190006

STATE OF SOUTH CAROLINA)
)
(Caption of Case)
IN RE:)
RICHARD WARE,)
COMPLAINANT/PETITIONER)
)
v.)
)
HTC COMMUNICATIONS, INC., AND)
VERIZON SOUTH, INC.,)
DEFENDANTS/RESPONDENTS)
)

BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

POSTED 12/21/07 AS

DOCKET NUMBER: 2007 - 274 - C

(Please type or print)
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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

☐ **Emergency Relief demanded in petition**

☐ **Request for item to be placed on Commission's Agenda expeditiously**

☐ **Other:** Letter Response

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)		
☐ Electric	☐ Affidavit	☒ Letter	☐ Request
☐ Electric/Gas	☐ Agreement	☐ Memorandum	☐ Request for Certification
☐ Electric/Telecommunications	☐ Answer	☐ Motion	☐ Request for Investigation
☐ Electric/Water	☐ Appellate Review	☐ Objection	☐ Resale Agreement
☐ Electric/Water/Telecom.	☐ Application	☐ Petition	☐ Resale Amendment
☐ Electric/Water/Sewer	☐ Brief	☐ Petition for Reconsideration	☐ Reservation Letter
☐ Gas	☐ Certificate	☐ Petition for Rulemaking	☐ Response
☐ Railroad	☐ Comments	☐ Petition for Rule to Show Cause	☐ Response to Discovery
☐ Sewer	☐ Complaint	☐ Petition to Intervene	☐ Return to Petition
☐ Telecommunications	☐ Consent Order	☐ Petition to Intervene Out of Time	☐ Stipulation
☐ Transportation	☐ Discovery	☐ Prefiled Testimony	☐ Subpoena
☐ Water	☐ Exhibit	☐ Promotion	☐ Tariff
☐ Water/Sewer	☐ Expedited Consideration	☐ Proposed Oder	☐ Other:
☐ Administrative Matter	☐ Interconnection Agreement	☐ Protest	
☐ Other:	☐ Interconnection Amendment	☐ Publisher's Affidavit	
	☐ Late-Filed Exhibit	☐ Report	

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BEFORE THE

SOUTH CAROLINA

PUBLIC SERVICE COMMISSION

DOCKET NO. 2007- 274 - C

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2007 DEC 20 PM 3: 36
SC PUBLIC SERVICE COMMISSION

IN RE:	)
	)
RICHARD WARE,	)
COMPLAINANT/PETITIONER	)
	)
v.	)
	)
HTC COMMUNICATIONS, INC. AND	)
VERIZON SOUTH INC.,	)
DEFENDANTS/RESPONDENTS	)

VERIZON SOUTH INC.'S RESPONSE TO COMMISSION ORDER NO. 2007-872

In its Order dated December 13, 2007 ("Order"), the Commission requested the parties to address issues raised by the petitioner, Mr. Ware, in his letter filed with the Commission on October 29, 2007. In compliance with the Order, Verizon South Inc. ("Verizon") provides this response. For the reasons discussed below, Mr. Ware fails to provide a valid reason why his complaint against Verizon should not be dismissed. Further, this single consumer complaint provides no basis for incurring the cost and expense that would be necessary to revisit the Commission's prior decision concerning the North Myrtle Beach local calling areas.

Mr. Ware owns two homes in North Myrtle Beach, one in the Wampee exchange served by Horry Telephone Cooperative, Inc. ("HTC") and the other in the North Myrtle Beach exchange served by HTC Communications, Inc. ("HTCC"). Mr. Ware has requested that the scope of the calling areas in and around North Myrtle Beach be changed to require toll-free

dialing between the Wampee and North Myrtle Beach exchanges. As noted in the Order, the Office of Regulatory Staff has not received other inquiries or complaints concerning such a dialing plan and no other intervenors have expressed concerns similar to Mr. Ware's.

Verizon has moved that Mr. Ware's complaint be dismissed as to Verizon because he is not a Verizon customer and his claims do not concern Verizon or relief that could be provided by Verizon. In response, Mr. Ware asserts that he is served by Verizon "indirectly" because HTCC provides service to one of his homes by leasing Verizon facilities. Even assuming that HTCC leased Verizon facilities to serve Mr. Ware,[1] that would not make Mr. Ware a Verizon customer. HTCC provides service to Mr. Ware; establishes the rates, terms and conditions for his service; and presumably bills Mr. Ware for the services rendered. Thus, with respect to his home in the North Myrtle Beach exchange, Mr. Ware is HTCC's customer, not Verizon's. As a customer of both HTC and HTCC, Mr. Ware is complaining about the rates they charge him for service, which is not something Verizon controls. Moreover, Mr. Ware is simply not correct when he asserts that Verizon established the scope of the calling areas in the North Myrtle Beach area or that HTCC is required to "follow Verizon's 'rules'" when it leases lines from Verizon. It was the Commission, not Verizon, that established the North Myrtle Beach local calling areas, and the Commission that permitted local carriers to charge Measured Equal Access Service ("MEAS") rates in certain areas. Whether HTCC leases lines from Verizon has nothing to do with the retail rates HTCC can charge its customers; HTCC may charge whatever rates it wishes consistent with the Commission's requirements. In short, Mr. Ware has no valid reason for keeping Verizon in this case.

[1] Verizon notes that HTCC serves some customers using its own facilities.

The Commission also should reject Mr. Ware's argument that Verizon is an integral part of this case because he is requesting a change in the North Myrtle Beach calling areas. The Commission should not, based on the complaint of a single consumer, launch proceedings to address that complex issue. Verizon and other carriers offer various calling plans, which enable consumers to choose the plan that best suits their needs. Consumers are aware that they may simply pay the measured local rate of 2.5 cents per minute for MEAS calls, which may be their best option if they make relatively few such calls. Or they may opt for a calling plan that enables them to buy a bucket of MEAS minutes at a monthly recurring rate. The fact that no other consumers are intervening to complain about the North Myrtle Beach calling areas is strong evidence that the information provided to consumers and the calling options currently available to them are generally considered to be satisfactory. Likewise, reconfiguring the Wampee and North Myrtle Beach calling areas to accommodate Mr. Ware's particular situation would not serve the public interest. The time and expense that would be necessary to study the issue cannot be justified when there is no indication that there is a problem that needs to be solved.

Respectfully submitted on December 20, 2007.

BY: _____

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COUNSEL FOR VERIZON SOUTH INC.

COLUMBIA, SOUTH CAROLINA
DECEMBER 20, 2007

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2007-274-C

IN RE: RICHARD WARE,	)	
Complainant/Petitioner	)	
	)	**CERTIFICATE OF SERVICE**
v.	)	
	)	
	)	
HTC COMMUNICATIONS, INC.	)	
AND VERIZON SOUTH, INC.	)	
Defendant/Respondent	)	

This is to certify that I, the undersigned employee of Richardson Plowden & Robinson, P.A., have caused to be served this day, one (1) copy of the Verizon South, Inc.'s Response to Commission Order No. 2007-872 in the above referenced docket by placing a copy of same in the care and custody of the United States Postal Service, first class postage prepaid to the following Parties of Record:

VIA U.S. Mail:
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SC PUBLIC SERVICE COMMISSION

Carl E. Bell

December 20, 2007
Columbia, South Carolina