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February 18, 2009 – **VIA ELECTRONIC MAIL**

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

Re: Docket No. 070691-TP  
Complaint and request for emergency relief against Verizon Florida LLC for  
anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and  
364.10, F.S., and for failure to facilitate transfer of customers’ numbers to Bright  
House Networks Information Services (Florida), LLC and its affiliate, Bright  
House Networks, LLC

Docket No. 080036-TP  
Complaint and request for emergency relief against Verizon Florida LLC for  
anticompetitive behavior in violation of Sections 364.01(4), 364.3381, and  
364.10, F.S., and for failure to facilitate transfer of customers’ numbers to  
Comcast Phone of Florida, LLC d/b/a Comcast Digital Phone

Dear Ms. Cole:

Enclosed for filing in the above-referenced matters is Verizon Florida LLC’s Response  
to Notice of Supplemental Authority and Request for Order. Service has been made as  
indicated on the Certificate of Service. If there are any questions regarding this filing,  
please contact me at (678) 259-1449.

Sincerely,

s/ Dulaney L. O’Roark III

Dulaney L. O’Roark III

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Enclosures

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Complaint and request for emergency relief ) Docket No. 070691-TP  
against Verizon Florida LLC for anticompetitive ) Filed: February 18, 2009  
behavior in violation of Sections 364.01(4), 364.3381, )  
and 364.10, F.S., and for failure to facilitate transfer )  
of customers' numbers to Bright House Networks )  
Information Services (Florida), LLC and its affiliate, )  
Bright House Networks, LLC )  
\_\_\_\_\_ )

In re: Complaint and request for emergency relief ) Docket No. 080036-TP  
against Verizon Florida LLC for anticompetitive )  
behavior in violation of Sections 364.01(4), 364.3381, )  
and 364.10, F.S., and for failure to facilitate transfer )  
of customers' numbers to Comcast Phone )  
of Florida, LLC d/b/a Comcast Digital Phone )  
\_\_\_\_\_ )

**VERIZON FLORIDA LLC'S RESPONSE TO NOTICE OF  
SUPPLEMENTAL AUTHORITY AND REQUEST FOR ORDER**

In its Notice of Supplemental Authority and Request for Order, the Bright House parties suggested that Docket No. 070691-TP could be dismissed if Verizon Florida LLC ("Verizon") does not intend to seek review of the court's decision in *Verizon California, Inc. v. FCC*, No. 08-1234 (D.C. Cir. Feb. 10, 2009). While the date to seek further review of that decision has not passed, Verizon does not currently contemplate requesting such review. We note, however, that cable companies such as Bright House regularly engage in retention marketing efforts for video customers that directly parallel the challenged practices at issue here, and reserve our right to seek relief in an appropriate forum to ensure that they are subject to the same rules.

The complaints in Docket Nos. 070691-TP and 080036-TP therefore should be dismissed.

Respectfully submitted on February 18, 2009.

By: s/ Dulaney L. O'Roark III  
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Attorney for Verizon Florida LLC

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on  
February 18, 2009 to:

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s/ Dulaney L. O'Roark III