

Marguerite McLean

090501-TP

From: Scobie, Teresa A (Terry) [terry.scobie@verizon.com]
Sent: Tuesday, August 03, 2010 12:07 PM
To: Filings@psc.state.fl.us
Cc: App, Frank (Frank); Beth Keating; Beth Salak; Carnell, William Sayle; Kimberly Caswell; Charles Murphy; Chris Savage; David Christian; Clark, Demetria Germaine; Danielle Frappier; Marva Johnson; O'Roark, Dulaney L; Timisha Brooks
Subject: Docket No. 090501-TP - Verizon Florida LLC's Motion to Strike
Attachments: 090501 VZ FL Motion to Strike 8-3-10.pdf



The attached is submitted for filing in Docket No. 090501-TP on behalf of Verizon Florida LLC by

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The attached document consists of a total of four pages - cover letter (1 page), Motion (2 pages) and Certificate of Service (1 page).

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FPSC-DOCKETING UNIT

8/3/2010

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August 3, 2010 – VIA ELECTRONIC MAIL

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

Re: Docket No. 090501-TP
Petition for arbitration of certain terms and conditions of an interconnection
agreement with Verizon Florida LLC by Bright House Networks Information
Services (Florida), LLC

Dear Ms. Cole:

Enclosed for filing in the above matter is Verizon Florida LLC's Motion to Strike. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (678) 259-1657.

Sincerely,

s/ Dulaney L. O'Roark III

Dulaney L. O'Roark III

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Enclosures

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FPSC-COMMISSION OFFICE

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition for arbitration of certain terms and conditions of an interconnection agreement with Verizon Florida LLC by Bright House Networks Information Services (Florida), LLC) Docket No. 090501-TP
) Filed: August 3, 2010
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VERIZON FLORIDA LLC'S MOTION TO STRIKE

Verizon Florida LLC ("Verizon") moves to strike the portions of the reply brief of Bright House Networks Information Services (Florida), LLC ("Bright House") that exceed the 20-page limit established in the Prehearing Order.

The parties reached agreement on 50-page initial briefs and 20-page reply briefs and presented their joint proposal to the Prehearing Officer at the Prehearing Conference. In explaining Bright House's position on page length to the Prehearing Officer, counsel for Bright House stated that "we will live with, obviously, whatever you order." (May 13, 2010 Prehearing Conference Transcript at 11.) After the parties and Staff discussed how long the briefs should be, the Prehearing Officer ruled that initial briefs limited to 50 pages and reply briefs limited to 20 pages would be allowed. (*Id.* at 12-13.) That ruling was incorporated into the Prehearing Order. Order No. PSC-10-0322-PHO-TP at 21 (May 19, 2010).

Bright House devoted almost half of its initial brief to general background and a summary of its positions, and noted points to which it planned to respond "in detail" in its reply brief. (BH Br. at 25, 36.) Bright House then disregarded the Commission's Order and submitted a 31-page reply brief, without seeking permission to exceed the page limitation. Bright House should not be allowed to gain an advantage over Verizon, which complied with the Order and submitted a 20-page reply brief. Verizon therefore

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respectfully requests that the portions of Bright House's reply brief exceeding 20 pages be stricken and not be considered for any purpose.

In compliance with Section 28-106.204(3), Florida Administrative Code, counsel for Verizon has conferred with counsel for Bright House concerning this motion. Based on that discussion, Verizon understands that Bright House objects to the relief Verizon has requested and will file its own motion addressing this matter.

Respectfully submitted on August 3, 2010.

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 electronic mail on August 3, 2010 to:

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s/ Dulaney L. O'Roark III