

SUZANNE FANNON SUMMERLIN
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October 16, 1997

Ms. Blanca S. Bayo
Director, Records & Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, Florida 32399-0850

RE: Docket No. ~~940002~~ TI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket on behalf of The Furst Group, Inc., are the original and 15 copies of the following documents:

1. The Furst Group, Inc.'s Responses and Objections to the Citizens' First Set of Requests for Production of Documents; 10664-97
2. Notice of Service of The Furst Group, Inc.'s Responses and Objections to the Citizens' First Set of Requests for Production of Documents; 10665-97
3. The Furst Group, Inc.'s Request for Temporary Protective Order and Notice of Intent to Request Specified Confidential Classification. 10666-97

By copy of this letter these documents have been provided to the parties on the service list below.

Sincerely,

Suzanne F. Summerlin
Suzanne F. Summerlin

CK _____
 SFA _____
 APP Caldwell
 C/F 2
 CMU _____
 CR _____
 FSG _____
 LIT 1-FX
 LIT 5 SFS:ss
 RCH 1
 SEC 1

Enclosures (48)

RECEIVED & FILED
[Signature]
FPSC AREA OF RECORDS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished to the following parties by hand delivery (*) or U.S. Mail this 16th day of October, 1997:

Charles J. Beck*
Deputy Public Counsel
Office of Public Counsel
111 W. Madison Street, Rm. 812
Tallahassee, FL 32399-1400

Diana Caldwell, Esq.
Division of Appeals
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Michael A. Gross
Assistant Attorney General
Department of Legal Affairs
PL-01, The Capitol
Tallahassee, FL 32399-1050

Walter D'Haeseleer
Director of Communications
Florida Public Service
Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850


Susanna Fannon Summerlin

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Proposed Rule 25-24.845,) DOCKET NO. ~~950709~~-TI
 F.A.C., Customer Relations; Rules)
 Incorporated, and proposed amend-) Filed: October 16, 1997
 ments 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.)

THE FURST GROUP, INC.'S RESPONSE
TO THE CITIZENS' FIRST SET OF REQUESTS
FOR PRODUCTION OF DOCUMENTS

The Furst Group, Inc., hereby gives notice of its objections and responses to the Citizens' First Request for Production of Documents, as follows:

A. Objections

1. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 to the extent that such of this information has already been provided for the Citizens and the Staff of the Florida Public Service Commission in Docket No. 950709-TI. The Furst Group, Inc., produced a good deal of information in that proceeding related to the period up to and including the year 1995 and has not produced that information again.

2. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 to the extent that these requests ask for information that is attorney-client privileged and work product privileged. The Furst Group, Inc., has been forced to file formal complaints against other telecommunications companies in certain situations and has prepared a good deal of material in relation to these matters. This material is privileged. In

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

addition, some material produced by The Furst Group, Inc., in these matters has been sealed by the appropriate jurisdictions. This material has not been produced.

The Furst Group, Inc., also objects to the request for a log of all privileged documents. This request is impossible to fill based on the numbers of privileged documents that have been involved in the proceedings against other telecommunications companies.

3. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 to the extent that these requests ask for information beyond the Florida operations of the company. The Furst Group, Inc., has interpreted the Citizens' requests for production as relating to Florida operations, over which the Florida Public Service Commission has jurisdiction, and Florida customer complaints only. The Furst Group, Inc., has produced Florida information responsive to the Citizens' requests. The Furst Group, Inc., has also produced information on company practices and marketing that goes beyond the Florida market in an effort to reasonably respond to the Citizens' requests.

4. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 in that the requests for information by the Citizens are extremely broad, vague, and overlapping. To produce all information that could conceivably fit within these categories would be an impossible task and is not required under the Florida Rules of Civil Procedure nor the Commission's Rules. The Furst Group, Inc., has made a reasonable effort to produce information responsive to the Citizens' requests, however, there

has been no screening of every e-mail and all other documents to provide anything that might have anything to do with the subject of improper change of primary interexchange carriers. The Furst Group, Inc., does not have available the numbers of staff required to do such a project.

5. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 to the extent that these requests ask for information which is not relevant to this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

6. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 to the extent that these requests ask for documents already in the public record at the Commission.

7. The Furst Group, Inc., objects to Requests for Production Nos. 1-13 because these requests ask for information that includes "trade secrets" pursuant to Section 90.506, Florida Statutes. Such "trade secrets" are privileged.

B. Responses

Without waiver of any of the foregoing objections, The Furst Group, Inc., has provided the following responses:

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

- a. slamming or unauthorized PIC changes,
- b. the level of amount of slamming incidents that have been identified by The Furst Group,
- 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 The Furst Group, the local exchange industry, or the interexchange industry, or
- f. the effect of slamming on competition.

Response to Request No. 1: The Furst Group, Inc., has located very little information that is directly responsive to this request. However, information has been produced for several of the other requests for production that may be considered responsive to Request No. 1.

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

Response to Request No. 2: The Furst Group, Inc., has produced two such documents. As stated in the objections above, The Furst Group, Inc., has had several complaint proceedings against other telecommunications companies regarding disputes over unauthorized PIC changes that were not the responsibility of The Furst Group, Inc., that contain privileged information that has not been 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 to Request No. 3: The Furst Group, Inc., has produced copies of the complaints received by the Florida Public Service Commission in response to Request No. 13, but it has no other compilation of Florida customers complaining of unauthorized PIC changes.

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 to Request No. 4: The Furst Group, Inc., has produced training materials. They do not address "slamming" issues only, but are general training materials.

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

Response to Request No. 5: The Furst Group, Inc., has produced such documents.

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 to Request No. 6: The Furst Group, Inc., has produced information related to its company practices.

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 to Request No. 7: The Furst Group, Inc., has produced its Florida complaints in response to Request No. 13.

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 or "slamming" or unauthorized PIC changes.

Response to Request No. 8: The Furst Group, Inc., has produced its Florida complaints in its response to Request No. 13.

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

Response to Request No. 9: The Furst Group, Inc., has produced its marketing and script materials in response to Requests Nos. 4 and 5.

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 to Request No. 10: As a switchless reseller, The Furst Group, Inc., does not process PIC change orders.

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.

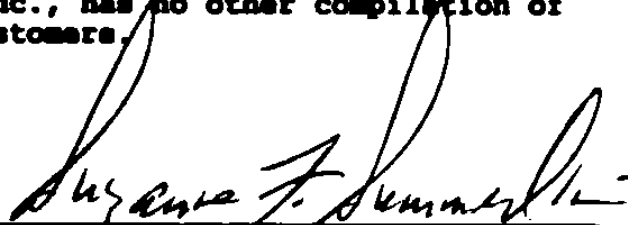
Response to Request No. 11: This request is duplicative of Request No. 6.

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 to Request No. 12: No such documents have been located.

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 to Request No. 13: The Furst Group, Inc., has produced copies of its Florida Public Service Commission complaints. The Furst Group, Inc., has no other compilation of complaints regarding Florida customers.



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Florida Bar No. 398586
Attorney for The Furst Group, Inc.

CERTIFICATE OF SERVICE

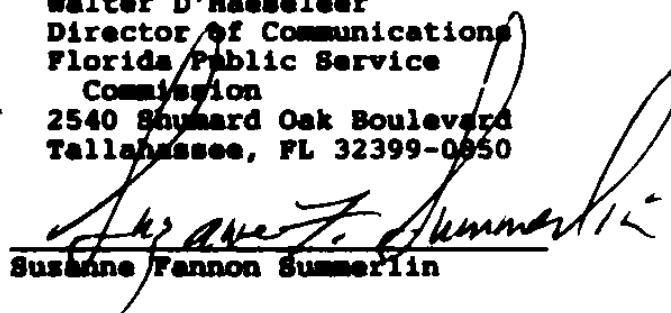
I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to the following parties this 16th day of October, 1997.

Charles J. Beck
Deputy Public Counsel
Office of Public Counsel
111 W. Madison Street, Rm. 812
Tallahassee, FL 32399-1400

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