

## BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Complaint by TELCOM RECOVERY	)	DOCKET NO. 910517-TI
CORP. against TRANSCALL AMERICA, INC.	)	
d/b/a ATC LONG DISTANCE regarding	)	ORDER NO. 24811
billing discrepancy.	)	
<hr/>		ISSUED: 7/12/91

ORDER GRANTING IN PART AND DENYING IN  
PART TELCOM RECOVERY CORP.'S MOTION TO COMPEL

In the course of this proceeding, Telcom Recovery Corp. (Telcom) filed a Request for the Production of Documents on June 18, 1991 seeking specific raw call records from Transcall America, Inc., d/b/a ATC Long Distance (ATC). Request No. 1 sought the raw calling records of Telcom. Request No. 2 dealt with similar records for various clients of Telcom. Because of the compressed time constraints in this docket, Telcom subsequently filed a Motion to Expedite on June 28, 1991. On July 5, 1991 ATC responded to the Motion to Expedite and moved to protect its raw calling records from discovery. ATC specifically objected to Requests Nos. 1 and 2. ATC argued that the cost of reducing the raw calling records to a comprehensible form and supplying such information would be exorbitant and of little relevancy.

I have made a preliminary review of the discovery request and Motion to Expedite filed by the Complainant and the Motion for Protective Order filed by ATC. As suggested by ATC, I am treating the pleadings as a whole as a Motion to Compel and response. Based on this review and my understanding of the issues in this case, I am inclined to allow the discovery as it relates to those calls placed by Mr. Bott and/or Telcom. The raw call records requested under Request No. 1 appear to be calculated to lead to the discovery of admissible information relevant to issues 2 and 3. The records sought under Request No. 2 address the calling and billing history of non-parties and are not relevant to the subject of this docket.

Having said this, I must express reservations about the volume of information requested and the potential cost of producing the information. Between the time this order is issued and the prehearing conference I expect the parties to discuss a mutually agreeable method of effecting discovery in the most cost-effective manner. This could, by way of example, involve more limited samples than those requested or stipulations of fact.

I would also like to emphasize that I expect some resolution that will provided meaningful information to the Complainant in a

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timely manner. ATC has asked for expedited resolution of this case. In light of this I have placed little credence in the argument that production of the requested information will not be possible before hearing. If the parties cannot reach an agreement on discovery prior to the prehearing conference, they should be prepared to present argument and justify claims made in the relevant discovery pleadings. At the prehearing conference I will rule on any remaining dispute and will entertain any suggestions that the hearing be delayed in order to provide adequate time for discovery.

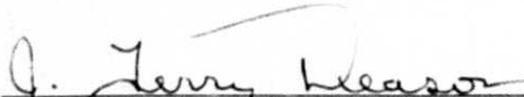
Based on the foregoing, it is

ORDERED by Commissioner J. Terry Deason, as Prehearing Officer, that Telcom Recovery Corp.'s Request for the Production of Documents No. 1 is hereby granted and Transcall America, Inc. d/b/a ATC Long Distance is ordered to produce the records as requested. It is further

ORDERED that Telcom's Request No. 2 is hereby denied. It is further

ORDERED that any unresolved discovery disputes shall be addressed at the prehearing conference.

By ORDER of J. Terry Deason, Commissioner and Prehearing Officer, this 12th day of JULY, 1991.

  
J. TERRY DEASON, Commissioner and  
Prehearing Officer

( S E A L )

JKA