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Public Service Commission

June 1, 2010

STAFF DATA REQUEST

J. Jeffry Wahlen, Esq.
Ausley & McMullen
P.O. Box 391
Tallahassee, FL 32302

Re: Docket No. 100288-TL – Petition for waiver of requirements of Rules 25-4.0185, 25-4.066, 25-4.070, 25-4.073, and 25-4.110(6), F.A.C., relating to service quality or in the alternative a waiver of Rules 25-4.0815, F.A.C., relating to service quality reporting, or 25-4.073, F.A.C., relating to answer time requirements.

Dear Mr. Wahlen:

The Commission staff has reviewed the above-referenced Petition and requests the following additional information in order to formulate a recommendation to the Commission on the matter.

1. Please demonstrate how the purpose of the following underlying statutes will be or has been achieved by other means if the Commission waives the rules identified below for the small LECs:
 - a. How has or will the purposes of sections 364.01(4) and 364.183(1), F.S., be achieved if the Commission waives Rule 25-4.0185, F.A.C.?
 - b. How has or will the purposes of sections 364.025, 364.15, 364.183, and 364.185, F.S., be achieved if the Commission waives Rule 25-4.066, F.A.C.?
 - c. How has or will the purposes of sections 364.01(4), 364.15, 364.183, and 364.386, F.S., be achieved if the Commission waives Rule 25-4.070, F.A.C.?
 - d. Specifically with respect to Rule 25-4.070(b), F.A.C., which sets the requirement of an adjustment or refund to the ILEC customer for service interruptions in excess of 24 hours, section 364.604(2), F.S., states that “[a] customer shall not be liable for any charges for telecommunications or information services that the customer did not order or that were not provided to the customer.” How has or will the purpose of section 364.604(2), F.S., be achieved if the Commission waives Rule 25-4.070(b), F.A.C.?

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- e. How has or will the purposes of sections 364.01(4), 364.386, and 365.171, F.S., be achieved if the Commission waives Rule 25-4.073, F.A.C.?
 - f. How has or will the purpose of sections 364.602 and 364.604, F.S., be achieved if the Commission waives Rule 25-4.110(6), F.A.C., which requires a pro-rata refund to customers that experience service outages (OOS) greater than 24 hours?
 - g. In light of Sections 364.602(3) and 364.604(2), F.S., to whom do the small LECs currently provide pro-rata OOS refunds, e.g., for BASIC, NON-BASIC, etc.?
2. Please define the terms "competitive forces" and "market forces," as they are used within the context of the Petition.
 3. Please explain what the phrase "reasonable customer service" means as it is used within the context of the Petition, and how the small LECs will determine that "reasonable customer service" is being provided if the Commission grants the rule waiver request.
 4. What measures would the small LECs implement to replace the service quality measures contained within the rules that would be in the public interest?

Please submit the requested additional information to the Office of the Commission Clerk by Tuesday, June 15, 2010. If you have any questions about this data request, please feel free to contact me at (850) 413-6224 or by e-mail at rgervasi@psc.state.fl.us; or Melinda Watts at (850) 413-6952 or by e-mail at mwatts@psc.state.fl.us.

Sincerely,



Rosanne Gervasi
Associate General Counsel

RG/md

cc: Office of the Commission Clerk
All Parties of Record