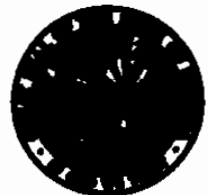


ORIGINAL

STATE OF FLORIDA
OFFICE OF THE PUBLIC COUNSEL

c/o The Florida Legislature
111 West Madison St.
Room 812
Tallahassee, Florida 32399-1400
850-488-9330



JACK SMIRNIE
PUBLIC COUNSEL

October 22, 1997

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Re: Docket No. 970002-PP

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of the First Motion to Compel Against Frontier Communications Services by the Attorney General and the Citizens of Florida.

ACK

AFA Please indicate the time and date of receipt on the enclosed duplicate of this letter
APP and return it to our office.

CAF 2

CMU 1

CTR _____

EAG _____

LEG 1

LIN 5

OPC _____

RCH 1
CJB:bsr

SEC 1

WAS Enclosures

OTH _____

Sincerely,

Charles J. Beck
Deputy Public Counsel

RECEIVED & FILED
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FPSC BUREAU OF RECORDS

DOCUMENT NUMBER-DATE

~~10009~~ OCT 22 97

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Joint Petition of Robert A. Butterworth,)
Attorney General, and the Citizens of the)
State of Florida, by and through the Office)
of Public Counsel, for initiation of formal)
proceedings pursuant to Section 120.57(1),)
Florida Statutes, to investigate the practice)
of "slamming," i.e. the unauthorized change)
of a customer's presubscribed carrier, and to)
determine the appropriate remedial measures)

Docket # 970002-77

Filed: October 22, 1997

**FIRST MOTION TO COMPEL AGAINST FRONTIER COMMUNICATIONS SERVICES
BY THE ATTORNEY GENERAL AND THE CITIZENS OF FLORIDA**

Robert A. Butterworth, Attorney General ("Attorney General"), and the Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, move the Florida Public Service Commission to issue an order requiring Frontier Communications Services, Inc. ("Frontier") to produce each of the documents requested in the First Set of Requests for Production of Documents by the Attorney General and the Citizens to Frontier. In support of this motion, the Attorney General and the Citizens submit the following:

1. On September 11, 1997, the Attorney General and the Citizens served our first set of requests for production of documents to Frontier. Frontier served its response on October 15, 1997. The Citizens received this response on October 21, 1997.

2. Frontier objected to each and every request based on its claim that the requests are overbroad and that compliance with the request would be unduly burdensome. However, Frontier provided no analysis or reasoning showing the basis for this claim, nor did Frontier provide a single example of any specific request that was overbroad. Since Frontier provided no analysis or reasoning supporting its objection, the objection must be denied.

3. Frontier further objected to the extent that the requests sought information regarding matters beyond the subject matter jurisdiction of the Florida Public Service Commission or as to which the Commission's jurisdiction has been preempted by section 258 of the Communications Act of 1934, as amended by the Telecommunications Act of 1996. Frontier did not explain how any of the requests were beyond the subject matter jurisdiction of the Commission, nor did it provide any analysis of Section 258 of the Communications Act that would show how the Commission lacks jurisdiction over the subject matter of slamming. Section 258(a) of the Act states that :

"No telecommunication's carrier shall submit or execute a change in a subscriber's selection of a provider of telephone exchange service or telephone toll service except in accordance with such verification procedures as the (Federal Communications) Commission shall prescribe. Nothing in this section shall preclude any state commission from enforcing such procedures with respect to intrastate services."(emphasis added).

It is hard to imagine how the Act could have more clearly reserved jurisdiction to the states with respect to slamming of intrastate services. There is no basis for the claim by

Frontier that this Commission may not have jurisdiction over slamming because of section 258 of the Communications Act.

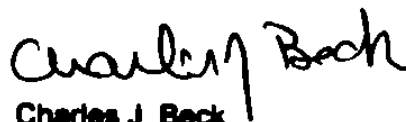
4. The total amount of documentation provided by Frontier in response to the requests for production of documents amounted to Frontier's single page responses to the Commission concerning 17 complaints. Frontier produced no other documents. The Attorney General and the Citizens request the Commission to issue an order requiring Frontier to provide all of the documents requested in our first set of requests for production of documents to Frontier.

Respectfully submitted,

ROBERT A. BUTTERWORTH
Attorney General

JACK SHREVE
Public Counsel

MICHAEL A. GROSS
Assistant Attorney General
Fla. Bar No. 0199461


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**CERTIFICATE OF SERVICE
Docket No. 970882-TL**

**I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S. Mail
or hand-delivery to the following parties on this 22nd day of October, 1997.**

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Tallahassee, FL 32301**

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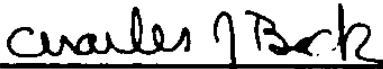
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