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Sent: Thursday, September 19, 2013 4:04 PM
To: Filings@psc.state.fl.us
Cc: Masterton, Susan S; Khazraee, Sandy A
Subject: Docket No 120208-CenturyLink Post Workshop Comments
Attachments: 120208 CenturyLink Post Workshop Comments 9-19-13.pdf

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Title of filing: CenturyLink's Post-Workshop Comments

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Description: CenturyLink's Post-Workshop Comments

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September 19, 2013

VIA ELECTRONIC FILING

Ms. Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Re: Docket No. 120208-TX

Dear Ms. Cole:

Enclosed please find Embarq Florida, Inc. d/b/a CenturyLink's Post-Workshop Comments which we ask that you file in the above captioned docket.

Copies are being served on the interested parties in this docket pursuant to the attached certificate of service.

Sincerely,

/s/ Susan S. Masterton
Susan S. Masterton

Enclosures

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**CERTIFICATE OF SERVICE
DOCKET NO. 120208-TX**

I hereby certify that a true and correct copy of the foregoing has been served upon the following by electronic mail delivery on this 19th day of September, 2013.

Kathryn Cowdery Florida Public Service Commission 2540 Shumard Oak Blvd. Tallahassee, FL 32399-08050 kcowdery@psc.state.fl.us	Competitive Carriers of the South, Inc. Garry Sharp, Executive Director P.O. Box 058303 Nashville, TN 37215 glsharp@comcast.net
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/s/ Susan S. Masterton
Susan S. Masterton

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Petition to initiate rulemaking to revise and amend Rule 25-22.0365, F.A.C., by Competitive Carriers of the South, Inc.)))))	Docket No. 120208-TX Filed: September 19, 2013
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CENTURYLINK'S POST-WORKSHOP COMMENTS
REGARDING THE AUGUST 20, 2013 WORKSHOP

Embarq Florida, Inc. d/b/a CenturyLink ("CenturyLink") submits the following comments in response to the discussion at the August 20, 2013 workshop regarding the proposed changes to Rule 25-22.05.365 requested by the Competitive Carriers of the South, Inc. ("CompSouth") in its Petition.¹

CenturyLink appreciates the efforts that CompSouth has made to work with other interested parties and the attempts CompSouth has made to address the concerns through revisions to its initial proposal. Nevertheless, CenturyLink continues to believe that CompSouth has failed to demonstrate that modifications to the existing expedited process to create the alternative of an even more expedited process are necessary or that they can be implemented within the constraints of the Commission's schedule and established processes. CompSouth also has not demonstrated that the Commission could not implement a further expedited process, at its discretion, under the current rule if a party could show that such severely compressed time frames were necessary to prevent customer harm.²

While CenturyLink is not persuaded as to the efficacy of a further expedited complaint resolution process, CenturyLink continues to support CompSouth's proposed addition to the

¹ The Commission held a rule development workshop to consider CompSouth's proposed rule on November 15, 2012. Subsequent to that workshop, CenturyLink filed Post-Workshop Comments on February 5, 2013.

² See, subsection (9) of the existing rule, which allows the prehearing officer to exercise discretion in setting the expedited schedule "based on the unique circumstances of the case."

current rule of a requirement that parties meet with staff to attempt to reach an informal resolution of their dispute before the filing of a petition for expedited resolution. CenturyLink believes that this informal meeting with staff would benefit both parties to a dispute, as well as the Commission, in that many issues could be resolved at this stage, providing a quicker resolution than is envisioned by either the current or the proposed further expedited process, as well as avoiding the need for formal action. This informal process could still be beneficial, even if it does not result in resolution of a dispute, by clarifying and narrowing the disputed issues, which should facilitate the resolution of these issues through the expedited process that is set forth in the existing rule.

CenturyLink's comments on the specific provisions of the revised proposal follow. These comments are addressed to the most recent version of the proposed rule, which has been included as an attachment to CompSouth's September 17, 2013 Post-Workshop Comments.

Subsection (2)

As stated above, CenturyLink supports the addition of the language in subsection (2) to the current rule, regardless of whether the further expedited process proposed by CompSouth is adopted.

Subsection (4)

The additional language in subsection (4) requiring a statement in a petition for expedited dispute resolution that the dispute is not otherwise governed by the dispute resolution provisions in the parties' interconnection agreement appears to be intended to make it clear that the rule does not supersede these agreement provisions. CenturyLink supports this language, which addresses a primary concern that CenturyLink expressed with CompSouth's original proposal.

Subsection (8)

CenturyLink also supports the language added to subsection (8) , which appears designed to address various concerns with CompSouth’s original proposal raised by the parties in comments or at the workshop, particularly a concern that an expedited complaint process is not justified if the complainant delays in pursuing relief from the Commission. In addition, the language corrects a statutory reference to reflect the relocation in 2011 legislation of the language in the statutory provision cited in the current rule.

Subsection (9)

The changes in subsection (9) are conforming changes that will only be necessary if the Commission adopts the further expedited process set forth in new subsection (13). To the extent CenturyLink opposes the changes in subsection (13), CenturyLink opposes these changes, as well.

Subsection (13)

As stated above, CenturyLink continues to believe that CompSouth has not provided sufficient justification to support the codification of a further expedited dispute resolution provision. Further, CenturyLink believes that implementation of such a process, as envisioned in CompSouth’s proposal, will prove extremely challenging within the context of the governing administrative procedures and the Commission’s structure and practices. Finally, CenturyLink continues to be concerned about the potential for the process to be inappropriately invoked to address issues of policy and fact that can be addressed adequately only through a more deliberative process.

While CenturyLink continues to believe that the process set forth in subsection (13) is unnecessary and likely unworkable, to the extent the Commission may decide to adopt such a

process CenturyLink agrees that the modifications in CompSouth's September 17, 2013 version of the rule are necessary to address many of the specific concerns raised by the parties at the rulemaking workshops and in their comments. Specifically, the revised language clarifies that the Prehearing Officer has the authority at the initiation of the proceeding to determine whether the compressed schedule proposed in new subsection (13) is appropriate, in the same manner as the Prehearing Officer may determine the appropriateness of the existing expedited process. The revised language also specifies that the further expedited process may be invoked only in narrowly defined customer-impacting situations and specifically excludes billing disputes from the application of the rule. Further, the proposed subsection (13) reiterates the language in subsection (4) that clarifies that the expedited process is not intended to circumvent interconnection agreement dispute resolution provisions. All of these changes address specific concerns expressed by CenturyLink or other parties with the original rule language and should be incorporated should the Commission decide to adopt a further expedited process in the rule.

Respectfully submitted this 19th day of September 2013.

/s/ Susan S. Masterton
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