

ORIGINAL



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February 10, 2000

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

Re: Docket No. 991376-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of Citizens' First Motion To Compel Against GTE.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

Sincerely,

Charles J. Beck  
Deputy Public Counsel

- AFA \_\_\_\_\_
  - APP \_\_\_\_\_
  - CAF \_\_\_\_\_
  - CMU \_\_\_\_\_
  - CTR \_\_\_\_\_
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**BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION**

In re: Initiation of Show Cause ) Docket no. 991376-TL  
Proceedings against GTE Florida, )  
Inc., for Violation of Service Standards ) Filed February 10, 2000

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**CITIZENS' FIRST MOTION TO COMPEL AGAINST GTE**

The Citizens of Florida (Citizens), by and through Jack Shreve, Public Counsel, request the Prehearing Officer to order GTE Florida, Inc., and GTE Service Corporation (collectively GTE) to produce all documents withheld by GTE in its response to the citizens' third set of requests for production on account of GTE's objection to producing any documents related to 1996, 1997, or 2000.

1. On January 4, 2000, Citizens served our third set of requests for production of documents on GTE. Anticipating an effort by GTE to block a review of its repeated violations of the Commission's quality of service rules since 1996, Citizens filed a motion on January 10, 2000, seeking a ruling by the Prehearing Officer that GTE's willful violation of the Commission's quality of service rules since January 1, 1996, would be at issue in this proceeding. To date, the Prehearing Officer has not ruled on that motion.

2. On February 8, 2000, GTE filed its response and objections to Citizens' third set of requests for production of documents. GTE objected to

providing any documents relating to 1996, 1997, or 2000 in its response to requests number 24, 25, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40.

3. These objects impede the investigation of GTE's willful violation of the Commission's rules. Reports submitted to the Commission by GTE show 305 violations of rule 25-4.070(3)(a) and 55 violations of rule 25-4.066 during 1996 and 1997 alone, yet GTE claims these violations are not relevant to this proceeding. As explained in Citizen's motion filed January 10, 2000, the public interest will be best served by looking into GTE's full history of violating the Commission's rules in this docket. The fact that GTE continued to violate the Commission's rules month after month, year after year is highly relevant to show that its violations were willful. Also, the long history of repeated violations will be an important consideration for the Commission when determining the amount to fine GTE.

4. The Prehearing Officer should not permit GTE to continue blocking this investigation into the pattern of GTE's repeated violations of the Commission's quality of service rules since January 1, 1996.

**WHEREFORE,** Citizens respectfully request the Prehearing Officer to order GTE to produce all documents withheld by GTE in its response to the citizens' third set of requests for production on account of its objection to producing any documents related to 1996, 1997, or 2000.



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Attorney for Florida's Citizens

**DOCKET NO. 991376-TL  
CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been furnished by U.S.

Mail or hand-delivery to the following parties on this 10th day of February, 2000.

  
\_\_\_\_\_  
Charles J. Beck

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