

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.

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

v.

Case No.: SC04-10

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

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.

**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,

Michael B. Twomey
Florida Bar No. 0234354
Attorney for AARP
Post Office Box 5256
Tallahassee, Florida 32314-5256
Tel: (850) 421-9530
Fax: (850) 421-8543
Email: miketwomey@talstar.com

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.

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:

Charles J. Crist, Jr., Esquire
Christopher M. Kise, Esquire
Lynn C. Hearn, Esquire
Office of the Attorney General
PL-01, The Capitol
Tallahassee, Florida 32399-1050

Susan F. Clark, Esquire
Donna E. Blanton, Esquire
Radey Thomas Yon & Clark
313 North Monroe Street, Ste. 200
Tallahassee, Florida 32301
(Counsel for BellSouth)

Harold McLean, Esquire
Charlie Beck, Esquire
H.F. Rick Mann, Esquire
Office of the Public Counsel
c/o The Florida Legislature
111 West Madison Street, Rm. 812
Tallahassee, Florida 32399-1400

George N. Meros, Jr., Esquire
Gray Robinson
Post Office Box 11189
Tallahassee, Florida 32302-3189
(Counsel for Knology)

Richard Melson, Esquire
David E. Smith, Esquire
Division of Legal Services, Rm. 370
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

John P. Fons, Esquire
Jennifer L. Heckman, Esquire
Ausley & McMullen
Post Office Box 391
Tallahassee, Florida 32302
(Counsel for Sprint-Florida)

Floyd R. Self, Esquire
Messer Caparello & Self
215 South Monroe Street, Ste. 701
Tallahassee, Florida 32302-1876
(Counsel for AT&T and MCI)

Richard Chapkis, Esquire
Elizabeth B. Sanchez, Esquire
Verizon Florida, Inc.
201 North Franklin Street,
FLTC0717
Tampa, Florida 33601

Attorney