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BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Fair and Reasonable)
Residential Basic Local)
Telecommunications Rates)

Docket No. 980733-TL

RECORDS AND REPORTING

Filed: September 21, 1998

AARP'S RESPONSE TO ATTORNEY GENERAL'S MOTIONS TO COMPEL BELL SOUTH, GTE, AND SPRINT TO ANSWER INTERROGATORIES AND PRODUCE DOCUMENTS

The American Association of Retired Persons ("AARP"), by counsel, and pursuant to Rule 25-22.006, Florida Administrative Code, the Florida Rules of Civil Procedure, and this Commission's procedural order, responds to the Attorney General's motions to compel BellSouth Telecommunications ("BellSouth"), GTE Florida, Inc. ("GTE"), and Sprint-Florida, Incorporated ("Sprint"), to answer interrogatories and produce documents.

Procedural History

The procedural history of the present motions was provided in the staff's case background for item 21A on the September 22, 1998 conference agenda:

"In accordance with the new Chapter 98-277, General Laws of Florida, the Commission is required, among other things, to study and report to the Legislature, by February 15, 1999, its

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conclusions regarding the fair and reasonable rate for Florida residential basic local telecommunications service. In order to effectuate the timely completion of the required report,

the Commission has established this matter as Special Project No. 980000A-SP, Fair and

Reasonable Residential Basic Local Telecommunications Rates. In conjunction with this Special

Project, Docket No. 980733-TL has been opened for discovery purposes related to the project.

The Commission established this docket to address any discovery disputes that may arise. All

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discovery and related motions must be filed in Docket No. 980733-TL. By Order No. PSC-98-0843-PCO-TL, issued June 25, 1998, the procedure for this discovery docket was established.

On September 1, 1998, the Attorney General filed a Motion to Compel GTE Florida, Incorporated (GTEFL) to Respond to its First Set of Interrogatories and Third Request for Production of Documents (PODs), For Expedited Ruling, and Request for Oral Argument. The Attorney General also filed a Motion to Compel BellSouth Telecommunications, Inc. (BellSouth) to Respond to its First Set of Interrogatories and Third Request for Production of Documents, For Expedited Ruling, and Request for Oral Argument that day. On September 4, 1998, GTEFL filed its Opposition to the Attorney General's Motion. On September 8, 1998, the Attorney General filed a Motion to Compel Sprint-Florida, Incorporated (Sprint) to Respond to its First Set of Interrogatories and Third Request for Production of Documents, For Expedited Ruling, and Request for Oral Argument.

On September 9, 1998, Sprint filed its Response to the Attorney General's Motion. On September 11, 1998, the Office of Public Counsel (OPC) filed a Response in Support of the Attorney General's Motions to Compel. On September 14, 1998, BellSouth filed its Response to the Attorney General's Motion to Compel.

On September 11, 1998, the prehearing officer heard oral argument regarding these motions. This matter was referred by the prehearing officer for consideration by the full Commission.

The arguments in the Motions to Compel and the responses of BellSouth, Sprint, and GTEFL (the companies or the LECs) are similar."

Staff has recommended that the Commission grant in part and deny in part the motions to compel. The full Commission will hear the issue (item #21A) at the September 22, 1998 conference.

AARP has requested the same discovery materials that are at issue in the Attorney General's motions to compel. See AARP's Requests for Production of Documents to BellSouth, GTE, and Sprint, filed August 13, 1998.

AARP's Position

AARP joins all three of the Attorney General's motions to compel and adopts his argument and reasoning.¹

Its serves little purpose to rehash the arguments offered at the hearing on the motions. Assistant Attorney General Gross made a forceful and articulate presentation. Nevertheless, the arguments and attitudes of the companies beg a huge question, "Why are they so concerned about the release of this information?"

Companies with the billion dollar resources of BellSouth, GTE, and Sprint can hardly assert that the requests are "burdensome." Surely they have the two or three people and copy machine needed to produce the documents. The only apparent reason is that they do not like the picture the data would paint. The fact that they are fighting so hard to keep this information out of the report to the Legislature is the biggest indication that it is relevant.

Fair Representation

Although the Commission and its staff are charged with providing a neutral review of the information that will be presented in the report, they are not advocates for residential telephone customers in the State of Florida. For the report to have any validity, it must be prepared after

¹ Attorneys for AARP and the Public Counsel were not permitted to speak at the hearing on the motions due to a novel procedural objection asserted by counsel for Sprint.

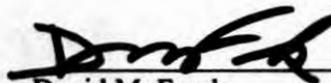
careful review of the facts and positions, not only as presented by the companies, but as presented by consumer advocates as well.

To adequately present the consumer's perspective in the final report, it is essential that the parties representing the people of Florida -- the Attorney General, the Public Counsel, and organizations like AARP -- have full access to the information at issue. Unfortunately, through scores of questionable objections and overreaching "confidentiality agreements," see AARP's Motions to Compel BellSouth, GTE, and Sprint filed September 10, 1998, the companies have successfully denied meaningful participation by AARP, the Attorney General, and the Public Counsel. At the September 22, 1998 conference, the Commission likely will grant some of the relief requested by the Attorney General. Nevertheless, because of the very fast track of this proceeding, the people of this State, including the 2.2 million members of AARP in Florida, will not have the same opportunity to provide input as the companies, who have controlled the pertinent information from the beginning of the process.

Conclusion

AARP respectfully requests that the Attorney General's motions to compel be granted in their entirety to avoid any further delay and erosion to the fairness of this proceeding.

Respectfully submitted,



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Certificate of Service

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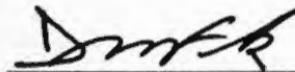
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