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RECEIVED-FPSC

98 JUN 17 PM 3:28

RECORDS AND
REPORTING

June 17, 1998

Ms. Blanca Bayo, Director
Division of Records and Reporting
Room 110, Easley Building
Florida Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, Florida 32399-0850

BY HAND DELIVERY

Re: Docket No. 951232-T1

Dear Ms. Bayo:

Enclosed are an original and fifteen (15) copies of:

Transcall's Response to Tsi's Motion to Compel Production of Raw Call
Detail Records

for filing in the referenced docket. Please indicate receipt by stamping the enclosed extra copy of this
letter.

Thank you for your assistance in this matter.

Sincerely,

Albert T. Gimbel

RECEIVED & FILED
[Handwritten initials]
FPSC-BUREAU OF RECORDS

- ACK _____
- AFA 3
- PP _____
- DAF _____
- CMU _____
- CTR _____
- EAG _____
- EG Keating
- IN 3
- PC _____
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- EC 1
- WAS _____
- CH _____

ATG:dle
Enclosures

cc: Beth Keating, Esq.
Wesley Parsons, Esq.

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DOCUMENT NUMBER-DATE

~~00000~~ JUN 17 98

FPSC-RECORDS/REPORTING

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In Re: Dade County Circuit Court referral of)
certain issues in Case No. 92-11654 (Transcall)
America, Inc. d/b/a ATC Long Distance v.)
Telecommunications Services, Inc. and)
Telecommunications Services, Inc. vs. Transcall)
America, Inc., d/b/a ATC Long Distance) that)
are within the Commission's jurisdiction.)
_____)

DOCKET NO. 951232-TI
Filed: June 17, 1998

**TRANSCALL'S RESPONSE TO TSI'S MOTION TO COMPEL
PRODUCTION OF RAW CALL DETAIL RECORDS**

Transcall America, Inc., d/b/a ATC Long Distance (Transcall), files this response to TSI's Motion to Compel Production of Raw Call Detail Records, and as grounds therefor states:

1. TSI seeks access to confidential and proprietary Raw Call Detail Records maintained on magnetic tapes by Transcall. TSI's request for production of raw CDR tapes is unauthorized and contrary to Florida law. TSI is not legally entitled to the information it seeks.

2. Transcall previously advised TSI and the Commission Staff that, as a result of prior litigation, it has located a limited number of CDR tapes from the relevant time period. No other relevant tapes have been located or are believed to exist. Transcall has identified and provided to TSI and Commission Staff an inventory of the pertinent tapes. See letter dated March 31, 1998, attached hereto as Exhibit 1. These tapes include information on non-TSI customers; in fact, most of the data resident on the tapes involves non-TSI customers and Transcall has an obligation to protect this confidential information. See §364.24, Florida Statutes.

3. Transcall has offered repeatedly to produce the relevant CDR tapes to opposing counsel, to TSI's experts, or to some other independent third party, for the purpose of isolating information relating solely to TSI customers relevant to this docket. Counsel for TSI was advised

DOCUMENT NUMBER DATE
06409 JUN 17 88
FPC RECORDS/REPORTING

of Transcall's position in letters dated February 17 and 23, 1998, copies of which are attached as Exhibits 2 and 3, respectively. The first sentence of the last paragraph in Item 6 of the February 23 letter states: "To be clear, you (counsel) and any independent third party experts can have immediate access to these tapes." (Emphasis added.)

Consequently, TSI has known for several months that it could have access to the tapes it seeks under reasonable circumstances designed to protect the confidential proprietary information contained on the tapes.

4. TSI has not satisfactorily addressed Transcall's concern for the protection of confidential proprietary information. Rather, TSI has essentially insisted that Mr. Joel Esquenazi, a principal of TSI, and his business associates be afforded complete, unrestricted access to the tapes and the information thereon. See letter dated February 17, 1998, attached hereto as Exhibit 4. Contrary to TSI's assertions, Transcall does not have an obligation to produce the tapes to Joel Esquenazi or any of his business associates. Mr. Esquenazi does not have the right to view call records and data of non-TSI customers. Mr. Esquenazi can have access to the data generated from the tapes once the information is isolated to TSI customers.

5. TSI has suggested that a confidentiality agreement will suffice. This may be adequate as to TSI customers, but is of no avail as to non-TSI customers. Furthermore, TSI is currently a competitor of WorldCom, and WorldCom should not have to share the confidential proprietary information and programming models with a competitor.

6. Transcall has produced to TSI, the TSI customer information isolated by the PSC Staff and the Staff's work papers from its audit of the CDR tapes in this docket. This will provide TSI with the TSI customer information downloaded from those tapes audited by Staff as TSI has

requested. Transcall believes this production renders TSI's Motion to Compel the production of Staff work papers moot. TSI has no right to any of the other information it is requesting.

WHEREFORE, TSI's Motion to Compel Production of Raw Call Detail Records should be denied as contrary to law.

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by regular U.S. mail to: Wesley R. Parsons, Esq., Adorno & Zeder, P.A., 2601 South Bayshore Dr., Ste. 1600, Miami, Florida, 33133, and Beth Keating, Esq., Division of Legal Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida, 32309-0850, this 17th day of June, 1998.



ALBERT T. GIMBEL
Messer, Caparello & Self, P.A.
Post Office Box 1876
Tallahassee, FL 32302-1876
(850) 222-0720
ATTORNEYS FOR TRANSCALL
AMERICA, INC.

H:\USERS\DEE\TSI\1998\RESPONSE F15

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March 31, 1998

VIA TELEFAX

Wesley R. Parsons, Esq.
Adorno & Zeder, P.A.
2601 South Bayshore Dr., Ste. 1600
Miami, FL 33133

Re: *Advanced Telecommunications Corp. v. Telecommunications Services, Inc.*,
Docket No. 951232-TI

Dear Wes:

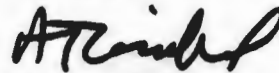
Copies of the following documents will be available for your inspection in our office tomorrow as discussed last week in Boca Raton:

1. Telus Tariff
2. Transcall Tariff
3. TSI Tariff
4. Inventory of CDR tapes previously located by WorldCom.

These documents are provided by WorldCom in furtherance of its continuing effort to respond to your request for documents. The tariffs referenced above have been compiled from company records.

We have located the service order notebooks which we also discussed last week. These will also be available for your inspection tomorrow prior to the issue identification workshop. If you have any further questions, please do not hesitate to contact me.

Very truly yours,



Albert T. Gimbel

ATG:dle
Enclosures
cc: Beth Keating, FPSC

HAUSERS\DEB\TB\1998\PARSONS.CJ1



MC BEER, CAPARELLO & SELF, P.A.
 SUITE 101, 215 SOUTH MONROE STREET
 POST OFFICE BOX 1876
 TALLAHASSEE, FLORIDA 32308-1876
 TELEPHONE: (850) 822-0710
 F. SIMILE: (850) 824-4358

F. SIMILE COVER SHEET

DATE: March 31, 1998
 TO: Was Parsons
 FAX NUMBER: 305/858-4777
 FROM: Tico Gimbel
 CLIENT/MATTER: L119-05239
 NO. PAGES: 2
 (Including cover sheet.)
 If you have any problems with transmission, please contact DEE EMERY, phone: (850) 333-0120.
 24. REMARKS:

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THIS DOCUMENT (REDUCED SAMPLE ABOVE)
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 # 2

*** HEAD ***

NO	FEMOTE STATION I. D.	START TIME	DURATION	#PAGES	COMMENT
	MONROE ZEDER	3-31-98 3:10PM	1'08"	2	

TOTAL 0:01'08" 2

MESSE, CAPARELLO & SELF, P.A.
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 POST OFFICE BOX 1878
 TALLAHASSEE, FLORIDA 32302-1878
 TELEPHONE: (850) 222-0780
 FACSIMILE: (850) 224-4388

FACSIMILE COVER SHEET

DATE: March 31, 1998
 TO: Beth Keating
 FAX NUMBER: 4 3-4213
 FROM: T cc Gimbel
 FAX PAGE(S): 2 (including cover sheet.)
 CALL NUMBER: C 19-5265

MESSAGE:

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TOTAL 0:01'04" 2

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February 17, 1998

VIA TELEFAX

Wesley R. Parsons, Esq.
Adorno & Zeder, P.A.
2601 South Bayshore Dr., Ste. 1600
Miami, FL 33133

Re: *Advanced Telecommunications Corp. v. Telecommunications Services, Inc.*,
Docket No. 951232-TI

Dear Wes:

I acknowledge receipt of your letter dated February 12, 1998, and would like to add a few additional items that will require some follow up.

(1) Production of CDR tapes. We discussed producing to you the actual CDR tapes that we have been able to locate. While we do not have all the tapes from the pertinent time period, we have located quite a few. I have requested a letter from you outlining the procedure you intend to follow to read the tapes and process the pertinent data. This is an area of critical concern to WorldCom since most of the data on the tapes will relate to non-TSI customers. WorldCom must feel comfortable with the process and insure that the confidentiality, security, and integrity of the information is not compromised. We will need a separate protective agreement with your law firm and your experts which addresses the physical security of the tapes and the plan to maintain the integrity and confidentiality of the information once it is pulled off the tapes. Access to this data must be sufficiently restricted. We would prefer to produce the tapes in batches, rather than all at once, so that we only have to deal with the security of a limited number of tapes at any given time. Finally, if you are successful in "cracking" the tapes, we briefly discussed the fact that the parties would share the information generated from the CDR tapes.

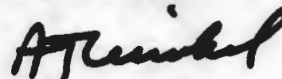
EXHIBIT

2

Wesley R. Parsons
February 17, 1998
Page 2

(2) This letter also serves to confirm the week of March 23 for the purpose of taking the depositions of Brian Sulmonetti, Dennis Sickle, Joe Holop and possibly Clara Reynardus-Thompson at the WorldCom office in Boca Raton, Florida. You had promised to get back to me with information concerning the scope of inquiry in the proposed depositions of Bill Anderson and Scott Sullivan. As I indicated previously, it is doubtful that the deposition of either Mr. Anderson or Mr. Sullivan will be productive. Rather, if you could provide me with the type or category of information you are seeking, we will make every effort to produce an appropriate company witness to provide testimony in those areas.

Very truly yours,



Albert T. Gimbel

ATG:dle

cc: Beth Keating
Florida Public Service Commission

MI BORN, CAPARELLO & SELF, P.A.
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 FACSIMILE: (904) 224-4388

FACSIMILE COVER SHEET

DATE: February 17, 1998 CLIENT/MATTER: L119-5239
 TO: Vice President FAX NUMBER: 305/658-4777
 FROM: Tico Gimbe NO. PAGES: 3
 (including cover sheet.)
 MESSAGE

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FACSIMILE COVER SHEET

DATE: February 17, 1998
 TO: Beth Keating
 FAC NUMBER: 43-6213
 FROM: Leo Gimbel
 NO. PAGES: 3 (including cover sheet.)
 CLIENT NUMBER: L119-5265

REMARKS:

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February 23, 1998

VIA TELEFAX

Wesley R. Parsons, Esq.
Adorno & Zeder, P.A.
2601 South Bayshore Dr., Ste. 1600
Miami, FL 33133

Re: *Advanced Telecommunications Corp. v. Telecommunications Services, Inc.*,
Docket No. 951232-TI

Dear Wes:

Subsequent to faxing you my letter dated February 17, 1998, I received your fax letter of the same date. Following up in the same order raised in your letter:

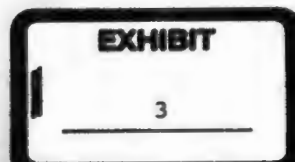
1) I am attempting to locate the Telus/Transcall tariff as it existed between July 1989 and May 1992. I expect to have an answer on this by next week.

2) We will try to keep documents in the boxes in the same order. If a problem arises, I will let you know.

3) We have always been able to timely work out an agreement prior to the PSC proceeding. The primary concern is generally conducting cross-examination in such a way as to not have to close the hearing. Besides, depending on the documents each of us intends to use, this matter may become moot.

4) Since we are still working out the deposition schedule, we should have all people set by next week so you can prepare the notices. As for the "second round" of ATC/Transcall depositions, I am not sure what you mean. To the extent you need follow up depositions of other witnesses, such scheduling can be discussed. If you mean to depose the same people a second time, we reserve our right to object. Finally, please identify the non-party witnesses you intend to depose so that we can begin to work them into our schedules and deal with the probable locations for travel purposes.

5) No one is aware of any coding of any kind, that will specifically identify TSI calls on the CDR tapes.



Wesley R. Parsons
February 23, 1998
Page 2

6) We discussed the possible production of the CDR tapes in our offices last week. I intended to be precise when I indicated that turning over the tapes to Mr. Esquinazi or any TSI employee would not be acceptable. While there might be some TSI customer calls on the CDRs, the vast majority of the calls resident on the tapes will not involve TSI customers. Since WorldCom is under a legal obligation to maintain the confidentiality of such data, it would be inappropriate to produce non-TSI information to anyone. However, recognizing TSI's need to have access to its customer data, we must limit the CDR tapes to non-TSI personnel. First, unfortunately, given the history of the relationship between our clients, WorldCom has no confidence in TSI's reliability in maintaining the security of the tapes or, more importantly, the integrity of the information extracted from those tapes. Second, TSI was, and remains, a competitor of WorldCom, and this information is competitively sensitive business information that cannot be turned over to TSI. WorldCom will gladly produce these tapes to you, your outside experts, or some other independent third party you may retain in an attempt to isolate any TSI-customer information relevant to this case that may be contained on the tapes.

Your suggestion for the production of duplicate tapes does not remedy any of these concerns. Moreover, in view of the age of the tapes, we are not certain that their physical condition lends themselves to reliable duplication, assuming the originals themselves can even be read. Finally, if there is someone with the equipment that can duplicate these tapes, such an exercise would be time consuming and costly.

To be clear, you and any independent third party experts can have immediate access to these tapes. Assuming you are able to "crack" the tapes, you and your client are legally authorized to review only those portions of the tapes that relate solely to TSI customers.

7) Based upon our recent telephone conversation, we have since confirmed that Joe Holop will be available the morning of March 24 in the WorldCom offices in Boca Raton. In addition, we have confirmed that Dennis Sickle can be deposed the morning of March 27. Further, we have confirmed that Brian Sulmonetti can be deposed any time on March 25 or 26. Finally, Clara Reynardus-Thompson is still an unknown, but if she is capable of being deposed, we would schedule her for March 25 or 26. WorldCom's offices are located at 1515 South Federal Highway, Suite 400, Boca Raton, Florida, 33432. Brian Sulmonetti's telephone number is: 561/750-2940.

8) We would like to come view the documents as soon as you are able to make production. Please let me know when you will have the documents ready in your offices for our review.

9) Enclosed is a disk which contains the interrogatory document.

Wesley R. Parsons
February 23, 1998
Page 3

10) I am not quite sure how to respond to your request for an additional extension of time up to and including March 13, 1998. Since we took your client's deposition in May of 1994, almost four years ago, we have been waiting for your client to tell us his side of the story through the documents he claims support his position. We have been through three sets of opposing counsel and three or four different legal forums on this case. I do not want to oppose your request for extension just for the sake of opposing it. However, we need to have a meaningful response to our interrogatories and production of documents as soon as possible. Essentially, we have been put on hold by your client due to his failure to be forthcoming regarding the basis of his claims. I apologize for the frustration conveyed in this response, but we have tried for years to get your client to show us the documents that evidence the credits he claims he is owed, the number of clients he claims are affected, a month by month customer list, documents that reflect the credits he granted to his customers, a list of the customers he claims to have lost as clients because of the billing problems, and information regarding the carriers he has utilized since he left ATC. Further extensions of time only cut into the time available to us to prepare our case for hearing. If you cannot provide the responsive information on the already extended date of Friday, February 27, 1998 as agreed, then we need to discuss continuing the hearing until such time as we can gain access to the information and documents we need to properly prepare our case for presentation. Please let me know how you wish to proceed.

Very truly yours,

/s/

Albert T. Gimbel

ATG:dle

ADORNO & ZEDER

A PROFESSIONAL ASSOCIATION

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SUITE 1600

MIAMI, FLORIDA 33133

TELEPHONE (305) 888-8888

FACSIMILE (305) 888-4777

WORLD WIDE WEB <http://www.adorno.com>

WESLEY R. PARSONS

WRITER'S DIRECT NO
(305) 860-7065

February 17, 1998

Via Facsimile

Albert Gimbel
Messer, Caparello & Self, P.A.
215 South Monroe Street
Suite 701
Tallahassee, Florida 32302-1878

**Advanced Telecommunications Corp. v. Telecommunications Services, Inc.
Docket No.: 951232-TJ**

Dear Tico:

I appreciate the courtesies you extended Ignacio and me in our inspection of ATC's documents last week. To follow up on a few matters regarding the documents and other pending issues:

1. I understand you will attempt to reconstruct your clients' PSC tariff as it existed during their business relationship with TSI. Please let me know when this is done.
2. There were portions of several boxes that I do not wish to have copied now but may need to copy in the future. Could you please keep the documents in the boxes they are currently in. If this presents a problem, please let me know immediately.
3. Regarding the confidentiality agreement, I am willing to begin discussing how your client can protect the confidentiality and the propriety of their documents before the PSC. Your clients must take the lead in this matter, since it is your clients' interest that are at stake.
4. I will shortly be serving notice of deposition as discussed over the telephone for ATC/Transcall witness. As I mentioned, I'll probably need a second round of ATC/Transcall depositions. I'll also need to set up some non-party depositions.
5. Have you inquired with your clients about the coding of TSI calls on the tapes?
6. I have discussed with my client the issue of your turning over the tapes only

EXHIBIT

Albert Gimbel
February 17, 1998
Page 2

to a consultant. My client prefers to attempt to crack the tapes with his own people. Your clients' concerns over confidentiality are allayed by the confidentiality agreement, and your clients can insure this that the information in the tapes is not lost by producing copies rather than originals of the tapes. I therefore see no reason why the tapes cannot be provided to TSI. Please advise if production will still not be forthcoming, so I can move promptly for a resolution of this issue.

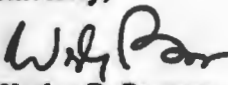
7. Please advise whether we can take the deposition of Joseph Holop in Tulsa on March 9, 1998.

8. Enclosed in the mailed version of this letter are TSI's tax returns that you requested. The other documents are in a warehouse in Dade County and with our expert, also in Dade County. Please contact me to make arrangements for production of those documents.

9. I would appreciate it if you could please supply me with a disk containing your fact interrogatories in a word-processing format (WordPerfect is preferred), to prevent errors that would probably result from retyping them. Your word-processing code is H:\USERS\DEE\TSI\30INTERR.A02.

10. I am pressed at the end of February because discovery in my largest case is closing then. Are you agreeable to an extension of my discovery responses through March 13, 1998?

Sincerely,


Wesley R. Parsons

WRP:gib/she
Enclosures