

Marguerite McLean

090550-TL

From: Scobie, Teresa A (TERRY) [terry.scobie@verizon.com]
Sent: Monday, December 28, 2009 10:14 AM
To: Filings@psc.state.fl.us
Cc: O'Roark, Dulaney L; David Christian; Clark, Demetria Germaine
Subject: Petition of Verizon Florida LLC for Variance from Rules 25-4.0185 and 25-4.073, F.A.C.
Attachments: VZ FL Waiver Petition 12-28-09.pdf



The attached is submitted for filing on behalf of Verizon Florida LLC by

Dulaney L. O'Roark III
P. O. Box 110, MC FLTC0007
Tampa, Florida 33601-0110
(770) 284-3620
de.oroark@verizon.com

The attached document consists of a total of seven pages - cover letter (1 page), Petition (5 pages) and Certificate of Service (1 page).

Terry Scobie
Legal Secretary II
Verizon Legal Department
P. O. Box 110 - MC FLTC0007
Tampa, Florida 33601-0110
813-483-2610 (tel)
813-204-8870 (fax)
terry.scobie@verizon.com

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FPSC-COMMISSIONER'S OFFICE

12/28/2009

Dulaney L. O'Roark III
Vice President & General Counsel, Southeast Region
Legal Department



Six Concourse Parkway
Suite 800
Atlanta, Georgia 30328

Phone 770-284-3620
Fax 770-284-3008
de.oroark@verizon.com

December 28, 2009 – **VIA ELECTRONIC MAIL**

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

Re: Docket No.
Petition of Verizon Florida LLC for Variance from Rules 25-4.0185 and 25-4.073,
F.A.C.

Dear Ms. Cole:

The above-referenced Petition is submitted for filing. 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,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

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Enclosures

DOCUMENT NUMBER - DATE

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition of Verizon Florida LLC for Variance) Docket No. _____
From Rules 25-4.0185 and 25-4.073, F.A.C.)
_____) Filed: December 28, 2009

**PETITION OF VERIZON FLORIDA LLC FOR
VARIANCE FROM RULES 25-4.0185 AND 25-4.073, F.A.C.**

Verizon Florida LLC ("Verizon") hereby files its Petition for Variance from Rules 25-4.0185 and 25-4.073, Florida Administrative Code. Verizon seeks a variance because it will require several months to make the systems changes necessary to collect and report answer-time data exclusively for basic customers, as required by the recent changes to Rules 25-4.0185 and 25-4.073. While these systems changes are being made, Verizon would collect and report answer-time data for all residential telecommunications customers, as it does today.

1. Verizon is a Florida local exchange telecommunications company ("ILEC") with its principal place of business at 201 N. Franklin St. 37th Floor, Tampa, Florida 33602.

2. Verizon may be served through its counsel, whose address, telephone number and facsimile number are as follows:

Dulaney L. O'Roark III
P. O. Box 110, 37th Floor
MC FLTC0007
Tampa, Florida 33601-0110
Phone: (770) 284-3620
Fax: (770) 284-3008

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FPSC-COMMISSION CLERK

BACKGROUND

3. Verizon complies with a number of service quality rules, including those addressing the intervals for service installation (Rule 25-4.066), repair service (Rule 25-4.070) and call answer time (Rule 25-4.073), and reports its performance quarterly on Form PSC/SSC 28 schedules as required by Rule 25-4.0185. Verizon and other Florida ILECs currently report this information for all residential telecommunications customers.

4. The Commission issued a Notice dated October 2, 2009 that it was adopting amendments to its service quality rules providing, among other things, that they would apply to basic local telecommunications service only and that beginning January 1, 2010, ILECs would be required to collect and report data for the required Form PSC/SSC 28 schedules for basic customers only.¹

5. Verizon is taking the steps necessary to comply with the service quality rule changes and expects to be able to collect and report basic-only data beginning January 1, 2010 for the service installation and repair service intervals. Verizon will not, however, be able to make system changes in time to begin collecting and reporting basic-only data by January 1, 2010 for the call answer time interval.

6. Verizon currently does not distinguish between calls to its business and repair call centers based on whether they are made by basic or nonbasic customers. All calls are routed to an integrated virtual response unit that gives customers the option of transferring to a live attendant. When customers request an attendant, their calls are routed to an automatic call distributor that routes them to the next available

¹ *In re: Initiation of rulemaking to amend and repeal rules in Chapters 25-4 and 25-9, F.A.C., pertaining to telecommunications*, Notice of Adoption of Rules, Docket No. 080641-TP, Order No. PSC-09-0660-FOF-TP (Oct. 2, 2009).

representative. Verizon's systems currently are incapable of distinguishing between basic and nonbasic customers because they have no screening logic that could identify and separate the calls on that basis. Nor is a workaround possible in which representatives would ask customers whether they have basic or nonbasic service, even assuming that were practical (which it would not be). The answer time interval is completed when the representative answers the call, so at that point the clock has stopped and the measurement data has been collected. Verizon's systems have no way to associate that measurement data with any information the customer provides after the representative answers the call.

7. Verizon has requested its Information Technology ("IT") Department to make the system changes necessary to identify and screen basic and nonbasic callers so that Verizon can collect and report answer-time data for basic customers only. Verizon estimates that it will cost more than \$500,000 and require approximately 10,000 hours of IT work to complete this project. Verizon currently expects that it can complete the project by June 2010.

8. Verizon notes that after the system changes are made, it still will not be possible in all cases to determine whether a customer has basic or nonbasic service. For example, the customer may not provide his or her telephone number; in some cases Verizon's systems may not be able to determine, based on the number provided, whether the customer has basic or nonbasic service; or the customer may have an account with multiple lines, some providing basic service and others providing nonbasic service. In cases where Verizon cannot determine whether the customer has basic or nonbasic service, it plans to treat the call as coming from a basic customer.

REQUEST FOR VARIANCE

9. Pursuant to Rule 28-104.002, Verizon requests a variance from the provisions in Rules 25-4.0185 and 25-4.073 that will require Verizon to collect and report call-answer time data and comply with answer-time intervals for basic customers only.

10. Rule 25-4.118 states that it was implemented pursuant to sections 364.01(4) and 364.183(1), Florida Statutes, while Rule 25-4.073 states that it was implemented pursuant to sections 364.01(4), 364.386 and 365.171, Florida Statutes.

11. Verizon requests the variance from Rules 25-4.0185 and 25-4.073 because compliance by January 1, 2010 would impose an undue hardship and indeed would be physically impossible because, as explained above, Verizon estimates that it will require 10,000 IT hours to implement the necessary system changes and that it will not be possible to make those changes until June 2010.

12. Verizon's variance request serves the underlying purposes of Rules 25-4.0185 and 25-4.073 because it will give Verizon time to make the changes necessary to comply with the revised rules. In the interim, Verizon plans to collect and report answer-time data for all residential telecommunications customers, just as it does today, which will provide a good interim proxy for basic-only data.

13. Verizon requests a temporary variance, until June 30, 2010, to implement the system changes described in this Petition. Verizon further requests that Staff be authorized to extend the temporary variance for up to an additional six months in the event that it takes Verizon longer than currently expected to complete the system changes.

CONCLUSION

WHEREFORE, Verizon respectfully requests that the Commission approve its request for a variance from Rules 25-4.0185 and 25-4.073.

Respectfully submitted on December 28, 2009.

By: s/ Dulaney L. O'Roark III
Dulaney L. O'Roark III
P. O. Box 110, 37th Floor
MC FLTC0007
Tampa, Florida 33601-0110
Phone: (770) 284-3620
Fax: (770) 284-3008
Email: de.oroark@one.verizon.com

Attorney for Verizon Florida LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via U.S. mail on December 28, 2009 to:

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

Joint Administrative Procedures Committee
The Holland Building, Room 120
Tallahassee, FL 32399-1300

s/ Dulaney L. O'Roark III