

## Ruth Nettles

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**From:** Ann Bassett [abassett@lawfla.com]  
**Sent:** Tuesday, February 24, 2009 11:55 AM  
**To:** Filings@psc.state.fl.us  
**Subject:** Docket Nos. 070691-TP and 080036-TP  
**Attachments:** 2009-02-24, 070691 and 080036, Comcast's Response to Verizon.pdf

The person responsible for this electronic filing is:

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The Docket Nos are:

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

080036-TP - Complaint and request for emergency relief against Verizon Florida, L.L.C. 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, L.L.C. d/b/a Comcast Digital Phone.

This is being filed on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone

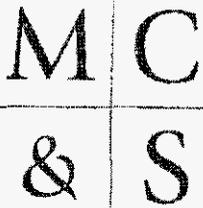
Total Number of Pages is 4

Comcast Phone of Florida, L.L.C.'s Response to Verizon's Suggestion that comcast's Complaint be Dismissed

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MESSER CAPARELLO & SELF, P.A.

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February 24, 2009

**VIA ELECTRONIC FILING**

Ms. Ann Cole, Director  
Commission Clerk and Administrative Services  
Room 110, Easley Building  
Florida Public Service Commission  
2540 Shumard Oak Blvd.  
Tallahassee, Florida 32399-0850

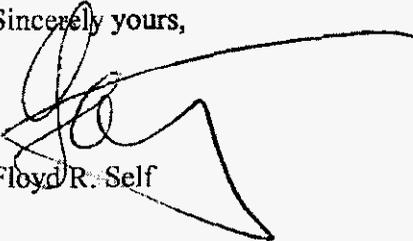
Re: Docket Nos. 070691-TP and 080036-TP

Dear Ms. Cole:

Enclosed for filing on behalf of Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone is an electronic version of Comcast's Response to Verizon's Suggestion that Comcast's Complaint be Dismissed in the above referenced dockets.

Thank you for your assistance with this filing.

Sincerely yours,



Floyd R. Self

FRS/amb  
Enclosure  
cc: Parties of Record

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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. 070691-TP

In re: Complaint and request for emergency relief against Verizon Florida, L.L.C. 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, L.L.C. d/b/a Comcast Digital Phone.

Docket No. 080036-TP  
Filed: February 24, 2009

**COMCAST'S RESPONSE TO VERIZON'S SUGGESTION  
THAT COMCAST'S COMPLAINT BE DISMISSED**

Comcast Phone of Florida, L.L.C. d/b/a Comcast Digital Phone ("Comcast"), through undersigned counsel, hereby responds to the Verizon Florida LLC (Verizon') suggestion in its February 18, 2009 Response to Notice of Supplemental Authority and Request for Order that Docket Nos. 070691-TP and 080036-TP be dismissed, and Comcast states as follows:

Comcast has no objection to the Commission closing Docket No. 080036-TP without taking any further action, provided that (1) Verizon definitively states to this Commission that it shall not seek any further review of the December 10, 2009, decision in *Verizon California, Inc., et al. vs. Federal Communications Commission*, Case No. 08-1234, D.C. Circuit<sup>1</sup>, or, alternatively, the time for any further review has run and Verizon has not sought any such

<sup>1</sup> Verizon's February 18, 2009, Response states only that Verizon "[w]hile the date to seek further review of that decision has not passed, Verizon does not currently contemplate requesting review." This is a wholly inadequate basis for this Commission to take any action, especially as drastic as the dismissal of a complaint.

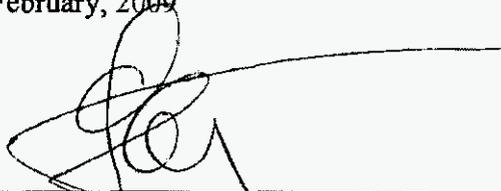
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review; and (2) any dismissal is without prejudice to Comcast's right to seek relief from this Commission under its state law authority with respect to any of the matters that have been raised or were at issue in this proceeding.

Respectfully submitted this 24<sup>th</sup> day of February, 2009

A handwritten signature in black ink, appearing to be 'F. Self', written over a horizontal line.

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copies of the foregoing have been served by Electronic Mail (\*) and/or U. S. Mail on this 24<sup>th</sup> day of February, 2009 upon the following:

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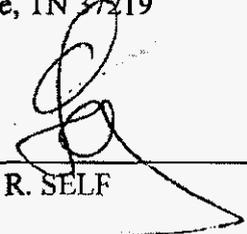
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