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OFFICE OF THE PUBLIC COUNSEL**

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ORIGINAL

February 8, 2001

RECORDS AND
REPORTING

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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 are the original and 15 copies of Citizens' Request for Ruling on 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

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3 Enclosures

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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: February 8, 2001
_____)

CITIZENS' REQUEST FOR RULING ON FIRST MOTION TO COMPEL

The Citizens of Florida (Citizens), by and through Jack Shreve, Public Counsel, respectfully request the Prehearing Officer to rule on Citizens' first motion to compel filed January 16, 2001.

1. Citizens filed our first motion to compel on January 16, 2001. That motion sought an order requiring 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.

2. 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 generally seek all documents related to compensation plans for the officers of GTECC during 1998. In addition, the requests seek the written performance objectives and commitments of the

officers, as well as the evaluations related to accomplishment of those commitments and objectives.

3. The motion to compel pointed out that Verizon's objections violated the Prehearing Officer's Order on Procedure, order no. PSC-00-1835-PCO-TI issued October 6, 2000, which stated 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 must be made within ten days of service of the discovery request. Further, the motion showed that Verizon was well aware that it had a huge slamming problem on its hands long before it took decisive action to stop it; that it was well aware of a procedure that would have largely stopped further slamming; but that the company failed to implement the procedure.

4. The requested documents are 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

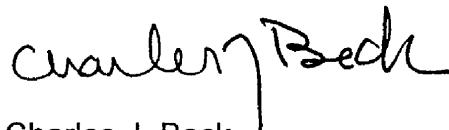
these matters go directly to the issue of whether Verizon's violations were willful, as well as the amount of the penalty the Commission should impose for the violations.

5. In its response to Citizens' motion to compel, Verizon stated its belief that there was no need for the Commission to rule on our motion. Verizon stated that it would work with the Office of Public Counsel to determine which documents are potentially relevant and responsive to the request. It concluded its response by asking the Commission to decline to rule on the motion.

6. It is now over two months since we served these requests for documents on Verizon, yet Verizon has not offered to produce a single document. We find this totally unacceptable, and therefore once again ask the Prehearing Officer to issue an order requiring Verizon to produce all documents requested in our request for documents numbered 17 and 18.

Respectfully submitted,

JACK SHREVE
Public Counsel
Fla. Bar. No. 73622



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

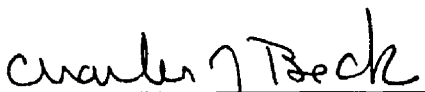
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(850) 488-9330

Attorneys 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 8th day of February,
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