

Dorothy Menasco

080278-TL

From: Mike Twomey [miketwomey@talstar.com]
Sent: Thursday, October 01, 2009 2:54 PM
To: Filings@psc.state.fl.us
Cc: Charles Beck; Adam Teitzman; Lee Eng Tan; Dulany O'Roark; Cecilia Bradley; David Christian
Subject: Docket No. 080278-TL AARP Prehearing Statement
Attachments: AARP Prehearing Statement.pdf



AARP
Prehearing Statement

a. Person responsible for this electronic filing:

Michael B. Twomey
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850-421-9530

b. Docket No. 080278-TL In re: 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.

c. Document being filed on behalf of AARP

d. There are a total of 5 pages.

e. The document is a five page AARP's Prehearing Statement in PDF format.

Thank you for your attention and cooperation.

Mike Twomey

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: 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.

Docket No. 080278-TL

Filed: October 1, 2009

AARP'S PREHEARING STATEMENT

AARP, through its undersigned attorney, hereby submits its Prehearing Statement.

APPEARANCES:

Michael B. Twomey
Post Office Box 5256
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(850) 421-9530
miketwomey@talstar.com

1. **WITNESSES:**

None.

2. **EXHIBITS:**

None.

3. **STATEMENT OF BASIC POSITION**

Upon settling a similar show cause proceeding in 2001, Verizon improved its service so that it successfully met or exceeded the requirements of the Commission's service quality standards from 2001 through 2004.

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Thereafter, Verizon's compliance with the Commission's service quality standards deteriorated. By 2007 the company was routinely violating Commission Rule 25-4.070. Verizon failed to comply with the provisions of Rule 25-4.070(3) (a) and (b) 262 times during 2007, and it continued to violate the rule 194 times during the first three quarters of 2008.

The only reason for the company's repeated and continued violation of Rule 25-4.070 is that the company was unwilling to expend sufficient resources to provide the quality of service required by the Commission. It was simply all about the money.

Little else has changed concerning the company's ability to meet the Commission's standard for repair of service. For example, there were thunderstorms in 2007 and 2008, just as there were thunderstorms in 2001, 2002, 2003, and 2004 when the company fully complied with the rule. The company made a deliberate business decision in recent years that cost cutting would trump compliance with the Commission's rule governing repair of service. The violations in 2007 and 2008 were therefore willful. The Commission should fine Verizon \$4.56 million for 456 willful violations of rule. Even at that, this fine will cost Verizon less than Verizon would have paid to employ the people needed to provide quality service meeting the requirements of the Commission's rule.

4. STATEMENT OF FACTUAL ISSUES AND POSITIONS

ISSUE 1: How many times over the period January 2007 through September 2008 did Verizon Florida LLC fail to meet the Service Objectives

stated in: (a) Rule 25-4.070(3)(a), Florida Administrative Code, and (b) Rule 25-4.070(3)(b), Florida Administrative Code?

AARP: Verizon failed to meet the service objectives of part (3)(a) 119 times in 2007 and 100 times in 2008. Verizon failed to meet the service objectives of part (3)(b) 143 times in 2007 and 94 times in 2008.

ISSUE 2: Does each instance in which Verizon Florida LLC failed to meet the Service Objectives stated in Rules 25-4.070(3)(a) and 25-4.070(3)(b), Florida Administrative Code, constitute a rule violation?

AARP: Yes.

ISSUE 3: Do the rule violations, if any, identified in Issue 2 constitute willful violations of Rule 25-4.070(3), Florida Administrative Code? If so, does the Commission have authority to impose penalties pursuant to Section 364.285, Florida Statutes?

AARP: Yes, the rule violations constitute willful violations of Rule 25-4.070(3), Florida Administrative Code. The Commission has authority to impose penalties pursuant to Section 364.285, Florida Statutes

ISSUE 4: What action, penalty, or fine, if any, should be imposed by the Commission?

AARP: The Commission should fine Verizon \$4.56 million.

5. STIPULATED ISSUES:

None.

6. PENDING MOTIONS:

None.

7. STATEMENT OF PARTY'S PENDING REQUESTS OR CLAIMS FOR CONFIDENTIALITY:

None.

8. OBJECTIONS TO QUALIFICATIONS OF WITNESSES AS AN EXPERT:

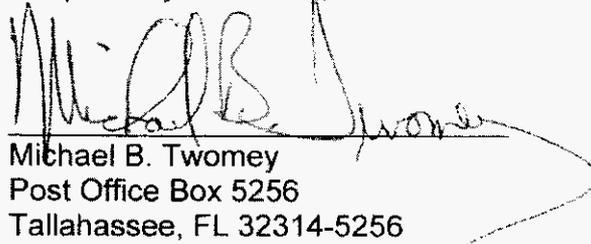
None.

9. STATEMENT OF COMPLIANCE WITH ORDER ESTABLISHING PROCEDURE:

There are no requirements of the Order Establishing Procedure with which AARP cannot comply.

Dated this 1st day of October, 2009.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael B. Twomey", with a long horizontal flourish extending to the right.

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Attorney for AARP

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Prehearing Statement of AARP has been furnished by electronic mail to the following parties on this 1st day of October, 2009, to the following persons:

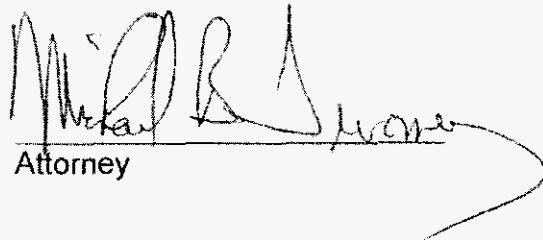
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