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June 29, 2009 – **VIA ELECTRONIC MAIL**

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

Re: Docket No. 090313-PU  
Complaint of Mad Hatter Utility, Inc. and Paradise Lakes Utility, LLC Against  
Verizon Florida LLC

Dear Ms. Cole:

Enclosed for filing is the Answer of Verizon Florida LLC to the above-referenced complaint. 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 of Mad Hatter Utility, Inc. ) Docket No. 090313-PU  
and Paradise Lakes Utility, LLC Against ) Filed: June 29, 2009  
Verizon Florida LLC )  
\_\_\_\_\_ )

**ANSWER OF VERIZON FLORIDA LLC**

Verizon Florida LLC (“Verizon”) hereby answers the Complaint of Mad Hatter Utility, Inc. (“MHU”) and Paradise Lakes Utility, LLC (“PLU”).

**General Note**

Verizon notes that it previously moved for an extension of time to answer the Complaint so that it could further investigate MHU’s and PLU’s allegations, obtain additional information from them, and explore whether their claims might be resolved without litigation. Verizon has had initial discussions with MHU and PLU, which has helped Verizon to develop a better understanding of their concerns. Verizon has asked follow-up questions and is awaiting responses. Verizon intends to continue working with MHU and PLU in an effort to address their concerns without further regulatory proceedings.

**Answer to Numbered Paragraphs**

In response to the numbered paragraphs of the Complaint, Verizon states as follows:

1. Verizon admits the allegations of Paragraph 1 of the Complaint.
2. Verizon is without information sufficient to form a belief as to the allegations of Paragraph 2 of the Complaint and therefore denies such allegations.
3. Verizon admits the allegations of Paragraph 3 of the Complaint.

4. In response to Paragraph 4 of the Complaint, Verizon admits that it provides certain regulated services to MHU and PLU and that they are substantially affected parties with respect to those services. Verizon denies the remaining allegations of Paragraph 4.

5. In response to Paragraph 5 of the Complaint, Verizon admits that Verizon is authorized by the Commission to provide telecommunications services. Verizon denies the remaining allegations of Paragraph 5.

6. Verizon denies the allegations of Paragraph 6 of the Complaint. Verizon further states that it provides B1 single line business service over the telephone lines associated with the telephone numbers listed in Paragraph 6 at the State Road, Carpenter's Run, Yard CC and Paradise Lakes addresses listed in Paragraph 6.

7. Verizon denies the allegations of Paragraph 7 of the Complaint. Verizon further states that it provides B1 single line business service over the telephone line associated with the telephone number listed in Paragraph 7 at the PLU Water Treatment Plant address listed in Paragraph 7. A Verizon technician recently checked the line and confirmed that service was working at the customer's network interface device.

8. Verizon is without information sufficient to form a belief as to the allegations of Paragraph 8 of the Complaint concerning what MHU and PLU allegedly discovered concerning their services and their alleged attempts to contact Verizon, and Verizon therefore denies such allegations. Verizon denies the remaining allegations of Paragraph 8. Verizon further states that its records reflect that it has received no

trouble reports on the telephone numbers listed in Paragraphs 6 and 7 of the Complaint for the past 12 months.

9. Verizon denies the allegations of Paragraph 9 of the Complaint. Verizon further states that it provides B1 single line business service over the telephone lines associated with the telephone numbers listed in Paragraphs 6 and 7 of the Complaint.

10. Verizon denies the allegations of Paragraph 10 of the Complaint. Verizon further states that it installed a B1 single business line at the PLU Water Treatment Plant address listed in Paragraph 7 in December 2007, that the line was installed correctly and that a Verizon technician recently confirmed that service was working on the line at the customer's network interface device. During the technician's visit, he found some unused wire coiled on the property, which he removed.

11. In response to Paragraph 11 of the Complaint, Verizon denies that it installed data services at the MHU properties. Verizon is without information sufficient to form a belief as to the remaining allegations of Paragraph 11 of the Complaint and therefore denies such allegations. Verizon further states that its records reflect that it installed voice monitoring circuits for MHU in May 1995.

12. Verizon is without information sufficient to form a belief as to the allegations of Paragraph 12 of the Complaint concerning MHU's alleged audit and Verizon therefore denies such allegations. Verizon admits that copies of MHU's recent bills are attached to the Complaint. Verizon further states that although its investigation is continuing, it appears that voice monitoring service is no longer being provided to MHU. Verizon denies the remaining allegations of Paragraph 12.

## **General Denial**

Verizon denies all allegations of the Complaint not expressly admitted herein.

## **AFFIRMATIVE DEFENSES**

1. MHU's and PLU's claims for overbilling are barred by the time limits set forth under applicable law.
2. MHU's and PLU's claims for overbilling are barred by the doctrine of laches.
3. MHU's and PLU's claims for overbilling are barred by estoppel.
4. MHU's and PLU's claims for overbilling are barred by the doctrine of unclean hands.
5. MHU's and PLU's claims for overbilling are barred because they failed to mitigate their damages, if any.
6. MHU's and PLU's claims are barred because they fail to state a claim for which relief may be granted.

WHEREFORE, Verizon respectfully requests that the Complaint be dismissed.

Respectfully submitted on June 29, 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 U.S. mail on June 29, 2009 to the following:

Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

Mad Hatter Utility, Inc.  
Paradise Lakes Utility, LLC  
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s/ Dulaney L. O'Roark III