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March 11, 2009 – **VIA ELECTRONIC MAIL**

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

Re: Docket No. 080278-TL  
Joint Petition for show cause proceedings against Verizon Florida LLC for  
apparent violation of Rule 24-4.070, F.A.C., service availability, and impose fines,  
by the Office of the Attorney General, Citizens of the State of Florida, and AARP

Dear Ms. Cole:

Enclosed for filing in the above-referenced matter is Verizon Florida LLC’s Response to Motion to Convene Scheduling Conference. 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: Joint Petition for show cause proceedings ) Docket No. 080278-TL  
against Verizon Florida LLC for apparent violation of ) Filed: March 11, 2009  
Rule 24-4.070, F.A.C., service availability, and )  
impose fines, by the Office of the Attorney General, )  
Citizens of the State of Florida, and AARP )  
\_\_\_\_\_ )

**VERIZON FLORIDA LLC'S RESPONSE  
TO MOTION TO CONVENE SCHEDULING CONFERENCE**

Verizon Florida LLC ("Verizon") does not oppose the motion filed by the Office of Public Counsel ("OPC") to convene a scheduling conference. The parties disagree sharply about how this case should be structured: OPC and Staff simply want more time to conduct discovery and prepare pre-filed testimony, while Verizon has requested that the case be bifurcated so the Commission may address potentially dispositive jurisdictional issues before (if necessary) it reaches the merits. As explained in Verizon's Motion to Modify Order Establishing Procedure, Bifurcate Proceeding and Suspend Discovery Not Related to Jurisdictional Issues, bifurcation makes sense here because the Commission should determine whether it has jurisdiction over this dispute before taking evidence on the underlying claims, and because addressing jurisdiction first will save the Commission and parties a good deal of time and effort. Verizon has no objection to discussing its motion and the issues raised by the other parties at a scheduling conference if the Prehearing Officer would find it helpful to hear from the parties before deciding how to proceed.

Respectfully submitted on March 11, 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

March 11, 2009 to:

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Lee Eng Tan, Staff Counsel  
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s/ Dulaney L. O'Roark III