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

August 19, 1998

Re: Docket No. 980733-TL
Discovery for Study on Fair & Reasonable Rates and on Relationships
Among Costs and Charges Associated with Certain Telecommunications
Services Provided by LECs, as Required by Chapter 98-277

Dear Ms. Bayo:

Please find enclosed for filing an original and fifteen copies of GTE Florida Incorporated's Objections to the Attorney General's First Set of Interrogatories and Third Request for Production of Documents in the above matter. Service has been made as indicated on the Certificate of Service. If there are any questions regarding this filing, please contact me at (813) 483-2617.

Sincerely,

Kimberly Caswell
Kimberly Caswell

RECEIVED & FILED

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FPSC-BUREAU OF RECORDS

- ACK
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A part of GTE Corporation

DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Discovery and related study on fair)	Docket 980733-TL
and reasonable rates and on relationships)	Filed: August 19, 1998
among costs and charges associated)	
with certain telecommunications services)	
provided by local exchange companies)	
(LECs), as required by Chapter 98-277,)	
Laws of Florida.)	

GTE FLORIDA'S OBJECTIONS TO ATTORNEY GENERAL ROBERT A. BUTTERWORTH'S FIRST SET OF INTERROGATORIES AND THIRD REQUEST FOR PRODUCTION OF DOCUMENTS

These are GTE Florida Incorporated's (GTE) preliminary objections to the Attorney General's First Set of Interrogatories and Third Request for Production of Documents. GTE reserves the right to make additional and/or different objections when it submits its responses to this discovery, as additional grounds for objection may be discovered as GTE prepares those responses. Also, as a general matter, GTE objects to providing any confidential and proprietary information, but will do so (to the extent it is relevant and otherwise unobjectionable) under the terms of GTE's protective agreement with the Attorney General in this proceeding.

All of the objections made here are incorporated by reference into GTE's later responses to the Interrogatories and Document Requests.

GTE's specific objections to the numbered Interrogatories and Document Requests are set forth below.

Interrogatories

Objection to 1.a: GTE objects to this Request because it does not seek any information that is relevant to any issue in this proceeding, nor is it calculated to lead to the discovery of any relevant information. Chapter 98-277, Laws of Florida, which sets forth the scope and purpose of this proceeding, provides that local exchange companies (LECs) shall furnish the Commission with cost data and analysis that "support the cost of providing residential basic local telecommunications service...For the purposes of verifying the submitted cost data and analysis, the commission and all intervenors shall have access to the records related to the cost of providing residential basic local telecommunications service of each local exchange company."

This Interrogatory asks for information GTE did not provide to the Commission. Thus, the Attorney General does not need it to verify the cost data and analysis GTE filed with the Commission and the information sought is not related to determining the cost of providing basic residential service.

Objection to 2.a : GTE objects to this Request because it does not seek any information that is relevant to any issue in this proceeding, nor is it calculated to lead to the discovery of any relevant information. Chapter 98-277, Laws of Florida, which sets forth the scope and purpose of this proceeding, provides that local exchange companies (LECs) shall furnish the Commission with cost data and analysis that support the cost of providing residential basic local telecommunications service....For the purposes of verifying the submitted cost data and analysis, the commission and all intervenors shall have access to the records related to the cost of providing residential basic local telecommunications service of each local exchange company."

The Commission Staff has not asked for, and GTE has not provided, the information the Attorney General seeks here, nor is it necessary to verify the cost data and analysis GTE filed with the Commission. Instead, it would require a separate study GTE is not required to perform a study beyond what it has submitted to the Commission.

Objection to 2.b: GTE objects to this Interrogatory because GTE's systems do not keep the information at issue at the level of detail the Interrogatory assumes. Producing such information would require a manual effort and a special study beyond what the Commission required of GTE in this proceeding. As such, GTE objects because the Interrogatory is unduly burdensome.

Objection to 2.d: GTE objects to this Interrogatory because it is vague and ambiguous; GTE does not understand the reference to "item 3 of the Request for Production."

Objection to 5.b-e: GTE objects to these Interrogatories because they are not relevant and are not calculated to lead to the discovery of any relevant information. Under the statute governing this proceeding, intervenors are permitted access to the LECs' cost data and analysis only to verify them. These Interrogatories, however, require GTE to use assumptions different from those the Staff directed GTE to use in the study it submitted to the Commission. They are thus improper and beyond the scope of this proceeding.

Objection to 6: GTE objects to this Request because it does not seek information that is relevant to any issue in this proceeding, nor is it calculated to lead to the discovery of any relevant information. Chapter 98-277, Laws of Florida, which sets forth the scope and purpose of this proceeding, provides that local exchange companies (LECs) shall furnish the Commission with cost data and analysis that "support the cost of providing residential basic local telecommunications service....For the purposes of verifying the submitted cost data and analysis, the commission and all intervenors shall have access to the records related to the cost of providing residential basic local telecommunications service of each local exchange company."

This Interrogatory asks for revenue, expense, and related information for unregulated services. The Commission Staff has not asked for, and GTE has not provided, this kind of information to the Commission. It is thus not necessary in order for the Attorney General to verify the cost data and analysis GTE has given to the Commission. Such information is outside the scope of this proceeding, which, as noted, focusses on the cost of basic residential service. The only possible reason the AG is requesting these data is to do a rate case type of analysis. This analysis is well beyond the permissible scope of this proceeding. It is, more fundamentally, at odds with the price-cap regulation that has applied to GTE since January of 1996. GTE's rates are no longer set by the Commission under rate-of-return regulation. Rather, GTE's rates increase or decrease in accordance with parameters established by Chapter 364. As such, there is no reason for the Commission or any party to examine unregulated service revenues and expenses, including the information requested here.

Objection to 7: GTE's objection to Interrogatory 6 applies here, as well.

Objection to 8: The Commission does not prescribe depreciation rates for GTE, so there is no existing study. GTE objects to this Interrogatory to the extent it seeks information about depreciation studies submitted to the Commission in the past. GTE now uses economic lives for regulatory and financial purposes, so these past studies cannot be used to determine appropriate depreciation parameters for purposes of this proceeding. Notwithstanding this objection, GTE refers the Attorney General to the materials in Florida Public Service Commission docket 950344-TL, in which GTE made its last depreciation filing. Before a ruling was made on GTE's depreciation study there, GTE was permitted to use economic depreciation.

Objection to 9: GTE's objection to Interrogatory number 6, above, applies here, as well. As noted in that objection, this is not a rate case. The Request seeks information on deregulated service revenues, affiliate matters, and the like that would only be relevant if GTE were a rate-of-return regulated carrier in a rate case. Moreover, the Interrogatory goes far beyond the information and analysis GTE was required to file in this case and it is not relevant to determining the cost of providing basic residential service.

Objection to 14, 14.a, and 14b: GTE objects to these Interrogatories because the information sought is not relevant and it is not calculated to lead to the discovery of any relevant information. Information about Yellow Pages listings for businesses are not relevant to determining the cost of providing basic residential service and are not within the scope of anything the Commission has required GTE to produce.

Objection to 15: GTE objects to this Interrogatory because it is irrelevant and it is not calculated to lead to the discovery of any relevant information. Information about GTE's repair times is not necessary to verify any of the cost data and analysis GTE has submitted to the Commission and is beyond the scope of this proceeding.

Objection to 17: GTE objects to this request to the extent it would require GTE to do a detailed schedule showing all rate groups for all GTE jurisdictions, both inside and outside Florida. Preparation of such a schedule would be unduly burdensome, particularly when all of the information sought is publicly filed in tariffs. Notwithstanding this objection, GTE will produce relevant tariff pages.

Objection to 18, 18.a and 18.b: GTE objects to this Interrogatory because it is irrelevant and it is not calculated to lead to the discovery of any relevant information. The information sought is not necessary for the Attorney General to verify GTE's cost data and analysis submitted in this case. Furthermore, GTE's disconnection practices are governed by Commission rules and orders which are publicly filed and easily obtainable by the Attorney General.

Objection to 19.a and b: GTE objects to this Interrogatory because it is irrelevant and it is not calculated to lead to the discovery of any relevant information. By statute, only the Commission is authorized to determine the scope of the required contribution analysis. The Commission did so in the Staff's June 19 data requests, which GTE fully answered. The additional contribution analysis the Attorney General requests is thus irrelevant to the proceeding.

Objection to 20b: GTE objects to this Interrogatory because it would require GTE to do a special study beyond what the Commission has required in this proceeding. Such a study would be unduly burdensome and not necessary to verify the cost data and analysis GTE has filed with the Commission.

Objection to 21 and 21.a: GTE objects to these Interrogatories because they are irrelevant and not calculated to lead to the discovery of any relevant information. By statute, only the Commission is authorized to determine the scope of the required contribution analysis. The Commission did so in the Staff's June 19 data requests, which GTE fully answered. The additional contribution analysis and related information the Attorney General requests is thus irrelevant to the proceeding.

Objection to 23: GTE objects to this Interrogatory (including the subparts) to the extent it would require GTE to produce information related to the interstate jurisdiction and/or that is beyond the scope of the data GTE was required to submit to the Commission. Such requested information is irrelevant to this proceeding and will not lead to the discovery of any relevant information.

Objection to 25: GTE objects to this Interrogatory because it seeks information which is publicly filed and easily obtainable by the Attorney General. Notwithstanding this objection, GTE responds that the requested information has already been provided to the Attorney General in response to its Second Set of Requests for Production of Documents, Bates-stamped document 38199.

Objection to 26: GTE objects to this Interrogatory because it seeks information which is publicly filed and easily obtainable by the Attorney General.

Objection to 27: GTE objects to this Interrogatory because it seeks information that is irrelevant and it is not calculated to lead to the discovery of any relevant information.

Objection to 28: GTE objects to this Interrogatory to the extent it seeks information that the Attorney General can itself obtain by reference to GTE's publicly filed tariffs. It would thus be unduly burdensome for GTE to perform the requested calculations.

Objection to 29: GTE objects to this Interrogatory because, as stated in the Interrogatory itself, the listed services are tariffed and thus easily obtainable by the Attorney General.

Objection to 34: GTE objects to this Interrogatory to the extent that it requires information about any models used in other proceedings and comparisons with models not submitted in this proceeding. Information submitted in another proceeding is not necessary for the Attorney General to verify the cost data and analysis GTE has submitted in this case and is thus not relevant to this proceeding. In addition, answering the Interrogatory would be unduly burdensome. The Commission required GTE to submit only one cost study in this proceeding, and GTE has fully complied with that directive.

Objection to 47: GTE objects to this Interrogatory to the extent it seeks information that is publicly available in statutes, and Commission rules and orders to which the Attorney General has the same access as GTE does.

Requests for Production

Objection to 6: GTE objects to this Request to the extent it is continuing. As Rule 1.280(e) of the Florida Rules of Civil Procedure makes clear, a responding party has the obligation to make a complete response and has no duty thereafter to file supplementary responses. In addition, all of the objections GTE has lodged in response to other parties' discovery requests that come within this Request also apply to this Request.

Objection to 9: GTE objects to this Request because it does not seek information that is relevant to any issue in this proceeding, nor is it calculated to lead to the discovery of any relevant information. Chapter 98-277, Laws of Florida, which sets forth the scope and purpose of this proceeding, provides that local exchange companies (LECs) shall furnish the Commission with cost data and analysis that "support the cost of providing residential basic local telecommunications service....For the purposes of verifying the submitted cost data and analysis, the commission and all intervenors shall have access to the records related to the cost of providing residential basic local telecommunications service of each local exchange company."

Interrogatory number 6 asks for revenue, expense, and related information for unregulated services. The Commission Staff has not asked for, and GTE has not provided, this kind of information to the Commission. It is thus not necessary for the Attorney General to verify the cost data and analysis GTE has given to the Commission. Such information is outside the scope of this proceeding, which, as noted, focusses on the cost of basic residential service. The only possible reason the AG is requesting these data is to do a rate case type of analysis. This analysis is well beyond the permissible scope

of this proceeding. It is, more fundamentally, at odds with the price-cap regulation that has applied to GTE since January of 1996. GTE's rates are no longer set by the Commission under rate-of-return regulation. Rather, GTE's rates increase or decrease in accordance with parameters established by Chapter 364. As such, there is no reason for the Commission or any party to examine unregulated service revenues and expenses, including the information requested here.

Objection to 10: Please see GTE's objection to Interrogatory 8, which applies here, as well. The Commission does not prescribe depreciation rates for GTE, so there is no relevant study.

Objection to 11: GTE's objection to Document Request number 9, above, applies here, as well. GTE emphasizes that, as a price-cap carrier, it is exempt from filing the schedule this Request seeks and there is no reason for GTE to prepare it now for the Attorney General. As noted in response to item 9, this is not a rate case; the Request goes beyond the cost information and analysis GTE was required to file in this case and it is not relevant to determining the cost of providing basic residential service. Moreover, this Document Request is improper because it would require the creation of a new document, rather than the production of an existing one.

Objection to 12: GTE's objection to Document Request number 11, above, applies here, as well.

Objection to 15: Please see GTE's objection to Interrogatory 15, which applies here, well.

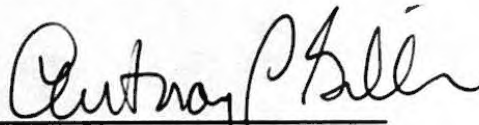
Objection to 16: Please see GTE's objection to Interrogatory 15, which applies here, as well.

Objection to 17: To the extent there are any responsive tariff pages, they are publicly filed and available from the Commission. GTE thus objects to producing documents that the Attorney General can easily obtain itself.

Objection to 26: GTE objects to this Request to the extent that it seeks information that is reflected in public documents to which the Attorney General has the same access as GTE does. Therefore, it is unreasonable and unduly burdensome to expect GTE to produce them.

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3rd Request for Production of Documents
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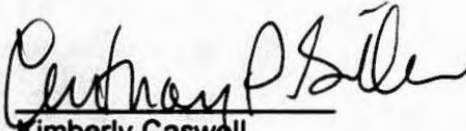
Respectfully submitted on August 19, 1998.

By: 
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Attorney for GTE Florida Incorporated

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies of GTE Florida Incorporated's Objections to the Attorney General's Third Request for Production of Documents and First Set of Interrogatories in Docket No. 980733-TL were sent via overnight mail and facsimile on August 18, 1998(*) and U.S. mail on August 19, 1998 to the parties on the attached list.


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