

Dorothy Menasco

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Sent: Monday, December 19, 2011 4:32 PM
To: Filings@psc.state.fl.us
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Subject: Re: PSC Filing - Docket No. 110000-OT
Attachments: Dkt 110000-OT Resp to Wrkshp Rule 25-4.118.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:

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Docket Number: Docket No. 110000-OT

Filed on Behalf of: tw telecom of florida, l.p. ("TWTC")

Total Number of Pages: 2

Description of Documents: TWTC Comments for Staff regarding Staff Rule Development Workshop on Rule 25-4.118



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12/19/2011

DOCUMENT NUMBER DATE
 09047 DEC 19 =
 FPSC-COMMISSION CLERK



December 19, 2011

VIA ELECTRONIC DELIVERY

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

Re: Docket No. 110000-OT

Undocketed Staff Rule Development Workshop on Rule 25-4.118, Florida
Administrative Code

Dear Ms. Cole:

Pursuant to the request of the Commission staff at the rule development workshop held on December 5, 2011, tw telecom of florida, l.p. ("TWTC") submits the following comments regarding the changes proposed to the captioned rule.

At the workshop, staff affirmed that new subsection (2)(a) to Rule 25-4.118 (on page 4, lines 15 – 25 of the proposal) is intended to create a mechanism for carriers to avoid adjudication of an unauthorized carrier change violation and penalties if the conditions stated in subsection (2)(a) are fulfilled. Staff further affirmed that subsection (2)(b) (on page 5, lines 1 – 22) is intended to address penalties only when there is a finding of a violation, i.e. when (2)(a) does NOT apply. TWTC expressed a concern at the workshop that staff's designs for (2)(a) and (2)(b) were not sufficiently clear. TWTC therefore makes the following proposal to add clarity. TWTC agrees with staff that (2)(b) should only apply when (2)(a) does not. TWTC does not believe it is necessary to put (2)(b) in a separate section, but does not oppose doing so. TWTC instead proposes inserting the following language at the beginning of (2)(b): "In cases where (2)(a) does not apply, the Commission will make a determination of whether the company has committed an unauthorized carrier infraction. In cases where the Commission finds such an infraction, then . . ."

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Also, at the workshop, staff affirmed that all requirements in new subsection (7) to Rule 25-4.118 (on page 8, lines 20 – 24) for PC Freeze notifications may be met by a bill message. For clarity, TWTC therefore suggests adding the following to the end of subsection (7): “Any of the foregoing notifications may be provided by a standard sized message on a customer’s bill.”

Sincerely,



Matthew J. Feil

MJF

CC (all by e-mail): R. Gervasi
T. Hatch
D. Konuch
D. O’Roark
S. Khazraee
C. Ridley