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November 10, 2009

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

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COMMISSION
CLERK

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 in the above-referenced matter are an original and 15 copies of the Direct Testimony of Deborah B. Kampert on Behalf of Verizon Florida LLC. Also enclosed is a diskette with a copy of the testimony in Word format. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (770) 284-3620.

Sincerely,

Dulaney L. O'Roark III
Dulaney L. O'Roark III

(CLK note: no diskette enclosed)
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Enclosures

- COM 5
- APA
- ECR
- GCL 2
- RAD**
- SSC
- ADM
- OPC
- CLK GRP.

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

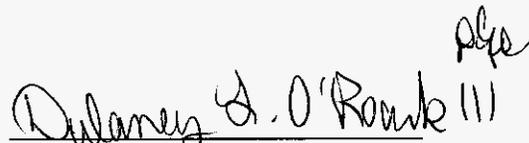
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U.S. mail on November 10, 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
2348 Raden Drive
Land O' Lakes, FL 34639-5136

F. Marshall Deterding, Esq.
Rose Law Firm
2548 Blairstone Pines Drive
Tallahassee, FL 32301


Dulaney L. O'Roark III
Dulaney L. O'Roark III

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint of Mad Hatter Utility, Inc.)
and Paradise Lakes Utility, LLC Against)
Verizon Florida LLC)
_____)

Docket No. 090313-PU

DIRECT TESTIMONY OF DEBORAH B. KAMPERT

ON BEHALF OF

VERIZON FLORIDA LLC

NOVEMBER 10, 2009

DOCUMENT NUMBER-DATE

11244 NOV 10 8

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1 **Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.**

2 A. My name is Deborah B. Kampert. My business address is 201 N.
3 Franklin Street, Tampa, Florida 33602.

4

5 **Q. WHAT IS YOUR PROFESSIONAL EXPERIENCE AND**
6 **EDUCATIONAL BACKGROUND?**

7 A. I have been employed with Verizon for 33 years. Currently, I am a
8 manager in Verizon's State Government Affairs group, a position I have
9 held since 1998. My responsibilities include serving as liaison to the
10 Florida Public Service Commission Staff; providing regulatory support to
11 Verizon's operations and support teams; managing customer complaints
12 received from the Commission and other external agencies; and
13 assisting the company in its compliance with Commission rules, orders
14 and tariffs. Before 1998 I held a number of positions with increasing
15 levels of responsibility. I attended Hillsborough Community College and
16 the University of Tampa, but did not complete the coursework for a
17 degree.

18

19 **Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?**

20 A. The purpose of my Direct Testimony is to address the claims raised by
21 Mad Hatter Utility, Inc. ("Mad Hatter") and Paradise Lakes Utility
22 ("Paradise Lake") in their complaint filed in this docket.

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BACKGROUND

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Q. WHAT CLAIMS HAVE MAD HATTER AND PARADISE LAKES ASSERTED IN THEIR COMPLAINT?

A. Mad Hatter and Paradise Lakes allege that Verizon has provided what they term “data line services” to four water treatment facility locations. They appear to claim that (1) lines provisioned at these locations were not in working order; (2) the complainants should receive credits for the time these lines were out of service; and (3) the complainants have been billed for other “data line services” that have not been provided for approximately 10 years.

Q. WHAT ARE THE SERVICES IN QUESTION FOR WHICH VERIZON HAS BILLED MAD HATTER AND PARADISE LAKES?

A. Verizon has billed Mad Hatter for three B1 lines and has billed Paradise Lakes for one B1 line. A B1 line is a business telephone line that connects a customer’s premises to Verizon’s central office and provides local exchange telephone service. Verizon also has billed Mad Hatter for four voice monitoring circuits. Voice monitoring circuits often are used by businesses to monitor security and may be used to monitor other things such as pumping station water levels.

Q. HAS VERIZON INVESTIGATED THE COMPLAINANTS’ CLAIMS?

A. Yes. Verizon has investigated their claims concerning both the B1 lines and the voice monitoring circuits.

1 **Q. WHAT HAS VERIZON FOUND WITH RESPECT TO THE B1 LINES?**

2 A. The B1 lines were installed in 2006 and 2007. Although Verizon has no
3 record that complainants ever called in a trouble ticket on these lines,
4 their attorney sent Verizon a letter in August 2008 complaining that the
5 B1 lines were out of service. When a Verizon representative attempted
6 to call these lines in August 2008, they appeared to be working. Verizon
7 has not been able to locate records concerning what further actions may
8 have been taken by Verizon's repair group with respect to the August
9 2008 letter. After Mad Hatter and Paradise Lakes filed their complaint,
10 Verizon sent a technician to each of the locations in question, found in
11 each case that the B1 service was not working, and made the repairs
12 necessary to restore service. Based on its investigation, Verizon is
13 willing to provide a credit for the B1 services from August 2008 until
14 service was restored in July 2009.

15

16 **Q. WHAT HAS VERIZON FOUND WITH RESPECT TO THE VOICE**
17 **MONITORING CIRCUITS?**

18 A. Verizon's predecessor, GTE, installed these circuits in 1995. Based on
19 Verizon's investigation to date, it appears that GTE initially installed
20 additional facilities at the locations in question that enabled it to monitor
21 water levels at complainants' water treatment facilities. After some
22 period, GTE informed Mad Hatter that it would be removing these
23 additional facilities and would no longer be providing monitoring
24 services. It appears that at this point Mad Hatter requested GTE to
25 leave the four voice monitoring circuits in place because Verizon

1 continued to send Mad Hatter bills for these circuits and Mad Hatter
2 continued to pay them. I am still attempting to obtain more information
3 concerning the details of this arrangement.

4

5 **Q. HAS VERIZON TAKEN ANY ACTION WITH RESPECT TO THE**
6 **VOICE MONITORING CIRCUITS SINCE THE COMPLAINT WAS**
7 **FILED?**

8 A. Yes. Verizon stopped billing Mad Hatter for these circuits as of July 2,
9 2009.

10

11 **Q. HAS VERIZON COMPLETED ITS INVESTIGATION OF THE VOICE**
12 **MONITORING CLAIMS?**

13 A. No. Because these claims concern events dating back several years, it
14 has been difficult to obtain pertinent information. Verizon's investigation
15 is continuing.

16

17 **ISSUE 1: CAN THE FLORIDA PUBLIC SERVICE COMMISSION GRANT**
18 **THE RELIEF SOUGHT BY MAD HATTER AND/OR PARADISE**
19 **LAKES AGAINST VERIZON?**

20

21 **Q. ARE THESE SERVICES BASIC OR NONBASIC SERVICES?**

22 A. Until recently, the B1 services were considered to be basic services.
23 Effective July 1, 2009, these services are now considered to be
24 nonbasic services. The four voice monitoring circuits were always
25 considered to be nonbasic services.

1 Q. WHAT AUTHORITY DOES THE COMMISSION HAVE TO ADDRESS
2 COMPLAINTS CONCERNING NONBASIC SERVICE?

3 A. Although I am not a lawyer, I note that until recently, Section
4 364.051(5)(b), Florida Statutes, provided that the Commission “shall
5 have the continuing regulatory oversight of nonbasic services for
6 purposes of ensuring resolution of service complaints” Effective
7 July 1, 2009, the words “ensuring resolution of service complaints” were
8 deleted from the statute. Verizon will brief the issue of the
9 Commission’s jurisdiction over the claims raised in the complaint at an
10 appropriate time.

11

12 **ISSUE 2: ARE THE CLAIMS BY MAD HATTER AND/OR PARADISE**
13 **LAKES AGAINST VERIZON BARRED BY ANY LEGAL**
14 **DOCTRINES?**

15

16 Q. HAS MAD HATTER’S DELAY IN RAISING ITS CLAIMS
17 CONCERNING THE VOICE MONITORING CIRCUITS HINDERED
18 VERIZON FROM PRODUCING EVIDENCE IN ITS DEFENSE?

19 A. Yes. Verizon has not been able to find much of the relevant
20 documentation that would have existed when the events in the
21 complaint occurred. For example, Verizon has not been able to find a
22 contract between GTE and Mad Hatter, any correspondence between
23 the parties at the time they made the arrangements in question or any
24 GTE internal memoranda that might help explain the situation. Further,
25 many of the employees who would have had information about Mad

1 Hatter's service when these arrangements were made are no longer
2 with the company.

3

4 **ISSUE 3A: SINCE JANUARY 1, 1994, WHAT PRODUCTS OR SERVICES**
5 **THAT WERE BILLED BY VERIZON TO MAD HATTER AND/OR**
6 **PARADISE LAKES WATER TREATMENT PLANTS REMAIN IN**
7 **DISPUTE?**

8

9 **ISSUE 3B: SINCE JANUARY 1, 1994, WHAT PRODUCTS OR SERVICES**
10 **THAT WERE BILLED BY VERIZON TO MAD HATTER AND/OR**
11 **PARADISE LAKES LIFT STATION LOCATIONS REMAIN IN**
12 **DISPUTE?**

13

14 **Q. DOES THE COMPLAINT SPECIFY WHERE THE COMPLAINANTS'**
15 **WATER TREATMENT PLANTS AND LIFT STATIONS ARE**
16 **LOCATED?**

17 **A.** No. The complaint lists a number of addresses, but does not state
18 which are for water treatment plants and which are for lift stations.

19

20 **Q. IN GENERAL WHAT IS YOUR UNDERSTANDING OF THE**
21 **PRODUCTS OR SERVICES BILLED BY VERIZON THAT ARE STILL**
22 **IN DISPUTE?**

23 **A.** Verizon has repaired each of the B1 lines and my understanding is that
24 the B1 service issue has been resolved. Verizon is willing to provide a
25 credit for the four B1 service lines from August 2008 to July 2009, but to

1 my knowledge the issue of the credit to be provided for those lines
2 remains unresolved. Complainants' claim that they should receive
3 credits for the four voice monitoring lines remains unresolved.

4

5 **ISSUE 4: WHAT RELIEF, IF ANY, IS APPROPRIATE TO ADDRESS THE**
6 **ABOVE-REFERENCED DISPUTE BETWEEN VERIZON AND**
7 **MAD HATTER/PARADISE LAKES?**

8

9 **Q. IS THERE ANY MATTER THE COMMISSION SHOULD CONSIDER**
10 **BEFORE DECIDING WHAT THE RELIEF, IF ANY, SHOULD BE**
11 **GRANTED IN THIS CASE?**

12 A. Yes. The Commission should first consider whether it has jurisdiction to
13 hear these claims. This issue will be briefed by Verizon at an
14 appropriate time.

15

16 **Q. PUTTING ASIDE JURISDICTIONAL ISSUES, WHAT RELIEF WOULD**
17 **BE APPROPRIATE?**

18 A. As I have noted, Verizon is willing to provide a credit for the four B1 lines
19 for the period August 2008 to July 2009. Verizon estimates such a
20 credit would be in the amount of \$2457. Verizon is continuing to
21 investigate the claims concerning the voice monitoring circuits, but at
22 this point has not determined that any credit would be appropriate.

23

24 **Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?**

25 A. Yes.