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Tallahassee, Florida 32399-1400  
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RECORDS AND  
REPORTING

January 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-WS

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket are the original and 15 copies of motion to determine that GTE's willful violation of the Commission's quality of service rules since January 1, 1996, will be at issue in this proceeding.

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 \_\_\_\_\_
- CRU \_\_\_\_\_
- CTR \_\_\_\_\_
- EAG \_\_\_\_\_
- LEG 1 \_\_\_\_\_
- MAS 3 \_\_\_\_\_
- OPC \_\_\_\_\_
- RRR \_\_\_\_\_
- SEC 1 \_\_\_\_\_
- WAW \_\_\_\_\_
- OTH \_\_\_\_\_

CJB:bsr  
Enclosures

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DOCUMENT NUMBER-DATE

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FPSC-RECORDS/REPORTING

## 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 January 10, 2000

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**MOTION TO DETERMINE THAT GTE'S WILLFUL VIOLATION  
OF THE COMMISSION'S QUALITY OF SERVICE RULES SINCE  
JANUARY 1, 1996, WILL BE AT ISSUE IN THIS PROCEEDING**

The Citizens of Florida (Citizens), by and through Jack Shreve, Public Counsel, hereby move the prehearing officer to issue an order determining that GTE's willful violation of the Commission's quality of service rules since January 1, 1996, will be at issue in this proceeding.

1. Commission staff opened this proceeding on September 10, 1999. Its recommendation issued November 18, 1999, described GTE's violation of rule 25-4.070(3)(a), F.A.C. (out-of-service repair) and rule 25-4.006, F.A.C. (installation of new service) from January 1, 1998, through the present.

2. GTE's repeated violations of this Commission's quality of service standards go back to at least 1996. Attachment 1 to this motion, derived from data contained in periodic reports submitted to the Commission by GTE, shows 305

violations of rule 25-4.070(3)(a) and 55 violations of rule 25-4.066 during 1996 and 1997.

3. GTE would have the Commission ignore these violations during 1996 and 1997. In objections to discovery requests, GTE refuses to provide documents or information going back to 1996.

4. 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.<sup>1</sup> Also, the long history of repeated violations will be an important consideration for the Commission when determining the amount to fine GTE.

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<sup>1</sup> In order to impose fines, the Commission must show that GTE willfully violated the Commission's rules. Section 365.285, Florida Statutes (1999).

**WHEREFORE**, the Citizens respectfully request the Prehearing Officer to rule that GTE's willful violation of the Commission's quality of service rules since January 1, 1996, will be at issue in this proceeding.



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

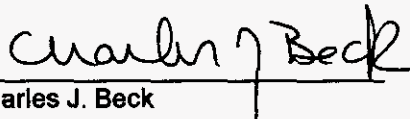
Office of Public Counsel  
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(850) 488-9330

**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 10<sup>th</sup> day of January, 2000.



Charles J. Beck

Kimberly Caswell  
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Tampa, FL 33601-0110

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