



GTE SERVICE CORPORATION

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Ms. Ann Cole, Clerk
State of Florida
Division of Administrative Hearings
The DeSoto Building
1230 Apalachee Parkway
Tallahassee, FL 32399-3060

December 2, 1999

Re: Calvin "Bill" Wood v. GTE Florida Incorporated
DOAH Case No. 99-3595, 990861-TL

Dear Ms. Cole:

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

Sincerely,

Kimberly Caswell

- FA
- JPP
- JAF
- JMU
- JTR
- JAG
- JEG
- JAS
- JPC
- JRR
- JEC
- JAW
- JTH

SENT VIA FACSIMILE AND OVERNIGHT MAIL

A part of GTE Corporation

DOCUMENT NUMBER-DATE

14805 DEC-3 99

PLEASE REPLY BY REPORTING

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

CALVIN "BILL" WOOD,)	
Petitioner,)	DOAH Case No. 99-3595
)	990861-TL
vs.)	
)	
GTE FLORIDA, INC.,)	
Respondent.)	

PREHEARING STATEMENT OF GTE FLORIDA INCORPORATED

GTE Florida Incorporated (GTE) asks the Judge to accept this late-filed Prehearing Statement. As the Florida Public Service Commission (PSC) pointed out in its Prehearing Statement, the parties were not able to agree on any significant matters. Because GTE and the PSC, however, agreed on several issues, GTE mistakenly understood that it and the PSC were to file a joint Prehearing Statement. GTE did not realize its error until the customary period for filing a Prehearing Statement had passed. GTE was notified of its lapse by the Judge's assistant on November 30. She advised that GTE should still file a Prehearing Statement. GTE regrets any inconvenience this late filing may have caused.

A. Statement of the Nature of Controversy

This case concerns Petitioner Wood's December 30, 1997 service quality complaint against GTE. The issue is whether GTE has issued proper credits to Mr. Wood for the time during which his telephone service may have been interrupted.

B. Statement of GTE's Position

The service credits, service performance guarantees, and installation charge waiver Petitioner Wood has received from GTE are more than adequate compensation for his alleged telephone service problems. After the PSC complaint was referred to the Division, Mr. Wood raised numerous new issues, many unrelated to service quality or even to Mr. Wood's own service. These matters are outside the scope of this proceeding and largely outside the PSC's jurisdiction. In this regard, GTE joins in Intervenor Florida Public Service Commission's Motion to Limit Scope of Hearing to Matters Within Its Jurisdiction. (Nov. 24, 1999). Furthermore, even if Mr. Wood's often incendiary allegations are true (and they are not), there is nothing in GTE's tariffs, the Commission rules, or Florida statutes that would provide any remedy for them.

In the proceedings at the PSC, Mr. Wood stated that "[t]he only issue in this matter is how much of the \$25.00 per complaint I was promised by GTE am I entitled to. I feel I am entitled to one for each complaint, since service was not fixed and false reports were filed as to the reasons." (Letter from C. W. Wood to S. A. Stokes, FPSC, June 3, 1999.) (GTE's service performance guarantee is a \$25 credit given if GTE fails to meet repair or installation commitments. Ex. GTE-13.)

During the parties' prehearing conference call, GTE asked Mr. Wood how many times he had called GTE to complain about trouble with his telephone service. Mr. Wood said there were 21 instances. Although GTE's records show fewer trouble reports, and although the Company vehemently denies Mr. Wood is entitled to any greater compensation than he has already received, in an attempt to resolve this matter, GTE

offered Mr. Wood his requested \$25 credit for each trouble report he alleged to have called in—a total of \$525. Even though this offer was exactly what Mr. Wood claimed he wanted at the PSC, he rejected it.

GTE is at a loss to understand what relief Mr. Wood hopes to gain from this proceeding, and regrets that the Division and the parties have been forced into hearing.

C. Exhibits

Many of the exhibits GTE intends to introduce are included in the PSC Staff's exhibit list, so it will not be necessary for GTE to introduce them, as well. There are additional exhibits that are part of the official record in this case that GTE wishes to bring to the attention of the Judge. If it is necessary to enter them into evidence, GTE will do so.

These exhibits are:

<u>Exhibit No.</u>	<u>Description</u>
GTE-1	July 15, 1999 Staff Recommendation (entitled "Memorandum") in Docket No. 990861-TL
GTE-2	April 17, 1998 letter from Debby Kampert, GTE, to Mr. Richard Durbin, PSC
GTE-3	February 20, 1998 letter from Debby Kampert, GTE, to Mr. Richard Durbin, PSC
GTE-4	January 15, 1998 letter from Debby Kampert, GTE, to Mr. Richard Durbin, PSC

Additional exhibits, which are not in the record transmitted to the Division, are:

GTE-5	May 26, 1999 e-mail, including attachment, from Debby Kampert, GTE, to Ms. Shirley Stokes, PSC.
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- GTE-6 May 25, 1999 memorandum from Debby Kampert, GTE, to Ms. Shirley Stokes, PSC
- GTE-7 April 30, 1999 letter from Debby Kampert, GTE, to Mr. Wood
- GTE-8 April 22, 1999 e-mail from Debby Kampert, GTE, to Ms. Shirley Stokes, PSC
- GTE-9 June 16, 1998 PSC Consumer Request Form, reflecting PSC chronology of case
- GTE-10 April 17, 1998 letter from Debby Kampert, GTE, to Mr. Lennie Fulwood, PSC
- GTE-11 February 20, 1998 letter from Debby Kampert, GTE, to Mr. Richard Durbin, PSC
- GTE-12 GTE General Services Tariff section A2.4.4 (Allowance for Interruptions)
- GTE-13 GTE General Services Tariff section A2.4.7 (Service Performance Guarantee)
- GTE-14 GTE General Services Tariff section A2.5.1 (Liability of the Company for Service Irregularities)

GTE reserves the right to identify additional exhibits for use at the hearing or as otherwise appropriate.

D. Witnesses

Most of the witnesses GTE would consider calling are either on Mr. Wood's or the PSC's witness list, so it is not necessary to reiterate their names here. In addition, GTE may, if it is deemed necessary in the course of the hearing, call Ms. Debby Kampert and Mr. Skip Davis, both GTE employees.

E. Summary Statement of Facts

GTE generally concurs in the PSC's statement of facts in its Prehearing Statement. GTE would, however, like to emphasize particular facts and to bring other key details to the Judge's attention.

As the PSC points out, this case started in December of 1997 with Mr. Wood's complaint that he was having problems receiving telephone calls—particularly those from his neighbor, Mr. Perry. As the record reflects, Mr. Wood focused chiefly on this alleged problem with calls from Mr. Perry. (See, e.g., Exs. PSC-3, PSC-7, PSC-14, PSC-16.) Investigation by PSC Staff engineers revealed no problems with GTE's network. Instead, the PSC found that Mr. Perry had been dialing the wrong number for Mr. Wood. (July 15, 1999 Staff Recommendation at 7.) After GTE provided Mr. Perry a large-button telephone, Mr. Wood reported that he was able to receive Mr. Wood's calls. (See Ex. GTE-9.)

Although Mr. Wood stated that he would consider his service problems resolved when Mr. Perry could call him "on a regular basis," (Ex. PSC-3), Mr. Wood continued to pursue his complaint despite resolution of these alleged problems.

There were two settlement offers made before this case came to the Division. The second and most recent of these is recounted above, in the statement of the Controversy. The first settlement attempt began in August of 1998, when Mr. Wood indicated that he would settle his grievances for three weeks out-of-service credit. (Ex. GTE-9.) GTE agreed to credit Mr. Wood's account an additional \$50 (more than enough credit for three weeks' service) and prepared a settlement agreement. (Ex. GTE-7.) Mr. Wood eventually decided he would not sign the agreement.

Finally, GTE stresses that the PSC Staff's investigation of Mr. Wood's claimed service problems revealed that GTE had issued the proper credits to Mr. Wood's account and that GTE lawfully disconnected Mr. Wood's service for nonpayment of his telephone bill. (July 15, 1999 Staff Recommendation.)

F. Issues of Law on Which There Is Agreement

GTE and Mr. Wood do not agree on any issues of law.

G. Facts to Be Litigated

The Division has been called upon to determine if GTE issued the correct amount of time-out-of-service credits for service quality problems Mr. Wood alleged from May of 1997 through August 6, 1998.

H. Issues of Law to Be Determined

GTE does not believe there are any outstanding issues of law that are properly within the scope of this case as it was presented to the PSC. GTE does not believe the Division is expected to settle issues of law unrelated to service quality.

I. Disagreement as to Application of Rules of Evidence

GTE is unaware of any such disagreements.

J. Pending Motions

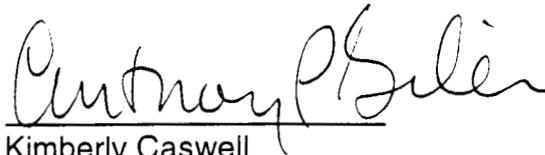
Intervenor PSC's Motion to Limit Scope of Hearing to Matters Within Its Jurisdiction is pending. As noted above, GTE joins in that Motion.

K. Estimated Hearing Length

Based on Mr. Wood's list of witnesses, GTE expects the hearing to last a full day.

Respectfully submitted on December 2, 1999.

By:



for Kimberly Caswell
P. O. Box 110, MC FLTC0007
Tampa, FL 33601
(813) 483-2617

Attorney for GTE Florida Incorporated

CERTIFICATE OF SERVICE

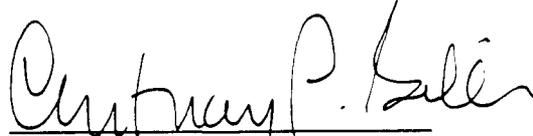
I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Prehearing Statement in Case No. 99-3595 (Docket No. 990861-TL) was sent via electronic mail(*) and overnight delivery on December 2, 1999 to:

Donna Clemons, Staff Counsel(*)
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

Mr. Calvin "Bill" Wood(*)
10577 Schaefer Lane
Lake Wales, FL 33853

Joy Kelly, Bureau Chief, Reporting
Florida Public Service Commission
2540 Shumard Oak Boulevard
Tallahassee, FL 32399-0850

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bu Kimberly Caswell