

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

In re: Implementation of Florida lifeline program involving bundled service packages and placement of additional enrollment requirements on customers.

DOCKET NO. 080234-TP  
ORDER NO. PSC-09-0782A-AS-TP  
ISSUED: November 24, 2009

AMENDATORY ORDER

BY THE COMMISSION:

On November 19, 2009, we issued Order No. PSC-09-0782-AS-TP. The purpose of the Order was to acknowledge and accept the Joint Settlement agreement between Verizon Florida, the Office of the Attorney General, the Office of Public Counsel and AARP in this docket and Docket No. 080234-TP. However, due to a scrivener's error, the settlement agreement was not attached to the Final Order. Therefore, Order No. PSC-09-0782-AS-TP is amended to include the attached Settlement Agreement and the following ordering paragraph:

ORDERED that the Settlement Agreement is accepted and approved in its entirety except with the modification of \$125,000 to the General Revenue Fund and \$125,000 to promote the Lifeline and Linkup programs.

Based on the foregoing, it is

ORDERED by the Florida Public Service Commission that Order No. PSC-09-0782-AS-TP is hereby amended as set forth in the body of this Order. It is further

ORDERED that Order No. PSC-09-0782-AS-TP is reaffirmed in all other respects.

By ORDER of the Florida Public Service Commission this 24th day of November, 2009.



ANN COLE  
Commission Clerk

(SEAL)

TLT

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FPSC-COMMISSION/CLERK

**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Joint Petition for show cause proceedings ) Docket No. 080278-TL  
against Verizon Florida LLC for apparent violation of )  
Rule 25-4.070, F.A.C., service availability, and )  
impose fines, by the Office of the Attorney General, )  
Citizens of the State of Florida, and AARP )  
\_\_\_\_\_)  
In re: Implementation of Florida lifeline program ) Docket No. 080234-TP  
involving bundled service packages and )  
placement of additional enrollment requirements )  
on customers )  
\_\_\_\_\_)

**SETTLEMENT AGREEMENT**

Pursuant to Section 120.57(4), Florida Statutes, Verizon Florida LLC ("Verizon"), the Office of the Attorney General, the Office of Public Counsel ("OPC") and AARP (collectively, the "Parties") have entered into this Settlement Agreement to effect an informal disposition and complete a binding resolution of any and all matters and issues that were or might have been addressed by the Florida Public Service Commission ("Commission") in Docket No. 080278-TL and in Issues 1 and 3 of Docket No. 080234-TP. This Settlement Agreement avoids the time, expense and uncertainty associated with adversarial litigation, in keeping with the Commission's longstanding policy and practice of encouraging parties in contested proceedings to settle issues whenever possible. The terms of this Settlement Agreement are as follows:

1. In lieu of any fine or other penalty that the Commission might otherwise assess in Docket No. 080278, Verizon will issue \$1.75 million in credits to its residential local exchange telecommunications service customers and make a contribution of \$250,000 to the General Revenue Fund of the State of Florida, with no admission of liability or wrongdoing by Verizon.

2. Verizon will provide the service credits described in Paragraph 1 within 90 days after this Settlement Agreement takes effect, dividing the credits evenly among customers who receive residential local exchange telecommunications service as of the date the Settlement Agreement takes effect. Verizon will provide reports concerning the payment of these credits in accordance with Rule 25-4.114, Florida Administrative Code.

3. This Settlement Agreement will resolve all matters that were or might have been addressed by the Commission in Docket No. 080278-TL related to Rule 25-4.070, Florida Administrative Code, and resolves any claims concerning Verizon's alleged violation of Rule 25-4.070, Florida Administrative Code, taking place at any time up to and including the date the Settlement Agreement takes effect.

4. To resolve Issues 1 and 3 in Docket No. 080234-TP, Verizon will provide the Lifeline discount to all eligible customers who request the discount going forward (after Verizon begins offering it) and receive regulated telecommunications service packages (including packages with long distance and voice mail) except for service packages or bundles that include unregulated services such as VoIP, high speed Internet access or cable television. Verizon will begin offering the discount described in the preceding sentence within 90 days after this Settlement Agreement takes effect. As a result of this resolution, Issues 1 and 3 will be dismissed without prejudice.

5. This Settlement Agreement will take effect the day after it is approved by the Commission. The Parties understand that the Commission's decision will be reflected in a final order.

6. No Party to this Settlement Agreement will request, support or seek to impose a change in the application of any provision of this Settlement Agreement. Provided the Commission approves the Settlement Agreement, each Party waives its right to request further administrative or judicial proceedings concerning any all matters which were or might have been addressed by the Commission in resolving Docket No. 080278-TL, except proceedings to enforce this Settlement Agreement. This waiver of the right to further administrative or judicial proceedings shall include, but not be limited to: a petition for a formal proceeding, in the form provided by Rule 28-106.201 or 28-106.2015, Florida Administrative Code; a motion for reconsideration of the decision in this matter in the form prescribed by Rule 25-22.060, Florida Administrative Code; or a notice of appeal to initiate judicial review by the Florida Supreme Court pursuant to Rule 9.110, Florida Rules of Appellate Procedure, in the form specified in Rule 9.900(a), Florida Rules of Appellate Procedure.

7. This Settlement Agreement is contingent on the Commission's accepting the entire Settlement Agreement, which acceptance shall include the Commission's explicit recognition that its order approving this Settlement Agreement (i) resolves all matters that were or might have been addressed in Docket No. 080278-TL related to Rule 25-4.070, Florida Administrative Code, and resolves any claims concerning Verizon's alleged violation of Rule 25-4.070, Florida Administrative Code, taking place at any time up to and including the date the Settlement Agreement takes effect; and (ii) dismisses Issues 1 and 3 in Docket No. 080234-TP without prejudice.

8. This Settlement Agreement resolves all matters in Docket No. 080278-TL and Issues 1 and 3 in Docket No. 080234-TP in accordance with Section 120.57(4),

Florida Statutes. Docket No. 080278-TL will be closed effective on the date the Commission order approving this Settlement Agreement is final. The submission of this Settlement Agreement by the parties is in the nature of an offer to settle. Consequently, if this Settlement Agreement is not accepted and approved without modification by an order not subject to further proceedings or judicial review, then the settlement proposal is rejected and the Settlement Agreement shall be considered null and void and of no further force or effect.

9. If the Commission does not accept the Settlement Agreement in its entirety pursuant to its terms, (i) this document shall not be admissible in any hearing on the matters established by either of these Dockets, or in any other docket or forum; and (ii) no Party to this Settlement Agreement waives any position on any issue that it could have otherwise asserted in any docket in which it is a party, as if this document had never been developed and written. This Settlement Agreement shall not constitute an admission of liability.

10. This Settlement Agreement is being executed in duplicate originals, with an original to be filed by the Parties in Docket No. 080278-TL and by Verizon and OPC in Docket No. 080234-TP.

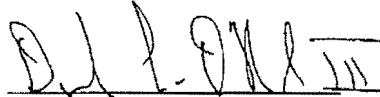
11. This Settlement Agreement may be executed in counterpart originals and a facsimile of an original signature shall be deemed an original.

12. This Settlement Agreement constitutes a single, integrated written contract expressing the entire agreement between the Parties and superseding all other agreements, representations and understandings on the subject matter hereof. There is

no other agreement, oral or written, expressed or implied, between the Parties with respect to the subject matter hereof, except this Settlement Agreement.

The Parties evidence their acceptance and agreement with the provisions of this Settlement Agreement by their signatures:

By:



Dulaney L. O'Roark III  
Verizon Florida LLC  
P. O. Box 110, MC FLTC0007  
Tampa, Florida 33601-0110  
Email: de.oroark@one.verizon.com

By:

Cecilia Bradley  
Office of Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050  
cecilia.bradley@myfloridalegal.com

By:

J. R. Kelly  
Charles Beck  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
Tallahassee, FL 32399-1400  
kelly.jr@leg.state.fl.us  
beck.charles@leg.state.fl.us

By:

Michael B. Twomey  
AARP  
P. O. Box 5256  
Tallahassee, FL 32314-5256  
miketwomey@talstar.com


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By:

\_\_\_\_\_  
Dulaney L. O'Roark III  
Verizon Florida LLC  
P. O. Box 110, MC FLTC0007  
Tampa, Florida 33601-0110  
Email: de.oroark@one.verizon.com

By:

  
\_\_\_\_\_  
Cecilia Bradley  
Office of Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050  
cecilia.bradley@myfloridalegal.com

By:

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J. R. Kelly  
Charles Beck  
Office of Public Counsel  
c/o The Florida Legislature  
111 West Madison Street, Room 812  
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kelly.jr@leg.state.fl.us  
beck.charles@leg.state.fl.us

By:

\_\_\_\_\_  
Michael B. Twomey  
AARP  
P. O. Box 5256  
Tallahassee, FL 32314-5256  
miketwomey@talstar.com

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Tampa, Florida 33601-0110  
Email: de.oroark@one.verizon.com

By:

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Office of Attorney General  
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By:

Charles Beck  
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111 West Madison Street, Room 812  
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kelly.jr@leg.state.fl.us  
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By:

Michael B. Twomey for  
Michael B. Twomey  
AARP  
P. O. Box 5256  
Tallahassee, FL 32314-5256  
miketwomey@talstar.com



**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that copies of the foregoing were sent via electronic mail on October 28, 2009 to:

Adam Teitzman, Staff Counsel  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850  
[ateitzma@psc.state.fl.us](mailto:ateitzma@psc.state.fl.us)

Bill McCollum/Cecilia Bradley  
Office of Attorney General  
The Capitol – PL01  
Tallahassee, FL 32399-1050  
[cecilia.bradley@myfloridalegal.com](mailto:cecilia.bradley@myfloridalegal.com)

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s/ Dulaney L. O'Roark III