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December 15, 2009

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COMMISSION
CLERK

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 in the above-referenced matter are an original and 15 copies each of the Rebuttal Testimonies of Deborah B. Kampert and Donald W. Cowart on behalf of Verizon Florida LLC. Also enclosed is a diskette with copies of the testimonies 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.

*no enclosed
N Mclean*

Sincerely,

Dulaney L. O'Roark III

tas

Enclosures

COM 5
APA _____
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GCL 2
RAD _____
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OPC _____
CLK LC Rpr.

Cowart
DOCUMENT NUMBER-DATE
11957 DEC 15 09
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Kampert
DOCUMENT NUMBER-DATE
11956 DEC 15 09
FPSC-COMMISSION CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U.S. mail on December 15, 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

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

REBUTTAL TESTIMONY OF DEBORAH B. KAMPERT

ON BEHALF OF

VERIZON FLORIDA LLC

DECEMBER 15, 2009

DOCUMENT NUMBER-DATE

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FPSC-COMMISSION CLERK

1 Q. ARE YOU THE SAME DEBORAH KAMPERT WHO PROVIDED
2 DIRECT TESTIMONY IN THIS CASE?

3 A. Yes.

4

5 Q. WHAT IS THE PURPOSE OF YOUR REBUTTAL TESTIMONY?

6 A. The purpose of my Rebuttal Testimony is to address some of the points
7 concerning Issues 3A, 3B and 4 raised by Mr. DeLucenay in his Direct
8 Testimony on behalf of Mad Hatter Utility, Inc. ("Mad Hatter") and
9 Paradise Lakes Utility ("Paradise Lake"). I also will address Mr.
10 DeLucenay's testimony concerning a dispute that is not at issue in this
11 case.

12

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

17

18 Q. AT PAGE 3 OF HIS DIRECT TESTIMONY, MR. DELUCENAY
19 STATES THAT HE ATTEMPTED TO CONTACT VERIZON'S LOCAL
20 OFFICES "FOR SEVERAL MONTHS IN EARLY 2008." DOES
21 VERIZON HAVE ANY RECORD OF SUCH CONTACTS?

22 A. No. As I stated in my Direct Testimony, Verizon has no record that
23 Complainants ever called in a trouble ticket on these lines. If Mad
24 Hatter or Paradise Lakes had called Verizon's repair line to open a
25 trouble ticket, Verizon would have a record of the call. Verizon's bills

1 provide the number to call to report service issues, and Verizon makes
2 records of trouble reports called in by customers.

3

4 **Q. MR. DELUCENAY STATES THAT COMPLAINANTS' ATTORNEY**
5 **SENT VERIZON A LETTER DATED AUGUST 7, 2008 CONCERNING**
6 **THESE LINES. PLEASE RESPOND.**

7 A. After Verizon received the letter, a Verizon representative attempted to
8 call the B1 lines and they appeared to be working. Verizon
9 acknowledges, however, that the lines were out of service when Verizon
10 technicians were dispatched this year after the complaint in this case
11 was filed. To resolve this issue, Verizon is willing to provide a credit of
12 \$2457 for the B1 services from August 2008 until service was restored
13 in July 2009.

14

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

19

20 **Q. HAS VERIZON CONTINUED ITS INVESTIGATION OF THIS CLAIM?**

21 A. Yes. During our investigation we learned that Don Cowart had
22 information concerning the circuits in question. Mr. Cowart is submitting
23 Rebuttal Testimony that provides additional information on this issue.

24

25

1 Q. AT PAGE 5 OF HIS DIRECT TESTIMONY, MR. DELUCANEY
2 STATES THAT MAD HATTER NEVER REQUESTED ALARM
3 MONITORING SERVICE AND NEVER AGREED TO PAY FOR IT.
4 BASED ON VERIZON'S INVESTIGATION, IS THAT STATEMENT
5 CORRECT?

6 A. No. Based on Verizon's investigation, it appears that Mad Hatter
7 received alarm monitoring service from approximately 1995 until at least
8 1999, was billed for that service and paid for it. As explained in Mr.
9 Cowart's Rebuttal Testimony, during a conversation between Mr.
10 DeLucenay and Mr. Cowart in 1999, Mr. DeLucenay's statements
11 demonstrated that he understood that the bills Mad Hatter had been
12 receiving were for the alarm monitoring service and that Mad Hatter was
13 required to pay for the service.

14
15 Q. DO VERIZON'S RECORDS REFLECT WHETHER MAD HATTER AND
16 GTE MADE OTHER ARRANGMENTS FOR SERVICE AFTER THE
17 ALARM MONITORING SERVICE WAS DISCONTINUED IN 1999?

18 A. Verizon's records are not clear on this point. As stated in Mr. Cowart's
19 Rebuttal Testimony, based on his discussion with Mr. DeLucenay, Mr.
20 Cowart understood that Mr. DeLucenay would be calling GTE's
21 business office to discuss what arrangements could be made.
22 Unfortunately, Verizon does not have records reflecting what
23 arrangements the parties may have discussed or agreed to. What we
24 do know is that Verizon subsequently issued monthly bills for alarm
25 monitoring service and that Mad Hatter paid those bills for several years.

1 Q. WHAT ARE THE EARLIEST BILLS THAT HAVE BEEN PRODUCED
2 BY THE PARTIES IN THIS CASE RELATING TO ALARM
3 MONITORING SERVICE?

4 A. The earliest bills to Verizon has found and produced for the alarm
5 monitoring service date back to 2002, while Mad Hatter has presented
6 bills from July 2000.

7

8 Q. AT PAGES 5 AND 6 OF HIS DIRECT TESTIMONY, MR. DELUCENAY
9 STATES THAT MAD HATTER HAD NO WAY OF KNOWING WHAT IT
10 WAS BEING BILLED FOR. IS THAT CORRECT?

11 A. No. Separate bills for the four lines in question were sent monthly and
12 in each case related to only one service, which was stated to be "Alarm
13 monitoring service."

14

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

18

19 Q. IS VERIZON WILLING TO RESOLVE THE ISSUE COMPLAINANTS
20 HAVE RAISED CONCERNING THE B1 LINE OUTAGE?

21 A. Yes. Verizon is willing to resolve this issue by providing Mad Hatter and
22 Paradise Lakes a credit of \$2457.

23

24

25

1 Q. IS VERIZON WILLING TO RESOLVE THE ISSUE COMPLAINANTS
2 HAVE RAISED CONCERNING THE ALARM MONITORING SERVICE
3 LINES?

4 A. Yes. Verizon is willing to provide a substantial credit to resolve this
5 claim and has renewed its efforts to reach a settlement with the
6 Complainants.

7

8 WASTEWATER SERVICE LATERAL MAIN ISSUE

9

10 Q. BEGINNING AT PAGE 8 OF HIS DIRECT TESTIMONY, MR.
11 DELUCANEY RAISES ANOTHER CLAIM THAT CONCERNS A
12 BREAK IN A WASTEWATER SERVICE LATERAL MAIN. DOES
13 THAT CLAIM RELATE TO THE ISSUES IN THIS CASE?

14 A. No.

15

16 Q. WILL VERIZON ADDRESS THIS CLAIM WITH MAD HATTER?

17 A. Yes. My understanding is that Verizon requested more information so
18 that Verizon and its contractor could investigate the claim. Mad Hatter
19 recently provided additional information that is being reviewed.

20

21 Q. DOES THIS CONCLUDE YOUR REBUTTAL TESTIMONY?

22 A. Yes.

23

24

25