

**THE SUPREME COURT OF FLORIDA**

CHARLES J. CRIST, JR., ATTORNEY  
GENERAL, STATE OF FLORIDA,  
Appellant,

v.

Case No.: SC04-9

LILA A. JABER, etc., et al., Appellees.

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HOWARD MCLEAN, PUBLIC COUNSEL,  
STATE OF FLORIDA, Appellant,

v.

Case No.: SC04-10

LILA A. JABER, etc., et al., Appellees.

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Petition of Verizon Florida Inc. to  
Reform its Intrastate Network Access and  
Basic Local Telecommunications Rates in  
Accordance with Florida Statutes, Section  
364.164

AARP, Appellant,

v.

Case No.: SC04-946

LILA A. JABER, etc., et al., Appellees.

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**AARP NOTICE OF SUPPLEMENTAL AUTHORITY  
TO MOTION TO RELINQUISH JURISDICTION**

Appellant, AARP, pursuant to Rule 9.225, Fla. R. App. P., gives notice of filing the article “Verizon CFO: Co Expects To Win Back Residential Customers,” *Dow Jones Newswires*, September 9, 2004 (copy attached hereto as Appendix 1) as

supplemental authority in support of its Motion To Relinquish Jurisdiction, filed with this Court on September 8, 2004. The Motion seeks temporary relinquishment of jurisdiction of the above-styled cases to the Public Service Commission for the purpose of the Public Service Commission considering AARP's "Motion for Evidentiary Hearing and Modification of Commission Orders on Basis of Significantly Changed Circumstances and Public Need."

Identification Of Points Argued In Motions To  
Which Supplemental Authority Is Pertinent

1. Both the Motion to Relinquish filed with this Court and the Motion for Evidentiary Hearing and Modification of Commission Orders on Basis of Significantly Changed Circumstances and Public Need filed with the Public Service Commission argued:

“[T]he stated quid pro quo for the large residential local rate increases – the ‘benefits of increased competition’ – has now largely evaporated” because “subsequent events – some very recent – have dramatically changed the bases on which the order on appeal was entered, such that the Public Service Commission should revisit its order, consistent with its duty to respond to changed circumstances as explained in People’s Gas System, Inc. v. Mason.”

2. The cited “changed circumstances” were:

A. “[A] recent federal court decision that has undercut the statutory and regulatory justification given for the rate increases;”

B. “[V]irtual withdrawal from the local service market by key competitors, such as AT&T, the largest potential local service competitor party to these cases;” and

C. The “sharp curtailment of local competition by other competitors, including MCI and Sprint.”

3. The supplemental authority is pertinent to the above-stated points because it reports not only that local residential service competition is not being enhanced, but also that it is declining in Verizon’s service territories:

NEW YORK (Dow Jones)—Verizon Communications (VZ) has seen a “marked decrease” in the number of residential phone lines leased to competitors since a change in federal rules favoring Baby Bells, according to its finance chief.

The change prompted AT&T Corp. (T) to stop competing for residential phone customers and has given Verizon the opportunity to win back many of its former customers.

4. Also attached as Appendix 2 is AARP’s Notice of Supplemental Authority, which is being contemporaneously filed with the Public Service Commission.

DATED this \_\_\_\_\_ day of September, 2004.

Respectfully submitted,

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CERTIFICATE OF FONT COMPLIANCE

I HEREBY CERTIFY that the foregoing AARP Notice of Supplemental Authority has been prepared using Times New Roman 14-point font.

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Michael B. Twomey

CERTIFICATE OF SERVICE

I CERTIFY that a true and correct copy of the foregoing has been furnished  
by United States mail to the following on this \_\_\_\_ day of September, 2004:

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