

ORIGINAL

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Determination of the Cost of )  
Basic Local Telecommunications )  
Service, Pursuant to Section 364.025, )  
Florida Statutes. )  
\_\_\_\_\_ )

Docket No. 980696-TP  
Filed: August 19, 1998

CITIZENS' FIRST MOTION TO COMPEL AGAINST GTE FLORIDA

The Citizens of Florida ("Citizens"), by and through Jack Shreve, Public Counsel, file this motion requesting the Florida Public Service Commission ("Commission") to issue an order requiring GTE Florida Inc. ("GTE Florida") to provide all of the documents requested by the Citizens' second set of requests for production of documents dated August 11, 1998.

1. On August 3, 1998, GTE Florida filed testimony in this proceeding by Steven A. Olson. Mr. Olson states that the purpose of his testimony is to "present GTE Florida's financial results of operations based on both an adjusted total company and separated intrastate operating basis for the twelve month financial period ending December 31, 1997."<sup>1</sup> He concludes that "GTE Florida is not earning excessive profits and, if anything, existing revenue flows do not provide an adequate profit in addition to recovering the actual cost of the network used to provide service."<sup>2</sup>

<sup>1</sup>Prefiled direct testimony at page 2, line 24, through page 3, line 2.

<sup>2</sup>Prefiled direct testimony at page 3, lines 11 through 14.

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2. To test these claims, the citizens served our second set of requests for production of documents to GTE Florida on August 11. A copy of the requests is attached to this motion. On August 18, 1998, GTE Florida filed objections to all but one of the requests. In its objections, GTE Florida states that the requests go to the prudence of its expenses, an issue that is no longer at issue with price cap regulation. In addition, GTE states that the requests are unduly burdensome, but provides no explanation showing how the requests are unduly burdensome.

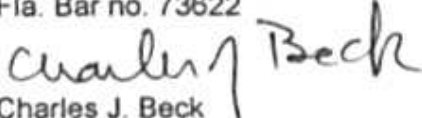
3. GTE Florida misconstrues the purpose of these requests for production of documents. Having made claims about the inadequacy of its regulated earnings, these discovery requests seek information about the type and magnitude of expenses included in GTE Florida's calculations. Requests 3 through 7, 9, and 17, for example, generally seek information about expenses above threshold levels in order to understand the magnitude of certain expenses that may be included in GTE Florida's income statement. Request 8 seeks year end journal closing entries, a type of information that may reveal unusual or extraordinary expenditures. Request 10 seeks documents evaluating, analyzing, or commenting on GTE Florida's income statement exhibit. None of GTE's objections apply to this obviously relevant request, yet GTE includes that request with those to which it objects. Requests 11 through 14 and 16 generally seek documents that may reveal unusual, extraordinary, or nonrecurring expenses included in the income statement. Request 15 seeks information providing more detailed information than given by GTE.

4. GTE Florida must not be allowed to make assertions about the level of its earnings and, at the same time, refuse to provide documentation concerning the basis for those assertions. All of the requests are relevant to the testimony and exhibit prefiled by GTE Florida's witness Steven A. Olson, and GTE Florida had provided no basis or explanation for its claim that the requests are unduly burdensome. GTE Florida's objections must be denied.

WHEREFORE, the citizens respectfully request the Commission to issue an order requiring GTE Florida to provide all of the documents requested by the citizens' second set of requests for production of documents dated August 11, 1998.

Respectfully submitted,

JACK SHREVE  
Public Counsel  
Fla. Bar no. 73622

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

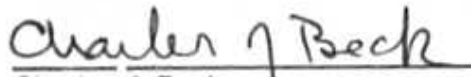
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111 W. Madison Street  
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Tallahassee, FL 32399-1400

(850) 488-9330

DOCKET NO. 980696-TP  
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 19th day of August, 1998.

  
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**CITIZENS' SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS TO  
GTE FLORIDA INCORPORATED**

Florida's Citizens ("Citizens"), by and through Jack Shreve, Public Counsel, request GTE Florida Incorporated ("GTE") to produce the following documents for inspection and copying at the Office of Public Counsel, Claude Pepper Building, 111 West Madison Street, Room 812, Tallahassee, Florida 32399-1400, on or before Tuesday, September 15, 1998, or at such other time and place as may be mutually agreed upon by counsel.

**INSTRUCTIONS**

1. If any document is withheld under any claim of privilege, please furnish a list identifying each document for which privilege is claimed, together with the following information: date, sender, recipients, recipients of copies, subject matter of the document, and the basis upon which such privilege is claimed.
2. If GTE has possession, custody, or control of the originals of the documents requested, please produce the originals or a complete copy of the originals and all

copies which are different in any way from the original, whether by interlineation, receipt stamp or notation. If GTE does not have possession, custody, or control of the originals of the documents requested, please produce any copies in the possession, custody, or control, however made, of GTE.

3. Please construe "and" as well as "or" either disjunctively or conjunctively as necessary to bring within the scope of this production of documents any document which might otherwise be construed to be outside the scope.

4. Words in the past tense include the present, and words in the present tense include the past. Use of the singular includes the plural, and use of the masculine includes the feminine where appropriate, and vice versa.

#### DEFINITIONS

1. "Document" or "documents" means any written, recorded, filmed or graphic matter, whether produced, reproduced, or on paper, cards, tapes, film, electronic facsimile, computer storage device or any other media, including, but not limited to, memoranda, notes, minutes, records, photographs, correspondence, telegrams, diaries, bookkeeping entries, financial statements, tax returns, checks, check stubs, reports, studies, charts, graphs, statements, notebooks, handwritten notes, applications, agreements, books, pamphlets, periodicals, appointment calendars,

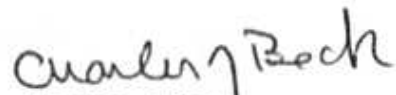


6728.

6. Please provide copies of all invoices exceeding \$5,000 during the year ended December 31, 1997, in which all or part of the cost was charged to Account 6725  
- Legal Fees.
7. Please provide copies of all invoices exceeding \$5,000 during the year ended December 31, 1997, in which all or part of the cost was charged to Account 6711  
- Executive.
8. Please provide copies of all year end closing journal entries for the year ended December 31, 1997.
9. Please provide copies of all journal entries recorded by the Company during 1997 where the effect on revenue or expense exceeded \$10,000 and which were other than mechanized recurring journal entries.
10. Please provide each document in your possession, custody or control evaluating, analyzing or commenting on exhibit SAO-1 or its contents, or any draft of exhibit SAO-1 or its contents.

11. Please provide each document in your possession, custody or control evaluating, analyzing or commenting on the variance between budgeted and actual financial results of Florida intrastate regulated operations or Florida total company operations during 1997.
12. Please provide all variances reports, or any other reports by any other name showing variances between actual and budgeted revenues or expenses, related to your Florida operations during 1997.
13. Please provide your budget tracking reports for each month during 1997 related to Florida operations.
14. Please provide each document in your possession, custody or control discussing, commenting on, or evaluating non-recurring expenses or events during 1997.
15. Please provide the general ledger and or detailed trial balance for the year ended December 31, 1997 for the Florida operations.
16. Please provide each document in your possession, custody, or control providing details of Florida expense, including month over month fluctuations for each month of 1997.

17. Please provide all documentation, including vouchers and attachments, related to any legal settlement or judgment costs in excess of \$25,000 accrued during 1997. Please also include the complaint in each such case, as well as any related settlement agreement.

  
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