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Sent: Wednesday, March 04, 2009 1:44 PM
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Subject: e-filing (Dkt. No. 080278-TL)
Attachments: 080278 Motion to Convene Scheduling Conference.sversion.doc

Electronic Filing

a. Person responsible for this electronic filing:

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b. Docket No. 080278-TL

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

c. Document being filed on behalf of Office of Public Counsel

d. There are a total of 5 pages.

e. The document attached for electronic filing is the Citizens' Motion to Convene Scheduling Conference.

(See attached file: 080278 Motion to Convene Scheduling Conference.sversion.doc)

Thank you for your attention and cooperation to this request.

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DOCUMENT NUMBER-DATE

01769 MAR-4 8

FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint petition for show cause proceedings against Verizon Florida LLC for apparent violation of Rule 25-4.070, F.A.C., Customer Trouble Reports, and impose fines, by the Office of the Attorney General, Citizens of the State of Florida, and AARP.

Docket No. .080278-TL

Filed March 4, 2009

Motion to Convene Scheduling Conference

The Citizens of Florida, through the Office of Public Counsel, move the Prehearing Officer to convene a scheduling conference with staff and all parties concerning the controlling dates in this docket.

Background

On May 15, 2008, the Attorney General, Citizens, and AARP jointly filed a petition requesting the Florida Public Service Commission to issue a show cause order against Verizon Florida LLC for repeated willful violations of telephone service quality Rule 25-4.070, F.A.C. The petition alleged that, according to its own reports, Verizon violated the Commission Rule 25-4.070 119 times for repair of out-of-service troubles and 143 times for repair of its service-affecting troubles during calendar year 2007.

Verizon filed a response and answer to the joint petition on June 9, 2008, in which it requested the Commission deny the joint petition.

On December 4, 2008, the staff of the Commission filed a recommendation urging the Commission to issue a show cause order against Verizon, not only for its apparent willful violations of Commission Rule 25-4.070

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FPSC-COMMISSION CLERK

during 2007, but also for 194 additional apparent willful violations of the rule during the first nine months of 2008. The Commission approved the staff recommendation at an agenda conference held on December 16, 2008, and issued the show cause order on January 5, 2009. Verizon responded on January 26, 2009, by stating that it had not violated Commission Rule 25-4.070, willfully or otherwise, and requested an administrative hearing.

Two days after Verizon requested an administrative hearing, Citizens served fourteen requests for production of documents on Verizon. Verizon's response to the requests for documents is due today.

Order Establishing Procedure

The Prehearing Officer issued an Order Establishing Procedure on February 23, 2008. The order sets forth the following controlling dates to govern key activities in the case:

- | | | |
|-----|--|--------------------|
| (1) | Prosecutorial Staff/Intervenor direct testimony and exhibits | April 1, 2009 |
| (2) | Utility direct testimony and exhibits | May 13, 2009 |
| (3) | Prosecutorial Staff/Intervenor Rebuttal testimony and exhibits | June 10, 2009 |
| (4) | Prehearing Statements | June 17, 2009 |
| (5) | Discovery deadline | June 25, 2009 |
| (6) | Prehearing Conference | June 29, 2009 |
| (7) | Hearing | July 6 and 7, 2009 |
| (8) | Briefs | August 3, 2009 |

The Order also states that the Prehearing Officer may exercise the discretion to schedule additional prehearing conferences or meetings of the parties as deemed appropriate.

Motion to Convene Scheduling Conference

In order to properly prepare a direct case, OPC believes that there must be sufficient time to conduct at least two rounds of requests for documents and interrogatories (including time to resolve any discovery disputes which may arise), time to conduct depositions following review of the requested documents and interrogatory responses, and time for the actual preparation of testimony. Considering the likelihood of objections from Verizon, this could easily take four to five months to complete. The Order Establishing Procedure, however, provides only thirty seven days from the date of the issuance of the order to the date for filing direct testimony and exhibits by Prosecutorial Staff and Intervenors.

Citizens respectfully request the Prehearing Officer to convene a scheduling conference with staff and all parties to discuss the controlling dates in this proceeding. Such a conference would allow the Prehearing Officer to hear the concerns of all parties about the controlling dates in this proceeding and decide which schedule would best serve the public interest.

Prosecutorial staff and AARP concur with this motion. Verizon does not object to the Prehearing Officer convening a scheduling conference.

Respectfully submitted,

s/ Charlie Beck
Charlie Beck
Deputy Public Counsel

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CERTIFICATE OF SERVICE

I, **HEREBY CERTIFY** that a true and correct copy of Citizens' **Motion to Convene Scheduling Conference** has been furnished by electronic and U.S.

Mail on this 4th day of March, 2009, to the following:

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s/ Charlie Beck
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