

**Ruth Nettles**

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**From:** Rhonda Dulgar [rdulgar@yvlaw.net]  
**Sent:** Friday, December 21, 2007 11:50 AM  
**To:** Sandra Khazraee; Susan Masterton; Beth Salak; Filings@psc.state.fl.us; Richard Bellak; Schef Wright  
**Subject:** Electronic Filing - Docket 070649-TL  
**Attachments:** TB.RequestForOralArgument.12-21-07.pdf

a. Person responsible for this electronic filing:

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b. Docket No. 070649-TL

In Re: Petition for Declaratory Statement by Embarq Florida, Inc. Regarding Implementation of Order No. PSC-07-0311-FOF-TL, Rule 25-4.094, F.A.C. and Embarq's General Exchange Tariff Section A5,G.

c. Document being filed on behalf of the Treviso Bay Development, LLC.

d. There are a total of 3 pages.

e. The document attached for electronic filing is Treviso Bay Development, LLC's Request for Oral Argument and Alternative Motion for Leave to Address the Commission.

(see attached file: TB.RequestForOralArgument.12-21-07.pdf)

Thank you for your attention and assistance in this matter.

Rhonda Dulgar  
Secretary to Schef Wright  
Phone: 850-222-7206  
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12/21/2007

DOCUMENT NUMBER-DATE  
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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Petition for Declaratory Statement )	
By Embarq Florida, Inc. Regarding )	Docket No. 070649-TL
Implementation of Order No. PSC-07- )	
0311-FOF-TL, Rule 25-4.094, F.A.C. )	Filed: December 21, 2007
and Embarq's General Exchange )	
Tariff Section A5,G )	
_____ )	

**TREVISO BAY DEVELOPMENT, LLC'S REQUEST FOR ORAL ARGUMENT AND ALTERNATIVE MOTION FOR LEAVE TO ADDRESS THE COMMISSION**

Treviso Bay Development, LLC ("Treviso Bay"), by and through its undersigned counsel, and pursuant to Rules 25-22.058 and 28-106.204, Florida Administrative Code ("F.A.C."), hereby requests oral argument on the issues raised by Embarq Florida, Inc.'s Petition for Declaratory Statement and Treviso Bay Development, LLC's Memorandum of Law in Opposition to Petition for Declaratory Statement. In the alternative,<sup>1</sup> Treviso Bay respectfully moves the Commission for leave to address the Commission at agenda conference on these pleadings and the issues raised therein.

Oral argument will aid the Commission in comprehending and evaluating the somewhat complex array of issues before it, which include the interplay of the statutory Carrier of Last Resort

<sup>1</sup> Commission Rule 25-22.058, F.A.C., Oral Argument, refers only to oral argument upon request of a party to a Section 120.57 formal hearing. Since this is a declaratory statement proceeding pursuant to Section 120.565, Florida Statutes, Treviso Bay is requesting the same relief via its alternative motion.

DOCUMENT NUMBER-DATE

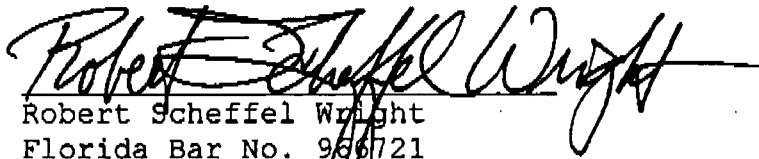
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obligation, Commission rules, and Embarq's tariffs, as well as issues relating to the procedural impropriety of granting a declaratory statement where there are factual issues in dispute.

Moreover, Treviso Bay asserts that where Embarq has previously tried and specifically failed to prove a critical element of its claim for declaratory relief - namely Embarq's claim that providing service to the Treviso Bay development will be uneconomic, which is the basis of its claimed need for relief - Embarq is barred from pursuing the instant petition by the doctrine of collateral estoppel. This doctrine does not arise often in proceedings before the Commission, and accordingly, Treviso Bay believes that oral argument will aid the Commission in comprehending and evaluating its applicability here.

Respectfully submitted this 21st day of December, 2007.



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CERTIFICATE OF SERVICE

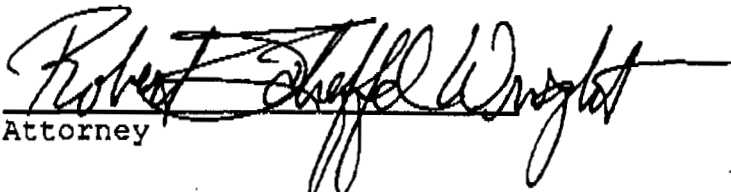
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by electronic mail and U.S. Mail on this 21st day of December, 2007, to the following:

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