

**Dorothy Menasco**

**From:** Galloway, Cecilia (Cissy) [CGalloway@gunster.com]  
**Sent:** Monday, November 14, 2011 4:34 PM  
**To:** Filings@psc.state.fl.us  
**Cc:** Lee Eng Tan; 'aklein@kleinlawpllc.com'; 'adam.sherr@qwest.com'; 'de.oroark@verizon.com'; 'janewhang@dwtd.com'; 'Chris.bunce@birch.com'; 'tony.mastando@corpearthlink.com'; 'Edward.Krachmer@windstream.com'; 'Eric.branfman@bingham.com'; 'rcurrier@granitenet.com'; Feil, Matthew; 'Foley, Paula'; 'Carolyn.Ridley@twtelecom.com'; 'John.ivanuska@xo.com'; 'marsha@reuphlaw.com'; 'David.Christian@verizon.com'; 'Richard.brown@accesspointinc.com'; 'John.greive@lightyear.net'; 'mike@navtel.com'; 'John.messenger@paetec.com'; 'Philip.macres@bingham.com'; 'Greg.diamond@level3.com'; 'dbailey@bullseyetelecom.com'; 'azoracki@kleinlawpllc.com'; 'doug.hsiao@qwest.com'; 'michael.cooke@ruden.com'; Brenda Merritt; 'alex.duarte@qwest.com'; 'jason.topp@qwest.com'; 'bettye.j.willis@windstream.com'; 'agold@acgoldlaw.com'; 'kris.shulman@xo.com'  
**Subject:** RE: PSC Filing - Docket No. 090538-TP  
**Attachments:** Dkt 090538-TP Joint CLEC response -Surrebuttal.pdf

The attached is an electronic filing for the docket referenced below. If you have any questions, please contact Matt Feil at the number below. Thank you.

**Person Responsible for Filing:**

Matthew Feil  
 Gunster Law Firm  
 215 South Monroe Street, Suite 601  
 Tallahassee, FL 32301  
 Direct: 850-521-1708  
 Main: 850-521-1980  
[mfeil@gunster.com](mailto:mfeil@gunster.com)

**Docket Name and Number:** Docket No. 090538-TP – Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

**Filed on Behalf of:** Joint CLECs (Identified on first page of pleading, includes: BCI; DeltaCom; STS; tw telecom; XO; Windstream NuVox; Verizon Access; BullsEye; Granite; Access Point; Lightyear; Navigator; PAETEC; US LEC; Broadwing)

**Total Number of Pages:** 12

**Description of Documents:** Joint CLECs' Response to Qwest Motion for Surrebuttal

DOCUMENT NUMBER DATE

08386 NOV 14 =

11/14/2011

FPSC-COMMISSION CLERK



**GUNSTER**

FLORIDA'S LAW FIRM FOR BUSINESS

Cecilia C. Galloway  
Governmental Affairs  
215 S. Monroe Street, Suite 601  
Tallahassee, FL 32301  
Main 850-521-1980 Direct 850-521-1726

---

**Tax Advice Disclosure:** To ensure compliance with requirements imposed by the IRS under Circular 230, we inform you that any U.S. federal tax advice contained in this communication (including any attachments), unless otherwise specifically stated, was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding penalties under the Internal Revenue Code or (2) promoting, marketing or recommending to another party any matters addressed herein. Click the following hyperlink to view the complete Gunster IRS Disclosure & Confidentiality note.

<http://www.gunster.com/terms-of-use/>



**GUNSTER**  
FLORIDA'S LAW FIRM FOR BUSINESS

Our File Number: 33027.1  
Writer's E-Mail Address: MFeil@gunster.com

November 14, 2011

VIA ELECTRONIC FILING

Ms. Ann Cole  
Office of Commission Clerk  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399

**Re: Docket No. 090538-TP - Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; Bullseye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.**

Dear Ms. Cole:

Attached please find the Joint CLECs<sup>1</sup> response to Qwest Communications Company's Motion for Surrebuttal for filing in the captioned docket. Should you have any questions, please don't hesitate to call.

Sincerely,

Matthew J. Feil

C: See Certificate of Service

<sup>1</sup> Joint Clecs are those carriers identified on the first page of the pleading attached.

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Amended Complaint of Qwest Communications Company, LLC against MCImetro Access Transmission Services (d/b/a Verizon Access Transmission Services); XO Communications Services, Inc.; tw telecom of florida, l.p.; Granite Telecommunications, LLC; Cox Florida Telcom, L.P.; Broadwing Communications, LLC; Access Point, Inc.; Birch Communications, Inc.; Budget Prepay, Inc.; BullsEye Telecom, Inc.; DeltaCom, Inc.; Ernest Communications, Inc.; Flatel, Inc.; Lightyear Network Solutions, LLC; Navigator Telecommunications, LLC; PaeTec Communications, Inc.; STS Telecom, LLC; US LEC of Florida, LLC; Windstream Nuvox, Inc.; and John Does 1 through 50, for unlawful discrimination.

Docket No. 090538-TP

Filed: November 14, 2011

**JOINT CLEC RESPONSE TO  
QWEST COMMUNICATION COMPANY'S MOTION FOR SUR-REBUTTAL**

Pursuant to Rules 28-106.204 and 28-106.211, Florida Administrative Code, the undersigned carriers<sup>1</sup> hereby file their response in opposition to the November 7, 2011, Motion for Sur-rebuttal ("Motion") filed by Qwest Communication Company, LLC ("Qwest"). Qwest's Motion seeks to modify the two-round testimony procedure suggested by Commission Staff during the October 25, 2011, issue identification conference, in which only Qwest would file direct testimony and only respondents would file rebuttal testimony. Qwest's proposal that it be granted an additional third round of sur-rebuttal testimony is inconsistent with recent Commission decisions in complaint cases, seeks to give Qwest an unfair procedural advantage over the Joint CLECs, and should therefore be denied.

<sup>1</sup> Access Point, Inc.; Birch Communications, Inc.; Broadwing Communications, LLC; BullsEye Telecom, Inc.; DeltaCom, Inc.; Granite Telecommunications, LLC; Lightyear Network Solutions, LLC; MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services; PAETEC Communications, Inc.; STS Telecom, LLC; tw telecom of florida, l.p.; US LEC of Florida, LLC d/b/a PaeTec Business Services; XO Communications Services, Inc.; and Windstream NuVox, Inc. (collectively, "Joint CLECs").

To the extent that any alteration of Staff's suggested order of testimony is permitted, the Commission should approve an order of presentation whereby either (1) all parties have the opportunity to file direct on the same date and all parties have the opportunity to file rebuttal on the same date, as is consistent with recent Commission practice, or, (2) as an alternative, an order of presentation whereby Joint CLECs are allowed to file sur-reply testimony if Qwest's suggested order of presentation is accepted.

In support of this Response, the Joint CLECs state as follows:

1. The premise of Qwest's Motion is that the Commission will, in a future decision, approve an order adopting Staff's suggested order of presentation, whereby only Qwest would file direct testimony and some time thereafter only CLEC respondents would file rebuttal testimony. (Joint CLECs refer to this sort of presentation order as "sequential filing.") The Commission has not yet issued an Order on Procedure accepting this premise.

Joint CLEC Primary Position

2. While Joint CLECs acknowledge that the order in which the parties will present their respective cases is largely within the discretion of the Commission, the Commission should reject the three rounds of sequential filing proposed by Qwest, because such a procedure would permit Qwest to have both the first and last opportunity to file testimony. Joint CLECs instead propose a two-round procedure whereby both Qwest and the Joint CLECs are permitted to file direct and rebuttal testimony at the same time. (Joint CLECs refer to this order of presentation as "simultaneous filing.") Simultaneous filing is supported by Commission precedent, addresses any concerns of unfairness by permitting all parties the same opportunity to file responsive testimony, and streamlines the case overall by limiting the procedure to two-rounds of filed testimony (as opposed to, for example, the three rounds proposed by Qwest).

3. In the only recent Commission complaint cases initiated by one communications carrier against another carrier involving switched access services and applicable rates, the Commission approved an order of presentation whereby all parties could file direct at the same time and all parties could file rebuttal at the same time. Order No. PSC-05-0125-PCO-TP, issued January 31, 2005, in Docket No. 041144-TP, and Order No. PSC-11-0417-PCO-EI, issued September 27, 2011, in Docket No. 110056-TP.

4. The Joint CLECs cited to these two dockets at the October 25, 2011, informal Staff conference, but Qwest simply continues to ignore them and makes no mention of them in its Motion. Despite these more recent Commission orders,<sup>2</sup> Qwest cites to one prior Commission Order Establishing Procedure issued over ten years ago in an electric case, Order No. PSC-00-0392-PCO-EI, issued February 23, 2000, in Docket No. 000061-EI (the "Allied-TECO Case OEP"). This precedent is inapposite. Aside from pre-dating the more recent case decisions Joint CLECs cite above, the Allied-TECO Case OEP established an **expedited** schedule and hearing. The hearing in that docket was originally scheduled just 42 days from the Order Establishing Procedure's issuance, with 10 days between the plaintiff's direct and the defendant's direct filings, 11 days between defendant direct and plaintiff rebuttal, a placeholder for any Staff testimony filing, 20 days for discovery responses, and a discovery cut-off just 36 days from the Order Establishing Procedure's issuance. In contrast, this docket is not an expedited case with compressed time frames. The hearing may not take place until after May, 2012, more than five months hence.

---

<sup>2</sup> Although there are more cases filed and scheduled for hearing than actually go to hearing, Joint CLECs note other Commission Orders Establishing Procedure have adopted simultaneous filing; these include: Order No. PSC-08-0235-PCO-TP, issued April 10, 2008 in Dockets Nos. 070691-TP and 080036-TP (Complaints by Comcast and Bright House against Verizon); Order No. PSC-09-0653-PCO-TP, issued September 30, 2009, in Docket No. 090135-TP (a complaint by Cbeyond against AT&T), Order No. PSC-10-0715-PCO-GU, issued December 8, 2010, in Docket No. 090539-GU (a complaint case by Miami-Dade against Florida City Gas). In recent years for complaint cases, it appears simultaneous filing has been the norm and sequential filing the exception.

5. Qwest never addresses whether simultaneous or sequential testimony makes more sense in this case, nor does it distinguish the recent simultaneous filing decisions in Dockets Nos. 041144-TP and 110056-TP. Qwest does not attempt to do so because there is no salient difference between this case and those. All involve a complainant and one or more respondent(s), all involve a respondent with affirmative defenses to be supported through evidence and legal argument, none involve respondent counterclaims, and none involve intervenors. Under a simultaneous filing approach, each party will have an opportunity to rebut the other party's direct. There is little or nothing unique about the issues in this case which would necessitate a sequential, rather than simultaneous, order of presentation.

6. All of the appellate authority Qwest cites<sup>3</sup> stand for the proposition that where the defendant party presents a direct case, the complaining party must have an opportunity to present non-cumulative rebuttal (rebuttal that is not redundant to that party's direct). In this proceeding, Qwest would have that rebuttal opportunity under a simultaneous filing approach. Specifically, Qwest could file rebuttal to any CLEC direct.

#### Joint CLEC Alternative Position

7. In establishing an order of presentation, the trier of fact must give each party an opportunity to present its case in full and not give the one party undue or unfair advantage over the other. While simultaneous filing has achieved this end in prior Commission cases, Joint CLECs recognize the Commission may wish to consider alternatives here.

8. Accordingly, if the Commission approves sequential filing and grants Qwest's Motion for sur-rebuttal, the Commission should not do so without also granting CLEC respondents an opportunity for filing sur-reply, as the law permits. Indeed, where testimony is

---

<sup>3</sup> *McFall v. Inverrary Country Club, Inc.*, 622 So.2d 41 (Fla. 4<sup>th</sup> DCA 1993); *Heberling v. Fleisher*, 563 So.2d 1086 (Fla. 4<sup>th</sup> DCA 1990); *Rose v. Maden & McClure Grove Service*, 629 So.2d 234 (Fla. 1<sup>st</sup> DCA 1994); and *Martinez v. Marin*, 700 So.2d 439 (Fla. 3<sup>rd</sup> DCA 1997).

presented sequentially, sur-reply testimony is explicitly sanctioned in one of the cases which Qwest itself relies on.

9. In the Motion, Qwest cites *Rose v. Madden & McClure Grove Service*, 629 So.2d 234 (Fla. 4<sup>th</sup> DCA 1994). Although that case involved the interpretation of a pre-trial disclosure requirement in the Florida Workers Compensation Claims Rule, the court offered the following exposition on order of proof:

Under the usual order of presentation of evidence at trial, the plaintiff will first introduce evidence to prove the fact necessary to enable recovery. Then the defense presents evidence in support of its case, including evidence that not only denies or contradicts plaintiff's claim but also, that supports any pleaded affirmative defenses. The plaintiff is now entitled to present a case in rebuttal, refutation evidence that denies, explains, disproves or otherwise sheds light on evidence offered by the defense. **If new points are brought out during plaintiff's rebuttal, the defendant may meet them by evidence in rejoinder, otherwise known as surrebuttal.** See 1 *McCormick on Evidence* § 4 at 8-10 (4<sup>th</sup> ed 1992); Graham, *Handbook of Florida Evidence* § 612.1 (1987).

629 So.2d at 236. (Emphasis added.)<sup>4</sup> Considering this authority, it would be improper for the Commission to grant Qwest what is being called sur-rebuttal here, but stop short with "the usual order of presentation at trial" at that juncture. A sur-reply opportunity for the CLECs is warranted "if new points are brought out" during Qwest's sur-rebuttal.

10. Moreover, an opportunity for sur-reply is consistent with another requirement Qwest cites in its Motion, i.e. Section 120.57(1)(b), Florida Statutes, which mandates that "all parties shall have an opportunity to . . . submit rebuttal evidence. . . ." Not one party, but all parties, shall have a chance at rebuttal. CLEC respondents would be denied that opportunity without sur-reply.

11. Furthermore, for the very reasons asserted by Qwest in support of its Motion, the

---

<sup>4</sup> Curiously, Qwest's Motion states "the usual order of presentation of evidence at trial involves three rounds of testimony" (Motion at p. 2); yet two sentences later, Qwest cites *Rose v Madden* which states the presentation of testimony does not end at sur-rebuttal, but instead may continue with sur-reply.



Commission's denying CLECs an opportunity to file sur-reply testimony "will likely lengthen the evidentiary hearing and will inevitably result in key issues not being joined for presentation to the Commission." Motion at 2. This concern is especially applicable in this complaint proceeding because there are 19 CLECs named as defendants, all with different facts and agreements at issue which the Commission must consider individually. If "new points are brought out" in Qwest's sur-rebuttal and the CLECs have no opportunity to pre-file replies, then each of the 19 CLECs will be required to respond to Qwest's sur-rebuttal through protracted examination of witnesses (cross, redirect, etc.) and the hearing will be lengthened considerably. Hence, permitting CLECs to "respond in pre-filed testimony will offer the Commission a far more comprehensive and logical body of evidence prior to the hearing. That will permit all parties to focus on cross examination at hearing on only the most germane issues." *Id.*

12. Therefore, to avoid an unfair or undue advantage to Qwest should any new points be brought out during Qwest's sur-rebuttal, the Joint CLECs urge the Commission also set a date in the schedule for CLECs to file sur-reply 21 days after Qwest's sur-rebuttal filing date. The hearing in this case is more than five months away; there is more than enough time available now to incorporate such a filing into the schedule. This way, a sur-reply filing date is accounted for, if needed, and a late-game scramble is avoided should sur-reply be sought and insufficient time remain in the case calendar for sur-reply.


#### Conclusion

13. Joint CLECs maintain that the only two reasonable alternatives to Staff's suggested procedure for not giving any one party an unfair advantage in the order of presentation are the two alternatives Joint CLECs propose above. No party would be unfairly treated under either of these approaches, and both are consistent with Chapter 120 and procedural due process.

**WHEREFORE**, in consideration of the foregoing, the Commission should deny Qwest's Motion and, to the extent any modification of the Staff's suggested procedure is permitted, enter an order where (1) all parties file direct on the same date and all parties file rebuttal on the same date or (2) if the Commission adopts a sequential filing approach and allows Qwest to file sur-rebuttal, the CLEC respondents are allowed to file sur-reply testimony consistent with the above.

Dated this 14<sup>th</sup> day of November, 2011.

Respectfully submitted,



Matthew J. Feil  
Gunster Yoakley & Stewart, P.A.  
215 South Monroe Street, Ste 601  
Tallahassee, FL 32301  
(850)521-1708

*Counsel for Birch Communications, Inc., DeltaCom, Inc.,  
STS Telecom, LLC, tw telecom of florida, l.p., XO  
Communications Services, Inc., Windstream NuVox, Inc.*

/s/ Dulaney L. O'Roark, III

---

Dulaney L. O'Roark, III  
P.O. Box 110, MC FLTC0007  
Tampa, FL 33601-0110  
(678)259-1449, Fax: (678)259-1589  
Email: de.oroark@verizon.com

*Counsel for MCImetro Access Transmission Services  
LLC d/b/a Verizon Access Transmission Services*

/s/ Andrew M. Klein

---

Andrew M. Klein\*  
Allen C. Zoracki\*  
KLEIN LAW GROUP PLLC  
1250 Connecticut Ave. NW, Suite 200  
Washington, DC 20036  
(202) 289-6955, Fax: (202) 289-6997  
AKlein@KleinLawPLLC.com  
AZoracki@KleinLawPLLC.com

*Counsel for BullsEye Telecom, Inc.  
and Granite Telecommunications, LLC*

/s/ Eric J. Branfman

---

Eric J. Branfman, Esq.\*  
Philip J. Macres, Esq., Fla. Bar No. 137900  
Bingham McCutchen LLP  
2020 K Street, NW  
Washington, DC 20006-1806  
Tel.: (202) 373-6000, Fax: (202) 373-6001  
E-mail: eric.branfman@bingham.com  
E-mail: philip.macres@bingham.com

*Counsel for Access Point, Inc., Lightyear Network  
Solutions, LLC, PAETEC Communications, Inc., and US  
LEC of Florida, LLC d/b/a PaeTec Business Services*

/s/ Edward B. Krachmer

---

Edward B. Krachmer  
Windstream Communications, Inc.  
4001 Rodney Parham Road  
MS 1170-B1F03-53A  
Little Rock, AR 72212  
(501) 748-5777  
[Not admitted in Florida]

*Counsel for Windstream NuVox, Inc.*

/s/ Marsha E. Rule

---

Marsha E. Rule  
Rutledge, Ecenia & Purnell, P.A.  
P.O. Box 551  
Tallahassee, FL 32302-0551  
(850) 681-6788, Fax: (850) 681-6515  
marsha@reuphlaw.com

Gregory Diamond, Esq.  
Broadwing Communications, LLC  
1025 Eldorado Blvd.  
Broomfield, CO 80021  
(720) 888-3148, Fax: (720) 888-5134  
greg.diamond@level3.com

*Attorneys for Broadwing Communications, LLC*

\* Designated as qualified representatives in Docket No. 100008-OT.

**CERTIFICATE OF SERVICE**

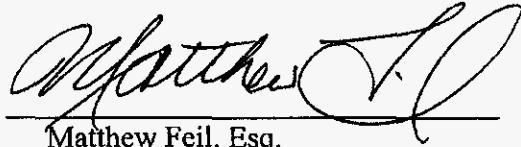
I HEREBY CERTIFY that a true and correct copy of the foregoing has been served upon the following by email, and/or U.S. Mail this 14th day of November, 2011.

Lee Eng Tan Florida Public Service Commission 2540 Shumard Oak Boulevard Tallahassee, FL 32399-0850 <a href="mailto:ltan@psc.state.fl.us">ltan@psc.state.fl.us</a>	Eric J. Branfman/Philip J. Macres Bingham Law Firm 2020 K Street, NW Washington, DC 20006 <a href="mailto:eric.branfman@bingham.com">eric.branfman@bingham.com</a> <a href="mailto:Philip.macres@bingham.com">Philip.macres@bingham.com</a>
Mr. Chris Bunce Birch Communications, Inc. 2300 Main Street, Suite 600 Kansas City, MO 64108-2415 <a href="mailto:Chris.bunce@birch.com">Chris.bunce@birch.com</a>	Mr. Greg Diamond Broadwing Communications, Inc. c/o Level 3 Communications 1025 Eldorado Boulevard Broomfield, CO 80021-8869 <a href="mailto:Greg.Diamond@level3.com">Greg.Diamond@level3.com</a>
Budget PrePay, Inc. 1325 Barksdale Boulevard Suite 200 Bossier City, LA 71111-4600	Mr. David Bailey BullsEye Telecom, Inc. 25925 Telegraph Road, Suite 210 Southfield, MI 48033-2527 <a href="mailto:d Bailey@bullseyetelecom.com">dbailey@bullseyetelecom.com</a>
Jane Whang Davis Wright Tremaine LLP 505 Montgomery Street, Suite 800 San Francisco, CA 94111 <a href="mailto:jane Whang@dwt.com">jane Whang@dwt.com</a>	Paula Foley One Communications, an Earthlink Business Company 5 Wall Street Burlington, MA 01803 <a href="mailto:pfoley@corp.earthlink.com">pfoley@corp.earthlink.com</a>
Ernest Communications, Inc. 5275 Triangle Parkway, Suite 150 Norcross, GA 30092-6511	Flatel, Inc. Executive Center, Suite 100 2300 Palm Beach Lakes Blvd. West Palm Beach, FL 33409-3307
Granite Telecommunications, LLC 100 Newport Avenue Extension Quincy, MA 02171-1734 <a href="mailto:rcurrier@granitenet.com">rcurrier@granitenet.com</a>	Andrew M. Klein/Allen C. Zoracki Klein Law Group 1250 Connecticut Ave. NW, Suite 200 Washington, DC 20036 <a href="mailto:AKlein@kleinlawPLLC.com">AKlein@kleinlawPLLC.com</a> <a href="mailto:azoracki@kleinlawpllc.com">azoracki@kleinlawpllc.com</a>

<p>John Greive  Lightyear Network Solutions, LLC  1901 Eastpoint Parkway  Louisville, KY 40223-4145  <a href="mailto:john.greive@lightyear.net">john.greive@lightyear.net</a></p>	<p>Michael McAlister  Navigator Telecommunications, LLC  P.O. Box 13860  North Little Rock, AR 72113-0860  <a href="mailto:mike@navtel.com">mike@navtel.com</a></p>
<p>John B. Messenger  PaeTec Communications, Inc.  One PaeTec Plaza  600 Willowbrook Office Park  Fairport, NY 14450-4233  <a href="mailto:john.messenger@pactec.com">john.messenger@pactec.com</a></p>	<p>Richard Brown  Access Point, Inc.  1100 Crescent Green, Suite 109  Cary, NC 27511  <a href="mailto:Richard.brown@accesspointinc.com">Richard.brown@accesspointinc.com</a></p>
<p>Mr. Douglas Hsiao  Qwest Communications Company, LLC  1801 California Street, 10th Floor  Denver, CO 80202-2632  <a href="mailto:doug.hsiao@qwest.com">doug.hsiao@qwest.com</a></p>	<p>Alex M. Duarte  Qwest Communications Company, LLC  421 SW Oak Street, Suite 810  Portland, OR 97204  <a href="mailto:Alex.Duarte@qwest.com">Alex.Duarte@qwest.com</a></p>
<p>Adam L. Sherr  Qwest Communications Company, LLC  1600 7th Avenue, Room 1506  Seattle, WA 98191  <a href="mailto:Adam.Sherr@qwest.com">Adam.Sherr@qwest.com</a></p>	<p>Jason D. Topp  Qwest Communications, LLC  200 South Fifth Street, Room 2200  Minneapolis, MN 55402  <a href="mailto:Jason.Topp@qwest.com">Jason.Topp@qwest.com</a></p>
<p>Michael G. Cooke  Ruden Law Firm  215 South Monroe Street, Suite 815  Tallahassee, FL 32301  <a href="mailto:Michael.Cooke@Ruden.com">Michael.Cooke@Ruden.com</a></p>	<p>Marsha Rule  Rutledge Law Firm  Post Office Box 551  Tallahassee, FL 32302  <a href="mailto:marsha@reuphlaw.com">marsha@reuphlaw.com</a></p>
<p>Alan C. Gold, P.A.  1501 Sunset Drive, 2<sup>nd</sup> Floor  Coral Gables, FL 33143  <a href="mailto:acgold@acgoldlaw.com">acgold@acgoldlaw.com</a></p>	<p>Ms. Carolyn Ridley  tw telecom of florida l.p.  2078 Quail Run Drive  Bowling Green, KY 42104  <a href="mailto:Carolyn.Ridley@twtelecom.com">Carolyn.Ridley@twtelecom.com</a></p>
<p>Brenda Merritt  Division of Regulatory Analysis  Florida Public Service Commission  2540 Shumard Oak Boulevard  Tallahassee, FL 32399  <a href="mailto:bmerritt@psc.state.fl.us">bmerritt@psc.state.fl.us</a></p>	<p>Mr. David Christian  Verizon Access Transmission Services  106 East College Avenue, Suite 710  Tallahassee, FL 32301-7721  <a href="mailto:david.christian@verizon.com">david.christian@verizon.com</a></p>

Dulaney L. O'Roark III Verizon 5055 North Point Parkway Alpharetta, GA 30022 678-259-1657 (phone) 678-259-5326 (fax) <a href="mailto:de.oroark@verizon.com">de.oroark@verizon.com</a>	Ed Krachmer Windstream NuVox, Inc. 4001 Rodney Parham Road MS: 1170-B1F03-53A Little Rock, AR 72212 <a href="mailto:Edward.Krachmer@windstream.com">Edward.Krachmer@windstream.com</a>
Mr. John Ivanuska XO Communications Services, Inc. 10940 Parallel Parkway, Suite K - #353 Kansas City, KS 66109-4515 <a href="mailto:john.ivanuska@xo.com">john.ivanuska@xo.com</a> <a href="mailto:Kris.Shulman@xo.com">Kris.Shulman@xo.com</a>	James White Windstream NuVox, Inc. 4651 Salisbury Road, Suite 151 Jacksonville, FL 32256-6187 <a href="mailto:Bettye.j.willis@windstream.com">Bettye.j.willis@windstream.com</a>

By:



Matthew Feil, Esq.