

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, F.S., to Investigate the Practice of Sleazing and to Determine the Appropriate Remedial Measures

Docket No. 999992-TI

Filed: Nov. 17, 1997

SPRINT'S REQUEST FOR TEMPORARY PROTECTIVE ORDER

Sprint Communications Company Limited Partnership ("Sprint"), by and through its undersigned counsel, and pursuant to Rule 25-22.006(5)(c), Florida Administrative Code, files its request for temporary protective order, and in support thereof states:

1. Robert A. Butterworth, Attorney General, and the Citizens of the State of Florida, by and through the Office of Public Counsel, served upon Sprint a request for production of documents relating to this docket. A copy of said request is attached to this pleading.

2. By subpoena requested by the Public Counsel and issued by the Commission Clerk on November 12, 1997, Sprint has been directed to produce documents relating to this docket and described in said subpoena. A copy of the subpoena is attached to this pleading.

3. The documents Sprint is providing pursuant to the request and subpoena contain proprietary confidential business information of Sprint which is exempt from public disclosure under Sections 119.07 and 364.193, Florida Statutes. The information is confidential because it relates to Sprint's competitive and

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COT _____
SEC _____
WAS _____
OTH _____

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[Signature]
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FPSC-RECORDS/REPORTING

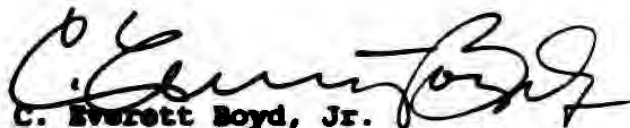
customer specific interests, the disclosure of which would impair Sprint's competitive business.

4. The documents Sprint is providing pursuant to the request and subpoena contain customer specific account records protected by Section 364.24, Florida Statutes. Sprint's voluntary disclosure of said information would violate Section 364.24 and subject Sprint and its representatives to criminal sanctions.

5. If the Public Counsel informs Sprint that it intends to use the subject documents in this proceeding before the Commission, Sprint will promptly file a specific request for protective order pursuant to Commission Rule 25-22.006(5)(c).

DATED this 17th day of November, 1997.

Respectfully submitted,



C. Everett Boyd, Jr.
Ervin, Varn, Jacobs & Ervin
Post Office Drawer 1170
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(850) 224-9135
and

Benjamin Fincher
Sprint Communications Company
Limited Partnership
3100 Cumberland Circle
Atlanta, GA 30339
(404) 649-5146

Attorneys for Sprint Communications
Company Limited Partnership

OFFICERS OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by U.S. Mail on this 17 day of November 1997, to the following:

Diana Caldwell
Division of Appeals
Florida Public Service Com.
2540 Sheward Oak Boulevard
Tallahassee, FL 32399-0850

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C. Everett Boyd, Jr.

file

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 pre-subscribed carrier, and to)
determine the appropriate remedial measures)

Docket 950882-T1

Filed: September 10, 1997

CITIZENS' FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO SPRINT COMMUNICATIONS COMPANY, LIMITED PARTNERSHIP

Pursuant to Section 350.0611(1), Fla. Stat. (1995), Rules 25-22.34 and 25.22.35, F.A.C., and Rule 1.350, F.R.C.P., Florida's Citizens' ("Citizens"), by and through Jack Shreve, Public Counsel, request Sprint Communications Company, Limited Partnership ("Sprint") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Wednesday, October 15, 1997, or at such other time and place as may be mutually agreed upon by counsel.

INSTRUCTIONS

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following

information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.

2. If Sprint has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If Sprint does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of Sprint.

3. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

4. Unless otherwise indicated in the discovery request, only documents created on or after January 1, 1995 are requested.

DEFINITIONS

1. "Document" or "documents" means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda,

notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars, records and recordings of oral conversations, work papers, and notes, any of which are in your possession, custody, or control.

2. As used herein "you" and "your" means Sprint together with its officers, employees, consultants, agents, representatives, attorneys (unless privileged), and any other person or entity acting on behalf of Sprint.

3. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

DOCUMENTS REQUESTED

1. Please provide all internal analyses, studies, reports, papers, or other documents performed by Sprint or performed at the request of Sprint regarding:

- a. slamming or unauthorized PIC changes,
- b. the level of or amount of slamming incidents that have been identified by Sprint,

- 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 Sprint, the local exchange industry, or the interexchange industry, or**
- f. **the effect of slamming on competition.**

2. **Please provide all memos, correspondence, or e-mail in your possession, custody or control, between people at Sprint or any affiliates, regarding slamming.**

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.**

4. **Please provide copies of your current training materials and directives to business office or marketing personnel dealing with handling of slamming complaints.**

5. **Please provide copies of all letters or other forms currently used to confirm sales to customers.**

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.**

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.

8. Please provide all 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.

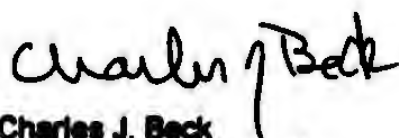
9. Please provide copies of all forms currently used by Sprint to solicit new customers.

10. Please provide copies of all PIC change orders processed by your company since January 1, 1996, when the reason for the change was due to slamming.

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.

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.

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.



Charles J. Beck
Deputy Public Counsel

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 10th day of September, 1997.

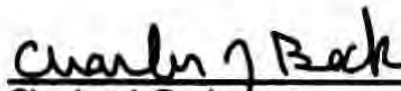
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Director of Communications
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Benjamin Fincher, Esq.
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Atlanta, GA 30339



Charles J. Beck

Rec'd. 11/17/97
file

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In RE: Docket No. 970882-TI -)
Proposed Rule 25-24.845, F.A.C.,)
Customer Relations; Rules Incor-)
porated, and proposed amendments)
to Rule 25-4.003, F.A.C., Defi-)
nitions; 25-4.110, F.A.C., Cus-)
tomers Billing; 25-4.118, F.A.C.,)
Interexchange Carrier Selection;)
and 25-24.490, F.A.C., Customer)
Relations; Rules Incorporated.)

SUBPOENA DUCES TECUM FOR
DEPOSITION

THE STATE OF FLORIDA

TO: C. Everett Boyd, Jr., Ervin, Varn, Jacobs & Ervin, 305
S. Gadsden Street, Tallahassee, Florida 32301

YOU ARE COMMANDED to appear before a person authorized by law to take depositions at the Office of Public Counsel, 111 W. Madison Street, 812 Claude Pepper Bldg., in Tallahassee, Florida, on November 17, 1997, at 9:30 a.m., and to have with you at that time and place the following: (see attached). If you fail to appear, you may be held in contempt.

YOU ARE SUBPOENAED to appear by the following attorney(s) and, unless excused from this subpoena by these attorneys or the Commission, you shall respond to this subpoena as directed.

DATED on November 12, 1997.

Blanca S. Bayó
Blanca S. Bayó, Director
Records and Reporting
Florida Public Service Commission

(S E A L)

Charles J. Beck
Attorney for Office of Public
Counsel
111 W. Madison Street
812 Claude Pepper Bldg.
Tallahassee, Florida 32399-1400
Address

AUTHORITY:

Florida Statutes 120.58(1), (3)

(1) (b) An agency or its duly empowered presiding officer or a hearing officer has the power to swear witnesses and take their testimony under oath, to issue subpoenas upon the written request of any party or upon its own motion, and to effect discovery on the written request of any party by any means available to the courts and in the manner provided in the Florida Rules of Civil Procedure, including the imposition of sanctions, except contempt.

(3) A party may seek enforcement of a subpoena, order directing discovery, or order imposing sanctions issued under the authority of this act by filing a petition for enforcement in the circuit court of the judicial circuit in which the person failing to comply with the subpoena or order resides. A failure to comply with an order of the court shall result in a finding of contempt of court. However, no person shall be in contempt while a subpoena is being challenged under subsection (2). The court may award to the prevailing party all or part of the costs and attorney's fees incurred in obtaining the court order whenever the court determines that such an award should be granted under the Florida Rules of Civil Procedure.

Rule 25-22.045, Florida Administrative Code

(1) When the proceeding is before the Commission or member thereof, subpoenas may be issued by the presiding officer or the Division of Records and Reporting on subpoena forms supplied by the Commission. When the proceeding is before a hearing officer of the Division of Administrative Hearings, subpoenas may be issued by the Hearing Officer.

(2) A party shall apply in writing for the issuance of subpoenas requiring the attendance of witnesses or production of records, files, and memoranda from any place in the state, at any designated place of hearing before the presiding officer, for the purpose of taking the testimony of such witness or inspection of documents. An application for the subpoena shall state the name and address of the witness for whom the subpoena is to be issued, and the time and place for the witness to appear.

(3) Any party or person against whom a subpoena is directed may file a motion to quash or limit the subpoena with the agency having jurisdiction of the dispute. The motion shall set forth the ground relied upon.

(4) A subpoena may be served by any person authorized by law to serve process or by any person who is not a party and who is of majority age. Service shall be made by delivering a copy thereof to the person named in the subpoena. Proof of service shall be made by affidavit of the person making service if service is not made by an officer authorized by law to do so.

(5) Service of a subpoena may also be effected by certified mail, in which case the return receipt must be signed by the person named in the subpoena.

Attachment
Subpoena Duces Tecum - C. Everett Boyd, Jr.
November 12, 1997

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.

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.

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.