

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE
COMMISSION

In re: Proposed Rule 25-24.485, F.A.C.,
Customer Relations; Rules Incorporated,
and Proposed Amendments to Rules 25-
4.003, F.A.C., Definitions; 25-4.110,
F.A.C., Customer Billing; 25-4.118,
F.A.C., Interexchange Carrier Selection;
25-24.490, F.A.C. Customer Relations;
Rules Incorporated.

Docket No. 970882-T1

Served: October 10, 1997

**MCI TELECOMMUNICATIONS CORPORATION'S
RESPONSE TO FLORIDA CITIZENS' FIRST SET OF
REQUESTS FOR PRODUCTION OF DOCUMENTS**

MCI Telecommunications Corporation ("MCI"), through its undersigned

ACK _____ counsel, responds to Florida Citizens' ("Citizens") First Set of Requests for

AFA _____ Production of Documents and states:

APP Caldwell

CAF 2

General Objections

CMI _____

CTR _____ MCI makes the following general objections to Citizens First Set of

EAG _____ Requests for Production of Documents.

LEG _____

LIN 5

OPC _____

RCH 1

SEC 1

WAS _____

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FPSC-BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

1. MCI objects to the definition of "you" and "your" to the extent such definition seeks to impose an obligation on MCI to respond on behalf of subsidiaries, affiliates, or other persons that are not parties to this case and on the grounds that such definition is overly broad, unduly burdensome, oppressive, and not permitted by applicable discovery rules.

2. MCI has interpreted Citizens requests to apply to MCI's regulated intrastate operations in Florida and will limit its responses accordingly. To the extent that any request is intended to apply to matters other than Florida intrastate operations subject to the jurisdiction of the Commission, MCI objects to such requests as irrelevant, overly broad, unduly burdensome and oppressive.

3. MCI objects to Requests for Production Nos. 1 through 13 and all instructions to the extent that these requests and instructions call for information which is exempt from discovery by virtue of the attorney-client privilege, work product privilege, or other applicable privilege. MCI also objects to the extent that the Requests call for a comprehensive privilege log of every document and e-mail that might be responsive to these Requests as the search for all such documents and preparation of such a log would be unduly burdensome and oppressive. Any production of privileged or otherwise protected documents is inadvertent and shall not constitute a waiver of any claim of privilege or other protection.

4. MCI objects to Requests for Production Nos. 1 through 13 on the grounds that the requests are vague, ambiguous, overly broad, imprecise, and utilize terms subject to multiple interpretations and not properly defined or explained for purposes of these requests. Any responses provided by MCI in

response to Citizens requests will be provided subject to, and without waiver of, the foregoing objection.

5. MCI objects to Requests for Production Nos. 1 through 13 on the grounds that the documents requested are not reasonably calculated to lead to the discovery of admissible evidence and are not relevant to the subject matter of this action.

6. MCI objects to Citizens general instructions, definitions and specific discovery requests insofar as they seek to impose obligations on MCI that exceed the requirements of the Florida Rules of Civil Procedure or Florida law.

7. MCI objects to Requests for Production Nos. 1 through 13 to the extent that these requests require information that is already in the public record before the Florida Public Service Commission.

8. MCI objects to Requests for Production Nos. 1 through 13 as being unduly burdensome, expensive, oppressive, and excessively time consuming as written. MCI asserts this same objection with respect to each and every general instruction and definition to the extent applicable.

9. MCI objects to Requests for Production Nos. 1 through 13 on the grounds that the information requested includes "trade secrets" which are privileged pursuant to Section 90.506, Florida Statutes. In addition, to the extent that Citizens requests require a response that includes proprietary confidential business information which is not subject to "trade secrets" privilege, MCI will make such information available to Public Counsel subject to MCI's motion for

temporary protective order, subject to receiving a subpoena for customer-specific information, and subject to any other general or specific objection contained here.

10. Based upon discussion with Public Counsel, MCI interprets these Requests as seeking documents relating only to small business and residential telecommunications customers.

11. MCI objects to the use of the term "slamming" throughout these Requests on the grounds that the term is undefined, and therefore vague and ambiguous. Without waiving these objections, MCI interprets the term "slamming" to mean a PIC dispute in which a customer complains that his/her/its PIC was changed without authorization.

12. In responding to the Requests for Production of Documents, MCI has conducted and is conducting a reasonable and diligent search for documents or other things responsive to these Requests for Production of Documents where they are most apt to be found. To the extent that the Requests for Production of Documents ask MCI to take any action other than this, MCI objects because the Requests for Production of Documents are unreasonably burdensome and oppressive.

13. These Responses are provided with the understanding that they will not be construed as an admission of any definition or instruction contained herein as either factually correct or legally binding upon MCI. Any definitions or terms used in these responses are used only for the purposes of responding to Citizens discovery and for no other purpose.

14. MCI objects to these Requests for Production of Documents to the extent that they assume that MCI has engaged in slamming.

Specific Responses

Request No. 1: Please provide all internal analyses, studies, reports, papers, or other documents performed by MCI or performed at the request of MCI regarding:

- a. slamming or unauthorized PIC changes,
- b. the level of or amount of slamming incidents that have been identified by MCI,
- c. potential changes to rules or practices regarding changing primary interexchange carriers,
- d. the effect of slamming on customers,
- e. the effect of slamming either on MCI, the local exchange industry, or the interexchange industry, or
- f. the effect of slamming on competition.

Response No. 1: MCI incorporates herein by reference its General Objections. MCI also objects to this Request to the extent it seeks internal analyses, studies and reports which discuss slamming or unauthorized PIC changes in any jurisdiction other than Florida. Further, based upon discussions with Public Counsel, no customer-specific information will be produced in response to this Request beyond that which will be provided in response to Request Nos. 3, 7 and 13. Without waiving these objections, MCI will produce internal analyses, studies, and reports that are limited to slamming or PIC disputes in Florida. Specifically, MCI will produce documents that reflect the number of PIC change complaints

and PIC disputes in Florida from 1995 through 1997. MCI submits, however, that a great number of these complaints and PIC disputes result from spousal intervention, buyer remorse or some other "non-slam" related occurrences.

To the extent this Request seeks internal analyses, studies and reports that relate to (a) the effect of slamming on the interexchange industry, (b) the effect of slamming on customers or (c) potential changes to rules or practices regarding changing primary interexchange carriers, MCI has been unable to identify any such reports at this time, but is continuing its search for those materials.

Request No. 2: Please provide all memos, correspondence, or e-mail in your possession, custody or control, between people at MCI or any affiliate, regarding slamming.

Response No. 2: MCI incorporates herein by reference its General Objections. MCI also objects to this Request to the extent it seeks the production of "all" memos, correspondence or e-mail regarding slamming. To require a search of MCI's approximately 45,000 employees for such documents would be unduly burdensome. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI is in the process of contacting those executives reasonably likely to have such documents. To the extent such documents exist, they will be produced unless protected by the attorney-client privilege or the work product doctrine.

MCI will also produce representative samples of letters sent to customers who experienced an unauthorized PIC change or had their PIC changed due to a systems error.

MCI will also produce representative samples of e-mails sent to Bell South requesting a PIC change when MCI has been informed of an unauthorized PIC change. To the extent customer-specific information is attached to such e-mails for the period September 1996 through September 1997, it will be produced.

Request No. 3: Please provide each document in your possession, custody or control showing the name, address and telephone number of every customer that has complained to your company of slamming or unauthorized PIC changes during the past 12 months.

Response No. 3: MCI incorporates herein by reference its General Objections. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI will produce such customer complaints for the State of Florida from September 1996 through September 1997. MCI reiterates, however, that a great number of the complaints result from buyer remorse, spousal intervention or other "non-slam" related occurrences.

Request No. 4: Please provide copies of your current training materials and directives to business office or marketing personnel dealing with handling of slamming complaints.

Response No. 4: MCI incorporates herein by reference its General Objections. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI will produce an informal summary of how slamming complaints are handled at MCI's National Escalation Center ("NEC") in Austin, Texas. MCI will also produce NEC procedures for entering unauthorized PIC change complaint information into its computer database.

Request No. 5: Please provide copies of all letters or other forms currently used to confirm sales to customers.

Response No. 5: MCI incorporates herein by reference its General Objections. MCI also objects to this Request on the grounds that it is overbroad and unduly burdensome, as there are currently thousands of iterations of marketing materials used by MCI to confirm sales to customers. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI will provide representative samples of the letters of authorization and accompanying marketing materials currently used to confirm sales to customers in the small business and residential markets (i.e., partner marketing, customer fulfillment, and direct response). MCI will also produce representative samples of third party verification scripts and training materials used to confirm sales to customers.

Request No. 6: Please provide copies of all company practices regarding the handling of customers who claim to have been subjected to "slamming" or unauthorized PIC changes.

Response No. 6: MCI incorporates herein by reference its General Objections. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI incorporates herein its Response to Request No. 4. Further, to the extent MCI's practices regarding the handling of "slamming" complaints or unauthorized PIC changes are set forth in the comments and other materials submitted to the Federal Communications Commission or the Florida Public Service Commission, such documents will be produced.

Request No. 7: Please provide letters, directives, correspondence, and other documents in your possession, custody or control relating to slamming or unauthorized PIC changes, when the customer originally belonged to your company and was slammed by another company.

Response No. 7: MCI incorporates herein by reference its General Objections. Without waiving these objections, MCI will produce customer information for customers who originally belonged to MCI and were subjected to an unauthorized PIC change by another company from December 1996 through September 1997, including each customer's name, phone number and address. This information is based upon notification received from the local exchange carrier, and therefore does not include every MCI customer that has been subjected to an unauthorized PIC change by another company.

Request No. 8: Please provide letters, directives, correspondence, and other documents in your possession, custody or control relating to slamming or unauthorized PIC changes, when your company has been accused of "slamming" or unauthorized PIC changes.

Response No. 8: MCI incorporates herein by reference its General Objections. MCI also objects to the extent this Request seeks customer-specific information not already provided in response to Request Nos. 3, 7 and 13. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI interprets this Request as seeking documents regarding MCI policies on handling "slamming" complaints. Accordingly, see Responses to Request Nos. 2, 4 and 6.

Request No. 9: Please provide copies of all forms currently used by MCI to solicit new customers.

Response No. 9: MCI incorporates herein by reference its General Objections. MCI also objects to the Request on the grounds that it is overbroad and unduly burdensome, as there are currently thousands of iterations of forms used by MCI to solicit new customers. Without waiving these objections, and

pursuant to discussions with Public Counsel, MCI will produce representative samples of such marketing materials (i.e., partner marketing, customer fulfillment, and direct responses).

Request No. 10: Please provide copies of all PIC change orders processed by your company since January 1, 1995, when the reason for the change was due to slamming.

Response No. 10: Pursuant to discussions with Public Counsel, MCI understands that it is not currently required to respond to this Request, subject to Public Counsel reserving the right to reassert this Request.

Request No. 11: Please provide copies of all company practices regarding the handling of customers who claim to have been subjected to "slamming" or unauthorized PIC change.

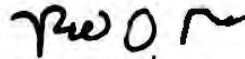
Response No. 11: MCI incorporates herein by reference its General Objections. Without waiving these objections, and pursuant to discussions with Public Counsel, MCI incorporates its Response to Request Nos. 2, 4, 6 and 8.

Request No. 12: Please provide each document in your possession, custody or control commenting on or evaluating the policies or practices of the Florida Public Service Commission or its staff regarding slamming.

Response No. 12: MCI incorporates herein by reference its General Objections. Without waiving these objections, MCI will produce responsive non-privileged documents, as well as a privilege log identifying representative samples of such privileged documents.

Request No. 13: Please provide all documents in your possession, custody or control relating to complaints received from the Florida Public Service Commission or its staff since January 1, 1996, regarding any complaint about slamming.

Response No. 13: MCI incorporates herein by reference its General Objections. Without waiving these objections, MCI will produce such non-privileged documents.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished to the following parties by hand delivery (*) or U.S. Mail this 10th day of October, 1997.

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