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UNRECORDED
FILE COPY

May 26, 1994

Blanca S. Bayo, Director
Division of Records and Reporting
Florida Public Service Commission
101 East Gaines Street
Tallahassee, FL 32399-0850

Re: Docket Nos. [REDACTED] TP, 930955-TL, 940014-TL, 940020-TL,
931196-TL & 940190-TL

Dear Ms. Bayo:

Enclosed for filing in the above-referenced docket on behalf of the Citizens of the State of Florida are the original and 15 copies of the Citizens' First Motion to Compel Against United Telephone Company of Florida.

Please indicate the time and date of receipt on the enclosed duplicate of this letter and return it to our office.

- ACK _____
- AFA 2 RECEIVED & FILED
- ADD _____
- CIF _____
- Reits FPSC-BUREAU OF RECORDS
- CTT —Enclosures
- ETS _____
- LEG Carson w/m
- LIT 6
- CPC _____
- RCH _____
- SEC 1
- W/S _____
- O. _____

Sincerely,

Charles J. Beck

Charles J. Beck
Deputy Public Counsel

DOCUMENT NUMBER-DATE

05152 MAY 26 94

FPSC-RECORDS/REPORTING

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Expanded Interconnection)	Docket No. 921074-TP
Phase II and Local Transport)	Docket No. 930955-TL
Restructure)	Docket No. 940014-TL
<hr/>		Docket No. 940020-TL
		Docket No. 931196-TL
		Docket No. 940190-TL
		Filed: May 26, 1994

**CITIZENS' FIRST MOTION TO COMPEL AGAINST
UNITED TELEPHONE COMPANY OF FLORIDA**

The Citizens of Florida, by and through Jack Shreve, Public Counsel, move the Commission to order United Telephone Company of Florida ("United") to produce all documents responsive to requests 4, 5 and 13 of the Citizens' First Set of Requests for Production of Documents to United dated March 17, 1994.

1. On March 17, 1994 the Citizens served the following requests for production of documents on United:

4. Please provide each document in your possession, custody or control produced during 1994 evaluating, analyzing or commenting on the anticipated effect of competition on your revenues, expenses or market share for any of the regulated services you offer.

5. Please provide each document in your possession, custody or control concerning the impact on revenues and/or expenses resulting from the implementation of flexible pricing plans the company is considering in response to competition in the provision of local exchange telephone services.

13. Please provide each document in your possession, custody or control concerning the type of flexible pricing plans the company is considering as a response to the introduction of competition into the provision of local exchange telephone services or markets.

2. To each of these requests United responded on April 26, 1994 that "United objects to this request on the grounds that the requested documents are not relevant to any issue in this proceeding."

3. Then, on May 23, 1994 United filed testimony about the matters addressed in the Citizens' requests for production of documents. For example, United's testimony contains the following question and answer:

Q. What are you asking this Commission to do in this docket?

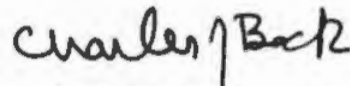
A. My recommendation is that the Commission approve expanded interconnection, but in order to mitigate the potential long-term impact on the rates of the Companies' other services, the Commission should give the Companies as much flexibility as possible to respond to competition. To the extent the Companies can compete effectively, their other customers will benefit from the contribution received from the retained services and customers.¹

¹ Prefiled testimony of F. Ben Poag dated May 23, 1994 at page 12, lines 10-19.

At various points, the prefiled testimony expounds at length about universal service, residual ratemaking, and the potential effect of competition on United's revenues.²

4. United's prefiled testimony belies the objections made to the Citizens' requests for production of documents. After claiming the requested documents were not relevant in this docket, the company then filed testimony a few weeks later addressing the very matters covered by the Citizens' request for documents. Indeed, in phase I of these proceedings, United was allowed, over the objection of the Citizens, to make a lengthy presentation and slide show to the Commissioners broadly covering United's long-term view of competition and universal service. The company's objection about relevance should be denied when the company itself files testimony and makes presentations about the subjects it claims to be irrelevant.

WHEREFORE, the Citizens respectfully request the Commission to order United to produce the documents responsive to the Citizens' request for production of documents number 4, 5 and 13 dated March 17, 1994.



Charles J. Beck
Deputy Public Counsel

² Testimony of F. Ben Poag at pages 6-12.

**CERTIFICATE OF SERVICE
DOCKET NO. 921074-TP**

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 26th day of May, 1994.

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