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January 30, 1998

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

Re: Docket No. 970526-TP
Generic consideration of incumbent local exchange (ILEC) business
office practices and tariff provisions in the implementation of intraLATA
presubscription

Dear Ms. Bayo:

ACK _____ Please find enclosed an original and fifteen copies of GTE Florida Incorporated's
AFA _____ Prehearing Statement for filing in the above matter. Service has been made as
APP _____ indicated on the Certificate of Service. If there are any questions regarding this
matter, please contact me at (813) 483-2617.

CAF _____
CMU CMU very truly yours,

CTR _____
EAC _____
LCC 1 Kimberly Caswell

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KC:tas
Enclosures

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A part of GTE Corporation

DOCUMENT NUMBER-DATE

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FPSC DIVISION OF RECORDS & REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Generic consideration of incumbent)	Docket No. 970526-TP
local exchange (ILEC) business office)	Filed: January 30, 1998
practices and tariff provisions in the)	
implementation of intraLATA presubscription)	
_____)	

GTE FLORIDA INCORPORATED'S PREHEARING STATEMENT

GTE Florida Incorporated (GTEFL) files its prehearing statement in accordance with Commission Rule 25-22.038(3) and Order number PSC-98-0010-PCO-TP in this docket

A. Witnesses

At this time, GTEFL believes its only witness in this docket will be William Munsell, who will testify to all open issues.

B. Exhibits

GTEFL does not now plan to introduce any exhibits, but reserves the right to do so at the hearing or other appropriate points in this proceeding.

C. GTEFL's Basic Position

This proceeding is unnecessary and unwarranted. There have been no complaints about the intraLATA marketing practices of GTEFL or any other carrier in this proceeding. The proposed measures are rooted instead in the resolution of a complaint proceeding against BellSouth and the evidence gathered in that case. There is no need for these remedial measures in this case because there is nothing to remedy. GTEFL fully complies

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FPCO-REGISTRATION

with all of the conditions this Commission imposed in its 1995 Order implementing 1+ intraLATA presubscription (Order no. PSC-95-0203-FOF-TP) and its intraLATA business and marketing practices are the same as its federally-mandated interLATA practices. Thus, there should be no question about the propriety of GTEFL's intraLATA practices. No new regulation in this area is necessary or desirable.

D., E., F. GTEFL's Specific Positions

GTEFL considers all of the proposed issues (there is no official issues list) in this case to be mixed questions of fact, law, and policy. As noted above in its general position statement, GTEFL does not believe there is any need for additional regulation of its intraLATA marketing practices, because none of those practices are anticompetitive or otherwise in violation of Chapter 364, Florida Statutes. Nevertheless, in an effort to avoid litigation and to use its resources in the most efficient manner, GTEFL continues to work with the other parties toward settlement of most of the issues in this case. Specifically, resolutions have been proposed and tentatively agreed to with regard to proposed issues 1, 2, 3a-c, and 4. As such, GTEFL will not state specific positions on those issues other than to reiterate that no Commission action is needed on them because GTEFL has not engaged in any inappropriate conduct. If the settlement discussions fall through, however, GTEFL will submit a more detailed statement on any issues remaining for hearing. GTEFL likewise reserves the right to present testimony and other evidence on any such issues. In this regard, GTEFL specifically notes that the pending Commission decision in the BellSouth complaint case (Docket No. 971399-TP) may affect the tentative agreements

thus far on issues 3a, 3c, and/or 3d. If, as Staff has recommended there, the Commission lifts the marketing restrictions that have been placed on BellSouth, these issues become moot with regard to GTEFL, and GTEFL will not agree to any similar restrictions for itself.

Based on the settlement discussions so far, the issues remaining for resolution through the hearing and/or briefing process are:

Issue 3d: Should the Commission require GTEFL to put in place protocols restricting its ability to market its intraLATA service to existing customers when they call for reasons other than selecting intraLATA carriers?

GTEFL's Position: There is tentative agreement or partial settlement of this issue with regard to GTEFL. Specifically, GTEFL asserts that none of its existing practices are anticompetitive or otherwise inappropriate. However, to more efficiently resolve this issue without the need for discovery or other factual investigation, GTEFL further asserts that in some instances, GTEFL does market intraLATA service to existing customers when they call for reasons other than selecting intraLATA carriers. The parties have left for briefing the policy and legal issue of whether the Commission should impose upon GTEFL the same marketing restriction imposed upon BellSouth in its complaint case. As to this remaining issue, GTEFL again asserts that no restrictions are needed for any length of time, since GTEFL's marketing activities are not anticompetitive. If the Commission, however, decides to impose restrictions like it did in the BellSouth case, these restrictions should end when the analogous restrictions on BellSouth are eliminated.

Issue 5: Should the Commission require GTEFL, Sprint-LEC, and small ILECs to provide two-for-one PIC to existing customers?

GTEFL's Position: No. The two-for-one PIC resolution reached in the BellSouth complaint case was based on BellSouth costs and BellSouth's particular practices. GTEFL's costs and administrative operations are different from BellSouth's and justify imposing two charges—one each for intra- and interLATA PIC changes.

G. Stipulated Issues

Based on settlement discussions thus far, GTEFL expects that the parties will either agree to drop from the case or settle issues 1, 2, 3a-c, and 4.

H. Pending Motions

GTEFL has no motions or other matters pending for decision at this time.

I. Compliance Statement

At this time, GTEFL believes it can comply with all the procedural requirements governing this case. GTEFL reiterates, however, that procedures may change depending on whether settlement of certain issues is successful.

Respectfully submitted on January 30, 1998.

By: 

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Prehearing Statement in Docket No. 970526-TP were sent via U.S. mail on January 30, 1998, to the parties on the attached list.



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