

**GTE ORIGINAL**

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MAIL ROOM

RECORDS AND  
REPORTING

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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

October 8, 1999

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

Dear Ms. Cole:

Please find enclosed for filing in the above matter the original and one copy of GTE Florida Incorporated's Motion to Strike Petitioner's Objection to PSC Intervention Or, In the Alternative, Motion to Deny Petitioner's Objection to PSC Intervention. 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,

*for* Kimberly Caswell

- AFA \_\_\_\_\_
- APP \_\_\_\_\_
- CAF \_\_\_\_\_
- CMU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- EG \_\_\_\_\_
- IAS \_\_\_\_\_
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KC:tas  
Enclosures

A part of GTE Corporation

DOCUMENT NUMBER-DATE

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FPSO-RECORDS/REPORTING

ORIGINAL

STATE OF FLORIDA  
DIVISION OF ADMINISTRATIVE HEARINGS

CALVIN "BILL" WOOD,  
Petitioner,  
  
vs.  
  
GTE FLORIDA INC.,  
Respondent.

DOAH Case No. 99-3595  
990861-TL

**GTE FLORIDA INCORPORATED'S MOTION TO STRIKE PETITIONER'S  
OBJECTION TO PSC INTERVENTION OR, IN THE ALTERNATIVE,  
MOTION TO DENY PETITIONER'S OBJECTION TO PSC INTERVENTION**

GTE Florida Incorporated (GTE) asks the Division to strike Petitioner's Objection to PSC Intervention (Objection). If the Division declines to strike the Objection, then GTE asks the Division to deny it, in any event.

The Objection presents no valid grounds for denying the PSC's intervention request. Instead, it engages in argument concerning the substance of the case. The Objection is filled with allegations, many of them incendiary, about the purported "improprieties" of GTE and the PSC. This is improper matter for an opposition to an intervention; it has nothing to do with the propriety of the intervention request itself, but rather with Petitioner's particularized view of the substance of the case.

Petitioner candidly states at the outset that the PSC's investigative results "will be detrimental to petitioner's case should PSC be allowed to intervene." (Objection at 2.) In other words, the PSC may have information that will show Petitioner's claims to be ill-founded. Of course, this is not a reason to deny intervention. There is no law supporting the proposition that intervention may be denied when a party believes the intervenor will

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PSC-RECORDS REPORTING

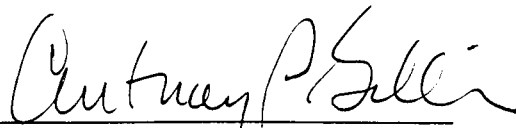
reveal facts that undermine the party's case. If anything, Petitioner's Objection proves only that the PSC must be allowed to intervene. The objective of this case is to determine the facts in dispute and to make a decision based on those facts. If the outcome is to be fair and well-reasoned, it is critical to gather as much information about the case as possible. Because the PSC did the investigation of this matter, it will likely have very useful information.

GTE understands, moreover, that the PSC is entitled to participate in this case, either by intervention or as a matter of right. Because the Division is conducting the hearing on behalf of the PSC, it would make no sense to exclude the PSC from the process. Petitioner's argument about the PSC's "conflict of interest" has no grounding in Florida law or administrative rules. Petitioner is complaining about conduct that is permissible, and even required, under the Commission's rules and Florida Statutes. In short, the PSC Staff investigated Petitioner's complaint against GTE and issued its recommendation to the Commission. There is nothing procedurally impermissible about these activities.

Because the Objection fails to state a legitimate objection to the PSC's intervention request, but instead engages in improper argument, the entire Objection should be

stricken. In the alternative, GTE asks the Judge to deny the Objection and all of the relief  
Petitioner seeks.

Respectfully submitted on October 8, 1999.

By:   
*cc* Kimberly Caswell  
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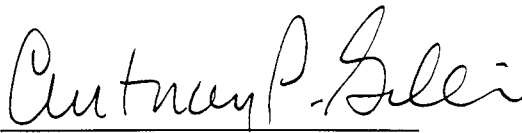
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of GTE Florida Incorporated's Motion to Strike Petitioner's Objection to PSC Intervention Or, In the Alternative, Motion to Deny Petitioner's Objection to PSC Intervention in Case No. 99-3595 (Docket No. 990861-TL) was sent via U.S. Mail on October 8, 1999 to:

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

Division of Records and Reporting  
Florida Public Service Commission  
2540 Shumard Oak Boulevard  
Tallahassee, FL 32399-0850

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

  
\_\_\_\_\_  
Kimberly Caswell