

Diamond Williams

110056-TP

From: Scobie, Teresa A (Terry) [terry.scobie@verizon.com]
Sent: Monday, March 14, 2011 4:32 PM
To: Filings@psc.state.fl.us
Cc: Adam Teitzman; App, Frank (Frank); Beth Keating; Beth Salak; Kimberly Caswell; Chris Savage; David Christian; Clark, Demetria Germaine; Danielle Frappier; Marva Johnson; O'Roark, Dulaney L
Subject: Docket No. 110056-TP - Verizon's Motion to Dismiss Or Stay Bright House's Complaint and Request for Oral Argument
Attachments: 110056 VZ Request for Oral Argument 3-14-11.pdf; 110056 VZ Motion to Dismiss 3-14-11.pdf



The attached are submitted for filing in Docket No. 110056-TP on behalf of Verizon by

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The attached documents consist of 4 pages and 32 pages, respectively.

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3/14/2011

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March 14, 2011 – VIA ELECTRONIC MAIL

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

Re: Docket No. 110056-TP
Complaint against Verizon Florida LLC and MCI Communications Services, Inc.
d/b/a Verizon Business Services for failure to pay intrastate access charges for
the origination and termination of intrastate interexchange telecommunications
service, by Bright House Networks Information Services (Florida), LLC

Dear Ms. Cole:

Enclosed for filing in the above matter is Verizon Florida LLC's and MCI
Communications Services, Inc. d/b/a Verizon Business Services' Request for Oral
Argument. 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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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint against Verizon Florida LLC and)
MCI Communications Services Inc. d/b/a)
Verizon Business Services for failure to pay)
intrastate access charges for the origination and)
termination of intrastate interexchange)
telecommunications service, by Bright House)
Networks Information Services (Florida), LLC)
_____)

Docket No. 110056-TP
Filed: March 14, 2011

VERIZON'S REQUEST FOR ORAL ARGUMENT

MCI Communications Services, Inc. d/b/a Verizon Business Services and Verizon Florida LLC (together, "Verizon") request that the Commission hear oral argument on Verizon's Motion to Dismiss or Stay Bright House's Complaint. Verizon requests that each party be allowed to argue for ten minutes.

Bright House Networks Information Services (Florida), LLC ("Bright House") is asking the Commission to apply Bright House's intrastate switched access price list to traffic originated from and terminating to voice over Internet protocol ("VoIP") customers. Verizon has moved to dismiss the Complaint because the Florida legislature has prohibited the Commission from exercising jurisdiction over VoIP. Verizon explains, in addition, that VoIP services are inherently interstate and subject to the exclusive jurisdiction of the FCC, and information services to which the state access charge regime does not apply. Oral argument would help the Commission understand why Florida and federal law preclude it from considering Bright House's Complaint and to gain important perspective on the importance of this issue to the Florida telecommunications industry.

Verizon has moved in the alternative for a stay because even putting jurisdictional issues aside, it makes no sense for the Commission to expend its scarce resources on this case. The FCC, the agency with exclusive jurisdiction over VoIP, has initiated a rulemaking to reform the intercarrier compensation system and universal service funding in which it has

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established an expedited schedule for determining intercarrier compensation obligations for VoIP traffic. The comment cycle in the FCC's expedited proceeding will conclude on April 18, 2011, at which point the issue will be ripe for decision. If the Commission were to move forward with this case, it is highly likely that an FCC decision would moot the proceedings before they were completed and, in the unlikely event the Commission reached its decision first, its order could be invalidated by the subsequent FCC ruling. In either case, the Commission's (and the parties') resources would have been wasted. Oral argument would allow the parties to address the FCC's proceedings and answer any questions the Commission may have about them.

Respectfully submitted on March 14, 2011.

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Attorneys for MCI Communications Services,
Inc. d/b/a Verizon Business Services and
Verizon Florida LLC

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on March 14, 2011 to:

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