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May 12, 2008

Via Hand Delivery

Ann Cole, Commission Clerk
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RECEIVED-FPSC
08 MAY 12 PM 3:37
COMMISSION
CLERK

Re: Docket No. 000475-TP
Complaint by Bellsouth Telecommunications, Inc., against Thrifty Call, Inc.
regarding practices in the reporting of percent interstate usage for compensation
for jurisdictional access services

Dear Ms. Cole:

Enclosed for filing on behalf of Thrifty Call, Inc. ("Thrifty Call"), please find an original and fifteen copies of Thrifty Call, Inc.'s Response in Opposition to AT&T Florida's Motion to Compel.

Please acknowledge receipt of these documents by stamping the extra copy of this letter "filed" and returning the copy to me.

Thank you for assistance with this filing.

Sincerely,



Martin P. McDonnell

CMP _____
COM _____
CTR _____
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SCL 2 _____
OPC _____
RCA 1 _____
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SGA _____ /vp
SEC _____ Enclosures
OTH _____

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FPSC-COMMISSION CLERK

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re:)	
)	Docket No. 000475-TP
Complaint by BellSouth Telecommunications, Inc.)	
against Thrifty Call, Inc. regarding practices in the)	Filed: May 12, 2008
reporting of percent interstate usage for compensa-)	
tion for jurisdictional access services)	

**THRIFTY CALL, INC.'S RESPONSE IN OPPOSITION TO AT&T FLORIDA'S
MOTION TO COMPEL**

Thrifty Call, Inc. ("Thrifty Call"), hereby files this Response In Opposition to AT&T Florida's Motion to Compel (the "Motion To Compel") filed May 5, 2008. The Motion to Compel requests that the Commission order Thrifty Call to respond to AT&T Florida's First Request for Admissions numbers 3, 4, 5, 6, 12, 13, 15, 16, and 17 and, Fifth Set of Interrogatories numbers 106, 107, 108, 109, 115, 116, 118, 119 and 120.

ARGUMENT

First and foremost, AT&T Florida's May 5, 2008 Motion to Compel is not timely. Thrifty Call has timely filed all objections and responses to AT&T Florida's voluminous discovery requests in this docket yet AT&T Florida waited over two weeks to move to compel responses thereby failing to complete its discovery within the discovery cutoff date. AT&T Florida has served Thrifty Call with over 150 requests for interrogatories and requests for production of documents, and many, if not most of those requests had subparts. On February 18, 2008, Thrifty Call served its objections to AT&T Florida's Second Set of Interrogatories and Objections to Second Request for Production of Documents. On February 20, 2008, Thrifty Call received AT&T Florida's Third Set of Interrogatories (nos. 51-71) and Third Request for Production of Documents (nos. 23 and 24). On February 21, 2008, Thrifty Call served its

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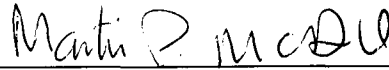
FPSC-COMMISSION CLERK

responses to AT&T's Second Set of Requests for Production of Documents (nos. 16-22) and Second Set of Interrogatories (nos. 31-50). On March 3, 2008, Thrifty Call served its objections to AT&T Florida's Third Set of Interrogatories (nos. 51-71) and Third Request for Production of Documents (nos. 23, 24). On March 14, 2008, Thrifty Call served its responses to AT&T's Third Set of Interrogatories and Third Request for Production of Documents. On March 11, 2008, Thrifty Call was served with AT&T Florida's Fourth Set of Interrogatories (nos. 72-97) and Fourth Request for Production of Documents (nos. 25-31), on March 21, 2008, Thrifty Call timely served its objections to AT&T Florida's Fourth Set of Interrogatories and Fourth Request for Production of Documents. On March 26, 2008, Thrifty Call timely served its responses to AT&T's Fourth Set of Interrogatories and Fourth Request for Production of Documents. Thrifty Call filed its objections to AT&T Florida's First Request for Admissions numbers 3, 4, 5, 6, 12, 13, 15, 16, and 17 and Fifth Set of Interrogatories numbers 106, 107, 108, 109, 115, 116, 118, 119 and 120 on April 18, 2008.

If AT&T Florida is truly "in need of the information requested on the above referenced discovery to properly prepare its case" as stated in its Motion to Compel, it would have, and should have, filed its Motion to Compel in a timely manner. By Order No. PSC-07-1027-PCO-TP issued December 28, 2007, the Commission cut off discovery in the instant docket on April 1, 2008. In Order No. PSC-08-0188-PCO-TP issued March 25, the Commission amended the discovery cut off date to May 5, 2008. That date has now passed. The matter is scheduled for prehearing in eight days and for hearing in 29 days. This Complaint was filed in April 2008, and AT&T Florida has had every opportunity to ask questions to which it now seeks answers to in its untimely Motion to Compel. Florida courts recognize that when a party has not been diligent in seeking discovery, the court is free to deny motions to compel. See *Southern California*

Funding, Inc. v. Hutto, 438 So.2d, 426 (1st DCA 1983). Thrifty Call respectfully requests the Commission deny the Motion to Compel.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by U.S. Mail to the following this 12 day of May, 2008:

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