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RECORDS AND REPORTING



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PUBLIC COUNSEL

STATE OF FLORIDA
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January 16, 2001

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

Re: Docket No. 990362-TI

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket is the original and 15 copies of Citizens' First Motion to Compel. 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

CJB:bsr
Enclosures

APP _____
CAF _____
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FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

Initiation of Show Cause Proceeding) Docket 990362-TI
Against GTE Communications)
Corporation for Apparent Violation of)
Rule 25-4.118, F.A.C., Local, Local)
Toll, or Toll Provider Selection.) Filed: January 16, 2001
_____)

CITIZENS' FIRST MOTION TO COMPEL

The Citizens of Florida (Citizens), by and through Jack Shreve, Public Counsel, respectfully request the Prehearing Officer to order Verizon Select Services, Inc. (Verizon) to produce all of the documents requested by document requests numbered 17 and 18 of the Citizens' sixth set of requests for production of documents.

1. Citizens served our sixth set of requests for production of documents on December 6, 2000, and Verizon served objections to these requests on January 9, 2001. The requests and the objections are as follows:

Request 17

Please provide each document in your possession, custody or control relating to compensation plans for, or the amounts actually paid to, the officers of GTECC during 1998. This request includes, but is not limited to, all bonus, stock option, or contingent compensation plans that could affect the compensation for GTECC officers, and all documents showing the amount paid to GTECC officers. The term "officer" as used in this request includes but is not limited to all persons whose title includes the word "president" -- such as president, vice president, or assistant vice president -- whether or not such persons were officers of the corporation in a narrow sense of the term.

Verizon's Response

VSSI objects to this request because it is overbroad and unduly burdensome. VSSI had numerous officers during the time period at issue. The request seeks all documents related to their compensation, rather than just documents sufficient to establish that compensation. In addition, the request is irrelevant to the extent it seeks documents regarding officers who had nothing to do with long-distance sales. Finally, the information sought is company-confidential and highly sensitive.

VSSI would be willing to work with OPC to narrow this request to potentially relevant and otherwise responsive documents (that is, those relative to portions of upper management's compensation that might depend upon revenues generated by the sale of long-distance services) if OPC will agree to treat the information at issue as confidential and not subject to public disclosure.

Request 18

For each officer of GTECC, using the definition of "officer" contained in the preceding request, please provide the following for 1997, 1998, and 1999:

- (a) The officer's personal commitment for the year.
- (b) The officer's performance objectives for the year.
- (c) The officer's performance results for the year.
- (d) All evaluations related to the commitments, objectives, or results.

Verizon's Response

VSSI's objections and response to request number 17, above, apply here, as well. In addition, VSSI objects to this request on the grounds that the terms used ("personal commitment," "performance results," "performance objectives") are vague and ambiguous and that the request itself is unclear. To this end, the request asks to provide each officer's personal commitment, performance objectives, and performance results—rather than documents relating to those subjects.

**VERIZON'S OBJECTIONS VIOLATE THE PREHEARING OFFICER'S
ORDER ESTABLISHING PROCEDURE**

2. The Prehearing Officer's Order on Procedure, order no. PSC-00-1835-PCO-TI issued October 6, 2000, states that when discovery requests are served and the respondent intends to object to or ask for clarification of the discovery request, the objection or request for clarification shall be made within ten days of service of the discovery request.

3. Verizon did not file any objection within ten days of service of these discovery requests, as required by the order. Instead, Verizon waited until the production of the documents was actually due before filing its objections. Even worse, Verizon did not file a motion asking to be excused from this portion of the order establishing procedure, nor did Verizon offer any explanation for its violation of the order.

4. Verizon's violation of the order establishing procedure makes its untimely objections ineffective. For this reason alone the objections should be denied.

**THE DOCUMENTS MUST BE PRODUCED IN ORDER TO EXPLAIN
VERIZON'S LONG DELAY BEFORE STOPPING FURTHER SLAMMING**

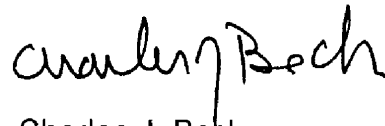
5. The evidence in this case shows that Verizon was well aware that it had a huge slamming problem on its hands long before it took decisive action to stop it. Direct testimony of R. Earl Poucher at page 11; Supplemental Direct Testimony of R. Earl Poucher at page 6; Exhibit to deposition of Wayne Weaver at bate stamp pages 18499-18506, 18533-18536, 18539, 19541-18542. It was also well aware of a procedure that would have largely stopped further slamming, but the company failed to implement that procedure. Direct testimony of R. Earl Poucher at page 12; Deposition of Larry Commons at pages 20-23; Exhibit to deposition of Wayne Weaver at bate stamp page 17460.

6. The discovery to which Verizon objects seeks documents reasonably likely to help explain why Verizon failed to take timely action to stop further slamming. The officers who could have taken action to stop slamming may have been subject to compensation plans and bonuses designed to reward increased sales and revenues. A review of these documents is necessary to see whether there were such rewards and whether the plans had any terms that would have penalized officers for allowing slamming of customers. These documents for all officers of the company -- not just those in sales -- are necessary because of the likelihood that any officer could have taken action toward eliminating slamming. All of these matters go directly to the issue of whether Verizon's violations were willful, as well as the amount of the penalty the Commission should impose for the violations.

7. The terms "commitments," "objectives," and "results" are not vague, ambiguous, or unclear, as Verizon claims. These are the ways employees are evaluated. No matter what term is used, we seek documents that show the goals and commitments made by the officers running the company, and all documents evaluating how well they did their job.

8. We continue to work with Verizon to reach an accommodation on the production of these documents, but so far these efforts have been unsuccessful.

WHEREFORE, Citizens respectfully request the Prehearing Officer to order Verizon to produce all of the documents requested by document requests numbered 17 and 18 of the Citizens' sixth set of requests for production of documents.



Charles J. Beck
Deputy Public Counsel
Fla. Bar. No. 217281

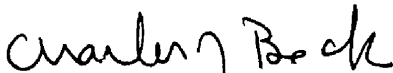
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c/o The Florida Legislature
111 West Madison Street
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Tallahassee, FL 32399-1400

(850) 488-9330

Attorney for the Citizens
of Florida

**DOCKET NO. 990362-TI
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 16th day of January, 2001.



Charles J. Beck

Lee Fordham
Division of Legal Services
Fla. Public Service Commission
2540 Shumard Oak Blvd.
Tallahassee, FL 32399-0850

Kimberly Caswell
Verizon Florida Incorporated
P.O. Box 110, FLTC0007
Tampa, FL 33601-0110