth Quarter 2007												
Bartow	762	724	81%	619	143	-105	295	280	84%	248	47	-32
Englewood	786	747	93%	732	54	-15	325	309	92%	300	25	-9
Frostproof	384	365	89%	340	44	-25	109	104	77%	84	25	-20
Haines City	2,003	1,903	87%	1,749	254	-154	786	747	84%	658	128	-89
Hudson	1,370	1,302	92%	1,259	111	-43	575	546	66%	380	195	-166
Indian Lakes	241	229	85%	204	37	-25	59	56	66%	39	20	-17
Lake Wales	1,341	1,274	85%	1,143	198	-131	465	442	82%	383	82	-59
Mulberry	307	292	81%	249	58	-43	132	125	82%	108	24	-17
Myakka	361	343	80%	289	72	-54	104	99	84%	87	17	-12
N P Charlotte	1,249	1,187	90%	1,124	125	-63	433	411	87%	376	57	-35
Palmetto	1,338	1,271	84%	1,120	218	-151	565	537	83%	471	94	-66
Plant City	1,716	1,630	75%	1,285	431	-345	611	580	65%	397	214	-183
Polk City	264	251	92%	243	21	-8	101	96	75%	76	25	-20
Tarpon Springs	842	800	92%	777	65	-23	432	410	75%	323	109	-87
Winter Haven	2,636	2,504	90%	2,361	275	-143	984	935	81%	795	189	-140
Zephyrhills	1,359	1,291	80%	1,087	272	-204	536	509	81%	435	101	-74
Totals	16,959	16,111	86%	14,581	2,378	-1,530	6,512	6,186	79%	5,160	1,352	-1,026
Grand Totals 2007						8,948					4,329	-3,134

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Exchange	Out of Service						Service Affecting					
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January 2008												
Bradenton	1,335	1,268	94%	1,258	77	-10	715	679	98%	698	17	Pass
Clearwater	2,242	2,130	94%	2,116	126	-14	1,000	950	92%	920	80	-30
Lakeland	1,218	1,157	98%	1,189	29	Pass	637	605	97%	620	17	Pass
New Port Richey	629	598	96%	602	27	Pass	353	335	92%	323	30	-12
Sarasota	2,290	2,176	89%	2,044	246	-132	1,005	955	95%	951	54	Pass
St. Petersburg	2,133	2,026	97%	2,061	72	Pass	953	905	96%	914	39	Pass
Tampa	5,292	5,027	95%	5,003	289	Pass	2,884	2,740	97%	2,806	78	Pass
Venice	936	889	87%	810	126	-79	451	428	88%	396	55	-32
Totals	16,075	15,271	94%	15,083	992	-235	7,998	7,598	95%	7,628	370	-75
February 2008												
Bradenton	1,010	960	95%	957	53	Pass	547	520	98%	536	11	Pass
Clearwater	1,627	1,546	90%	1,462	165	-84	738	701	93%	684	54	-17
Lakeland	1,478	1,404	91%	1,349	129	-55	432	410	93%	401	31	-9
New Port Richey	513	487	88%	452	61	-35	277	263	95%	263	14	Pass
Sarasota	1,620	1,539	86%	1,396	224	-143	825	784	94%	775	50	-9
St. Petersburg	1,667	1,584	91%	1,516	151	-68	746	709	94%	702	44	-7
Tampa	4,886	4,642	91%	4,427	459	-215	2,403	2,283	94%	2,249	154	-34
Venice	804	764	86%	688	116	-76	407	387	89%	362	45	-25
Totals	13,605	12,925	90%	12,247	1,358	-675	6,375	6,056	94%	5,972	403	-100
March 2008												
Bradenton	831	789	54%	445	386	-344	377	358	74%	279	98	-79
Clearwater	1,860	1,767	45%	831	1,029	-936	655	622	56%	364	291	-258
Lakeland	1,083	1,029	34%	368	715	-661	377	358	49%	183	194	-175
New Port Richey	549	522	56%	306	243	-216	265	252	82%	218	47	-34
Sarasota	1,437	1,365	47%	679	758	-686	650	618	72%	468	182	-150
St. Petersburg	1,651	1,568	39%	649	1,002	-919	596	566	57%	339	257	-227
Tampa	5,102	4,847	55%	2,827	2,275	-2,020	2,187	2,078	79%	1,719	468	-359
Venice	671	637	47%	315	356	-322	282	268	72%	204	78	-64
Totals	13,184	12,525	49%	6,420	6,764	-6,105	5,389	5,120	70%	3,774	1,615	-1,346
April 2008												
Bradenton	865	822	80%	692	173	-130	528	502	88%	467	61	-35
Clearwater	1,866	1,773	78%	1,459	407	-314	895	850	80%	715	180	-135
Lakeland	1,605	1,525	60%	956	649	-569	604	574	71%	426	178	-148
Sarasota	1,378	1,309	75%	1,038	340	-271	819	778	84%	687	132	-91
St. Petersburg	1,649	1,567	73%	1,200	449	-367	851	808	76%	648	203	-160
Tampa	5,039	4,787	83%	4,161	878	-626	2,715	2,579	88%	2,382	333	-197
Venice	588	559	71%	418	170	-141	407	387	79%	323	84	-64
Totals	12,990	12,341	76%	9,924	3,066	-2,417	6,819	6,478	83%	5,648	1,171	-830

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May 2008												
Bradenton	955	907	83%	797	158	-110	446	424	97%	434	12	Pass
Clearwater	1,192	1,132	98%	1,165	27	Pass	642	610	99%	634	8	Pass
Lakeland	941	894	96%	902	39	Pass	411	390	98%	404	7	Pass
Sarasota	1,110	1,055	95%	1,056	54	Pass	694	659	98%	681	13	Pass
St. Petersburg	1,229	1,168	98%	1,210	19	Pass	665	632	99%	661	4	Pass
Tampa	3,950	3,753	95%	3,765	185	Pass	2,124	2,018	98%	2,074	50	Pass
Venice	418	397	94%	395	23	-2	267	254	99%	264	3	Pass
Totals	9,795	9,305	95%	9,290	505	-112	5,249	4,987	98%	5,152	97	0
June 2008												
Bradenton	1,016	965	93%	940	76	-25	427	406	97%	413	14	Pass
Clearwater	1,530	1,454	89%	1,364	166	-90	615	584	87%	537	78	-47
Lakeland	1,253	1,190	83%	1,035	218	-155	350	333	86%	302	48	-31
Sarasota	1,134	1,077	92%	1,041	93	-36	579	550	98%	566	13	Pass
St. Petersburg	1,842	1,750	95%	1,757	85	Pass	706	671	97%	685	21	Pass
Tampa	8,885	8,441	81%	7,192	1,693	-1,249	2,705	2,570	85%	2,301	404	-269
Venice	433	411	91%	395	38	-16	250	238	94%	236	14	-2
Totals	16,093	15,288	85%	13,724	2,369	-1,571	5,632	5,350	89%	5,040	592	-348
July 2008												
Bradenton	916	870	95%	870	46	Pass	432	410	97%	419	13	Pass
Clearwater	1,710	1,625	91%	1,553	157	-72	690	656	82%	568	122	-88
Lakeland	1,666	1,583	86%	1,433	233	-150	603	573	77%	463	140	-110
Sarasota	1,571	1,492	91%	1,437	134	-55	657	624	94%	616	41	-8
St. Petersburg	1,800	1,710	96%	1,727	73	Pass	794	754	97%	767	27	Pass
Tampa	9,234	8,772	79%	7,290	1,944	-1,482	3,161	3,003	81%	2,561	600	-442
Venice	572	543	85%	484	88	-59	283	269	88%	250	33	-19
Totals	17,469	16,596	85%	14,794	2,675	-1,818	6,620	6,289	85%	5,644	976	-666
August 2008												
Bradenton	1,321	1,255	92%	1,221	100	-34	503	478	92%	465	38	-13
Clearwater	1,799	1,709	91%	1,641	158	-68	767	729	93%	710	57	-19
Lakeland	1,335	1,268	92%	1,231	104	-37	521	495	90%	471	50	-24
Sarasota	1,658	1,575	93%	1,545	113	-30	612	581	88%	540	72	-41
St. Petersburg	1,676	1,592	97%	1,632	44	Pass	704	669	93%	658	46	-11
Tampa	6,742	6,405	92%	6,170	572	-235	2,846	2,704	93%	2,635	211	-69
Venice	475	451	92%	437	38	-14	267	254	84%	225	42	-29
Totals	15,006	14,256	92%	13,877	1,129	-419	6,220	5,909	92%	5,704	516	-205
September 2008												
Bradenton	821	780	95%	778	43	Pass	389	370	93%	361	28	-9
Clearwater	1,515	1,439	94%	1,425	90	-14	722	686	97%	701	21	Pass
Lakeland	1,030	979	94%	965	65	-14	486	462	86%	419	67	-43
Sarasota	1,158	1,100	91%	1,055	103	-45	661	628	88%	583	78	-45
St. Petersburg	1,359	1,291	94%	1,275	84	-16	609	579	92%	559	50	-20
Tampa	4,926	4,680	94%	4,635	291	-45	2,246	2,134	95%	2,139	107	Pass
Venice	519	493	86%	448	71	-45	257	244	80%	205	52	-39
Totals	11,328	10,762	93%	10,581	747	-179	5,370	5,102	92%	4,967	403	-155
GRAND TOTALS 2008					19,605	-13,531					6,143	-3,725

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First Quarter 2008												
Bartow	628	597	79%	496	132	-101	241	229	85%	204	37	-25
Englewood	1,104	1,049	83%	920	184	-129	357	339	89%	317	40	-22
Frostproof	317	301	78%	247	70	-54	96	91	83%	80	16	-11
Haines City	1,659	1,576	80%	1,330	329	-246	752	714	89%	671	81	-43
Hudson	1,757	1,669	83%	1,465	292	-204	699	664	88%	612	87	-52
Indian Lakes	383	364	92%	353	30	-11	51	48	84%	43	8	-5
Lake Wales	1,255	1,192	78%	976	279	-216	415	394	83%	345	70	-49
Mulberry	243	231	80%	195	48	-36	101	96	81%	82	19	-14
Myakka	263	250	75%	196	67	-54	113	107	85%	96	17	-11
N P Charlotte	1,188	1,129	81%	958	230	-171	419	398	88%	369	50	-29
Palmetto	1,455	1,382	83%	1,204	251	-178	555	527	89%	495	60	-32
Plant City	1,479	1,405	71%	1,050	429	-355	469	446	80%	377	92	-69
Polk City	253	240	83%	209	44	-31	89	85	83%	74	15	-11
Tarpon Springs	994	944	76%	758	236	-186	544	517	84%	458	86	-59
Winter Haven	2,150	2,043	78%	1,686	464	-357	881	837	88%	779	102	-58
Zephyrhills	1,176	1,117	83%	972	204	-145	556	528	86%	479	77	-49
Totals	16,304	15,489	80%	13,015	3,289	-2,474	6,338	6,021	86%	5,481	857	-540
Second Quarter 2008												
Bartow	731	694	79%	579	152	-115	244	232	81%	198	46	-34
Englewood	743	706	79%	590	153	-116	280	266	83%	232	48	-34
Frostproof	308	293	78%	240	68	-53	87	83	76%	66	21	-17
Haines City	1,698	1,613	83%	1,407	291	-206	688	654	90%	622	66	-32
Hudson	1,239	1,177	84%	1,046	193	-131	579	550	86%	496	83	-54
Indian Lakes	111	105	74%	82	29	-23	43	41	84%	36	7	-5
Lake Wales	1,232	1,170	75%	929	303	-241	364	346	85%	308	56	-38
Mulberry	319	303	80%	255	64	-48	104	99	77%	80	24	-19
Myakka	249	237	80%	199	50	-38	121	115	88%	107	14	-8
New Port Richey	1,525	1,449	89%	1,359	166	-90	842	800	90%	760	82	-40
N P Charlotte	1,041	989	88%	921	120	-68	415	394	89%	369	46	-25
Palmetto	1,155	1,097	82%	944	211	-153	473	449	88%	414	59	-35
Plant City	1,794	1,704	79%	1,416	378	-288	516	490	80%	415	101	-75
Polk City	308	293	87%	268	40	-25	70	67	89%	62	8	-5
Tarpon Springs	839	797	87%	729	110	-68	463	440	88%	408	55	-32
Winter Haven	2,087	1,983	81%	1,692	395	-291	825	784	82%	679	146	-105
Zephyrhills	906	861	88%	794	112	-67	358	340	86%	308	50	-32
Totals	16,285	15,471	83%	13,450	2,835	-2,021	6,472	6,148	86%	5,560	912	-588

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Third Quarter 2008												
Bartow	885	841	87%	773	112	-68	338	321	88%	299	39	-22
Englewood	665	632	91%	606	59	-26	314	298	88%	275	39	-23
Frostproof	416	395	87%	363	53	-32	140	133	82%	115	25	-18
Haines City	2,317	2,201	88%	2,039	278	-162	781	742	91%	710	71	-32
Hudson	1,364	1,296	89%	1,212	152	-84	596	566	89%	529	67	-37
Indian Lakes	152	144	90%	137	15	-7	35	33	86%	30	5	-3
Lake Wales	1,525	1,449	86%	1,306	219	-143	481	457	84%	403	78	-54
Mulberry	342	325	93%	319	23	-6	136	129	88%	119	17	-10
Myakka	566	538	89%	502	64	-36	127	121	90%	114	13	-7
New Port Richey	1,476	1,402	94%	1,383	93	-19	811	770	92%	747	64	-23
N P Charlotte	996	946	93%	922	74	-24	411	390	88%	360	51	-30
Palmetto	1,080	1,026	90%	967	113	-59	459	436	87%	401	58	-35
Plant City	2,105	2,000	92%	1,941	164	-59	737	700	87%	640	97	-60
Polk City	466	443	93%	434	32	-9	97	92	82%	80	17	-12
Tarpon Springs	913	867	93%	846	67	-21	443	421	92%	408	35	-13
Winter Haven	2,638	2,506	91%	2,401	237	-105	959	911	87%	830	129	-81
Zephyrhills	818	777	96%	787	31	Pass	325	309	95%	309	16	Pass
Totals	18,724	17,788	90%	16,938	1,786	-860	7,190	6,831	89%	6,369	821	-462
Grand Totals 2008					7,910	-5,354				2,590		-1,590

25-4.070 Customer Trouble Reports.

(1) Each telecommunications company shall make all reasonable efforts to minimize the extent and duration of trouble conditions that disrupt or affect customer telephone service. Trouble reports will be classified as to their severity on a service interruption (synonymous with out-of-service or OOS) or service affecting (synonymous with non-out-of-service or non-OOS) basis. Service interruption reports shall not be downgraded to a service affecting report; however, a service affecting report shall be upgraded to a service interruption if changing trouble conditions so indicate.

(a) Companies shall make every reasonable attempt to restore service on the same day that the interruption is reported to the serving repair center.

(b) In the event a subscriber's service is interrupted other than by a negligent or willful act of the subscriber and it remains out of service in excess of 24 hours after being reported to the company, an appropriate adjustment or refund shall be made to the subscriber automatically, pursuant to Rule 25-4.110, F.A.C. (Customer Billing). Service interruption time will be computed on a continuous basis, Sundays and holidays included. Also, if the company finds that it is the customer's responsibility to correct the trouble, it must notify or attempt to notify the customer within 24 hours after the trouble was reported.

(c) If service is discontinued in error by the telephone company, the service shall be restored without undue delay, and clarification made with the subscriber to verify that service is restored and in satisfactory working condition.

(2) Sundays and Holidays:

(a) Except for emergency service providers, such as the military, medical, police, and fire, companies are not required to provide normal repair service on Sundays. Where any repair action involves a Sunday or holiday, that period shall be excepted when computing service objectives, but not refunds for OOS conditions.

(b) Service interruptions occurring on a holiday not contiguous to Sunday will be treated as in paragraph (2)(a) of this rule. For holidays contiguous to a Sunday or another holiday, sufficient repair forces shall be scheduled so that repairs can be made if requested by a subscriber.

(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.

(c) If the customer requests that the service be restored on a particular day beyond the objectives outlined in paragraphs (a) and (b) above, the trouble report shall be counted as having met the objective if the requested date is met.

(4) Priority shall be given to service interruptions that affect public health and safety that are reported to and verified by the company and such service interruptions shall be corrected as

promptly as possible on an emergency basis.

(5) Repeat Trouble: Each telephone company shall establish procedures to insure the prompt investigation and correction of repeat trouble reports such that the percentage of repeat troubles will not exceed 20 percent of the total initial customer reports in each exchange when measured on a monthly basis. A repeat trouble report is another report involving the same item of plant within 30 days of the initial report.

(6) The service objectives of this rule shall not apply to subsequent customer reports, (not to be confused with repeat trouble reports), emergency situations, such as unavoidable casualties where at least 10 percent of an exchange is out of service.

(7) Reporting Criteria: Each company shall periodically report the data specified in Rule 25-4.0185, F.A.C., Periodic Reports, on Form PSC/CMP 28 (4/05), incorporated into Rule 25-4.0185, F.A.C., by reference and available from the Division of Competitive Markets and Enforcement.

Specific Authority 350.127(2) FS. Law Implemented 364.01(4), 364.03, 364.15, 364.17, 364.18, 364.183, 364.386 FS. History—Revised 12-1-68, Amended 3-31-76, Formerly 25-4.70, Amended 6-24-90, 3-10-96, 4-3-05.